



Legislation Text

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Int. No. 369

By Council Member Salamanca

A Local Law to amend the administrative code of the city of New York, in relation to imposing certain record keeping requirements on scrap metal processors

Be it enacted by the Council as follows:

Section 1. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

SCRAP METAL PROCESSORS

§ 20-937 Definitions. As used in this section:

Scrap metal. The term “scrap metal” means metal that is used for the production of raw material for remelting purposes for steel mills, foundries, smelters, refiners and similar users.

Scrap metal processor. The term “scrap metal processor” means a person who is licensed by the department of consumer affairs to operate or maintain a business engaged primarily in the purchase, processing, and shipment of ferrous or non-ferrous scrap metal, but shall not include (i) a redemption center, dealer or distributor as such terms are defined in section 27-1003 of the New York state environmental conservation law or (ii) an electronic waste collection site, electronic waste consolidation facility or electronic waste recycling facility as such terms are defined in section 27-2601 of the New York state environmental conservation law.

Scrap metal seller. The term “scrap metal seller” means a person who sells scrap metal to a scrap metal processor.

§ 20-938 Record keeping by scrap metal processors; refusal to provide information. a. Each scrap metal

processor shall maintain a written or electronic record that includes the following information with respect to each commercial transaction between such processor and a scrap metal seller:

1. A full and accurate description of the scrap metal involved in such transaction, including the type of scrap metal and the weight of the scrap metal according to a licensed commercial scale;

2. The date and time the scrap metal processor received the scrap metal from the scrap metal seller;

3. The full name and address of the scrap metal seller;

4. If the scrap metal seller visits the scrap metal processor's place of business in a motor vehicle, the license plate number of such vehicle, the state that issued such plate and a copy of such seller's driver's license; and

5. If the scrap metal seller is required to have a license pursuant to section 16-505, a copy of such license.

b. No scrap metal processor may purchase scrap metal from a scrap metal seller who fails to provide information required by this section.

§ 20-940 Required posting. Each scrap metal processor shall conspicuously post at its place of business, in a form and manner established by the department, a sign that informs scrap metal sellers and potential scrap metal sellers of the requirements of this chapter.

§ 20-941 Enforcement. a. A scrap metal processor that violates this chapter shall be liable for a civil penalty in the amount of \$500 for the first offense, \$1,000 for a second offense with a 12-month period and \$2,000 dollars for a third or subsequent offense within a 12-month period.

b. A scrap metal seller who knowingly provides false information to a scrap metal processor required pursuant to section 20-938 shall be liable for a civil penalty in the amount of \$500 for the first offense, \$1,000 for a second offense within a 12-month period and \$2,000 dollars for a third or subsequent offense within a 12-month period.

§ 2. This local law takes effect immediately.

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