



Legislation Text

File #: 220721, Version: 2

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 220721

Amending Chapter 50, Code of Ordinances, by adding a new Section 50-129 to prohibit the unlawful possession of a used catalytic converter and amending Chapter 54, Code of Ordinances, by repealing Section 54-110, restrictions on catalytic converters of a salvage yard, and Section 54-212, restrictions of transactions of a secondary metal recycler, and enacting in lieu thereof two new sections of like number and subject matter to regulate the purchasing, receiving or keeping of a catalytic converter.

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That Chapter 50, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by adding a new Section 50-129 to prohibit the unlawful possession of a used catalytic converter, to read as follows:

Sec. 50-129. Unlawful possession of a catalytic converter.

(a) A person commits the ordinance violation of unlawful possession of a used catalytic converter if he or she knowingly possesses a used catalytic converter that is not attached to a vehicle unless the person has valid documentation or other proof to verify they are in lawful possession of the catalytic converter.

(b) For purposes of this section, a "catalytic converter", shall be defined as 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.

(c) Any person violating this section shall, upon conviction, be punished by a fine of not more than \$1,000.00, or by imprisonment for a period not to exceed six months, or by both such fine and imprisonment.

(d) No person shall be prosecuted under this ordinance if they are a licensed scrap metal dealer acting in compliance with scrap metal regulations established by the City of Kansas City and the State of Missouri.

Section 2. That Chapter 54, Code of Ordinances of the City of Kansas City, Missouri, is hereby amended by repealing Section 54-110, restrictions on catalytic converters of a salvage yard, and Section 54-212, restrictions of transactions of a secondary metal recycler, and enacting in lieu thereof two new sections of like number and subject matter to regulate the purchasing, receiving or keeping of a catalytic converter, to read as follows:

Sec. 54-110. Restrictions on catalytic converters.

A salvage yard permit holder shall not purchase, receive or keep any catalytic converters that are detached from a vehicle at the time of purchase unless accompanied by a receipt for the removal of the catalytic converter along with the title which has the vehicle identification number of the car that the catalytic converter

was removed from, or a copy of the receipt along with the vehicle identification number of the automobile from which the catalytic converter was removed.

Sec. 54-212. - Restrictions on transactions.

(a) A secondary metal recycler will only acquire regulated metal property from a person who brings or delivers it in a lawfully licensed motor vehicle.

(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.

(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 that are detached at the time of purchase unless accompanied by a receipt for the removal of the catalytic converter along with the title which has the vehicle identification number of the car that the catalytic converter was removed from, or a copy of the receipt along with the vehicle identification number of the automobile from which the catalytic converter was removed.
- (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.

(d) After June 30, 2019, a secondary metal recycler shall not purchase, receive or keep insulated metallic utility, communications or electrical wire that has been burned in whole or in part. Before July 1, 2019, secondary metal recycler shall not purchase, receive or keep insulated metallic utility, communications or electrical wire that has been burned in whole or in part, unless the wire is purchased from a corporation properly licensed by the State of Missouri or other state.

Approved as to form and legality:

Alan Holtkamp
Senior Associate City Attorney