

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 130792, AS AMENDED

Amending Chapter 54, Code of Ordinances, by repealing Sections 54-212, Records required, 54-213, Restrictions on transactions, and 54-215, Records maintained, and enacting in lieu thereof new sections of like number and subject matter which mandate all secondary metal recyclers install and maintain a retrievable third party electronic database, allows secondary metal recyclers the ability to make unlimited transactions with licensed businesses when purchasing HVAC components.

WHEREAS, a third party electronic database system will allow the Kansas City Police Department access to all transactions completed by secondary metal recyclers which will assist with monitoring and finding stolen property; and

WHEREAS, the HVAC component restrictions that went into place in February of 2012 have been found to be too restrictive as they are prohibiting secondary metal recyclers from taking in the majority of HVAC components from the general public including professional contractors, who are not licensed HVAC dealers or contractors, but routinely dispose of HVAC components; 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 54-212, Records required, 54-213, Restrictions on transactions, and 54-215, Records maintained, and enacting in lieu thereof new sections of like number and subject matter to read as follows:

**Sec. 54-212. Records required.**

(a) Within 30 days of the effective date of this ordinance, every secondary metal recycler shall make daily computer entries in a third party database which has been approved by the chief of police. The secondary metal recycler is hereby required to accurately record the following information regarding the acquisition of any regulated metal property in the database:

- (1) The time, date and place of transaction;
- (2) The seller's name, address, photograph, sex, date of birth, and the identifying number from the seller's driver's 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;
- (3) The license number, color, and style or make of any motor vehicle that is used in delivering any regulated metal property;
- (4) A full description, made in accordance with the custom of the trade, of the predominant types of acquired regulated metal property;

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- (5) The weight, quantity, or volume, made in accordance with the custom of the trade, of the acquired regulated metal property;
- (6) A description of the vehicle, junk vehicle or vehicle part, including the make, model, color, vehicle identification number and/or serial number if applicable;
- (7) The name of the individual acting on behalf of the secondary metal recycler in acquiring the regulated metal property.

(b) Every secondary metal recycler shall 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 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;

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- 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 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.

(c) With the exception of (1), (2) and (3) of subsection (a) and (2)a, (2)b and (2)c of subsection (b), the provisions of this section shall not apply for purchases from another secondary metal recycler that has been issued a permit as described in this article, 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.

(d) With the exception of (1), (2) and (3) of subsection (a) and (2)a, (2)b and (2)c of subsection (b), 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.

(e) 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 on company letterhead, 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,
- (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.

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(c) A secondary metal recycler shall not purchase, receive or keep any of the following items unless all of the following conditions have been met:

- (1) 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.
- (2) HVAC components, other than residential window air conditioning units, unless they are purchased from a licensed business or the seller is a verifiable employee of the licensed business who is authorized, in writing on company letterhead, to sell the HVAC components, and, a completed HVAC component verification form, as supplied by the director, has been submitted by the seller stating that the components were legally removed. The verification form shall include the name, address, and phone number of the seller; address from which the HVAC components were removed; and a description of the HVAC components to include brand, size and serial number if applicable. 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.

**Sec. 54-215. Records maintained.**

The records required by sections 54-212 and 54-213 shall be maintained by the secondary metal recycling permit holder for 24 months and shall be open for inspection to authorized law enforcement personnel, city regulatory personnel and the director or his designee or for other official use at any time, but shall not be open for general public inspection.

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Approved as to form and legality:

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Alan Holtkamp  
Assistant City Attorney