

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 10-0574**

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Introduced by: The Council President  
At the request of: The Administration (Baltimore Police Department)  
Introduced and read first time: July 12, 2010  
Assigned to: Judiciary and Legislative Investigations Committee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: November 8, 2010

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**AN ORDINANCE CONCERNING**

**Scrap Metal Processors Dealers – Conformance to State Law**

1  
2 FOR the purpose of repealing certain provisions that have been preempted by State law; formally  
3 designating, as required by State law, the City’s “primary enforcement unit” to receive  
4 certain records; conforming a definition to its State law counterpart; modifying and  
5 conforming certain nomenclature for clarity; exempting certain otherwise-licensed activities;  
6 clarifying the need of scrap metal ~~processors~~ dealers to comply with State licensing and  
7 regulatory provisions; authorizing the denial, suspension, or refusal to renew certain licenses  
8 for violation of certain State laws, rules, or regulations; providing for a special effective date;  
9 and generally relating to the licensing and regulation of scrap metal ~~processors~~ dealers.

10 By repealing

11 Article 2 - Consumer Protections  
12 Section(s) 8-4 through 8-13  
13 Baltimore City Code  
14 (Edition 2000)

15 By repealing and reordaining, with amendments

16 Article 2 - Consumer Protections  
17 Section(s) ~~8-1(c)(1), 8-3(a), and 8-13.1~~  
18 Section(s) 8-1, 8-2, 8-3, 8-13.1, 8 13.2, and 8-14, to be under the amended subtitle  
19 designation, “Subtitle 8. Scrap Metal Dealers”  
20 Baltimore City Code  
21 (Edition 2000)

22 By repealing and reordaining, with amendments

23 Article 2 - Consumer Protections  
24 Section(s) ~~7-2(3)(i), 12-2(a), 12-9(b)(2), and 12-14(b)(1)(iii)~~  
25 Baltimore City Code  
26 (Edition 2000)

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 BY repealing and reordaining, with amendments

2 Article 31 - Transit and Traffic

3 Section(s) 31-58(b)

4 Baltimore City Code

5 (Edition 2000)

6 BY repealing and reordaining, with amendments

7 Article - Health

8 Section(s) 7-202(3)

9 Baltimore Revised City Code

10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That,  
12 pursuant to the direction of State Business Regulation Article § 17-1003(a), the Mayor and City  
13 Council designates the Baltimore Police Department as the “primary law enforcement unit” to  
14 receive records under State Business Regulation Article § 17-1011(b).

15 **SECTION 2. AND BE IT FURTHER ORDAINED**, That §§ 8-4 through 8-13, inclusive, of City  
16 Code Article 2 are repealed.

17 **SECTION 2.3. AND BE IT FURTHER ORDAINED**, That the Laws of Baltimore City read as  
18 follows:

19 **Baltimore City Code**

20 **Article 2. Consumer Protections**

21 **Subtitle 8. Scrap Metal Processors DEALERS**

22 **§ 8-1. Definitions.**

23 (a) In general.

24 In this subtitle, the following terms have the meanings indicated.

25 [(b) Holdable scrap metal.

26 “Holdable scrap metal” means any scrap metal identifiable at the time of acquisition as  
27 having been a part of any one of the following:

28 (1) beer keg, metal;

29 (2) bleacher, metal;

30 (3) catalytic converter;

31 (4) cemetery urn;

32 (5) copper, hard drawn;

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1 (6) grave maker;

2 (7) guard rail;

3 (8) light pole, metal;

4 (9) manhole cover;

5 (10) propane tank;

6 (11) street sign;

7 (12) tree grate;

8 (13) water meters; and

9 (14) any other similar used object commonly associated with or owned by a public  
10 utility.]

11 (B) [(c)] Person.

12 (1) "Person" means, except as specified in paragraph (2) of this subsection, any  
13 individual, corporation, partnership, joint venture, firm, association, or other  
14 entity.

15 (2) "Person" does not include, unless otherwise expressly provided, a governmental  
16 entity or an instrumentality or unit of a governmental entity.

17 (C) [(d)] Scrap metal.

18 "Scrap metal" means any object that consists in whole or substantial part of  
19 ferrous or non-ferrous metal.

20 (D) ~~(e)~~ Scrap metal processor DEALER.

21 (1) "Scrap metal processor DEALER" means any person who, whether as a dealer, a  
22 broker, or otherwise, buys, processes, ~~or~~ sells, ~~or transports~~ scrap metal [for use as  
23 raw material by a foundry, smelter, refiner, mill, or other user].

24 (2) "Scrap metal [processor] DEALER" does not include:

25 (i) a person whose business is limited to the purchase of aluminum cans for  
26 recycling purposes;

27 (II) AN AUTOMOTIVE DISMANTLER AND RECYCLER:

28 (A) WHO IS LICENSED UNDER STATE TRANSPORTATION ARTICLE, TITLE 15  
29 { "VEHICLE LAWS – LICENSING OF BUSINESSES AND OCCUPATIONS" },  
30 SUBTITLE 5 { "AUTOMOTIVE DISMANTLERS AND RECYCLERS AND  
31 SCRAP PROCESSORS" }; AND

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1 (B) WHOSE BUSINESS IS LIMITED TO THE ACQUISITION OF WHOLE VEHICLES  
2 FOR THE PURPOSE OF DISMANTLING, DESTROYING, OR SCRAPPING THEM  
3 FOR THE BENEFIT OF THEIR PARTS OR THE MATERIALS IN THEM; OR

4 (iii) [(ii)] a landfill or solid-waste facility that:

5 (A) is licensed by the Finance Director; or

6 (B) is operated by a governmental entity or an instrumentality  
7 or unit of a governmental entity.

8 **§ 8-2. Rules and regulations.**

9 (a) Commissioner may adopt.

10 The Police Commissioner may adopt rules and regulations to carry out this subtitle.

11 (b) Filing with Legislative Reference.

12 A copy of all rules and regulations must be filed with the Department of Legislative  
13 Reference before they take effect.

14 **§§ 8-3 TO 8-5. {RESERVED}**

15 **§ 8-6 § 8-3. License required; Application and fee.**

16 (a) In general.

17 No person may do business as a scrap metal ~~processor~~ DEALER [without having] UNLESS  
18 THAT PERSON:

19 (1) HAS first obtained a ~~STATE license [to do so]~~ UNDER STATE BUSINESS  
20 ~~REGULATION ARTICLE TITLE 17, SUBTITLE 10 {"JUNK DEALERS AND SCRAP~~  
21 ~~METAL PROCESSORS"} ALL STATE LICENSES REQUIRED FOR THE BUSINESS; AND~~

22 (2) HAS THEN OBTAINED from the Police Commissioner A CITY LICENSE UNDER THIS  
23 SUBTITLE 8 {"SCRAP METAL ~~PROCESSORS~~ DEALERS"}.

24 **§ 8-7. APPLICATION.**

25 [(b) Application.]

26 The application for a license shall:

27 (1) be made in the form and contain the information that the Police Commissioner  
28 requires; and

29 (2) contain a notarized statement [attesting] THAT ATTESTS, under penalties of perjury, to  
30 the truth of all information provided.

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1 **§ 8-8. FEES.**

2 [(c) Fee.]

3 (A) AMOUNT.

4 [(1)] The application fee and annual license fee for each place of business are as set by  
5 the Police Commissioner, with the approval of the Board of Estimates.

6 (B) COLLECTION.

7 [(2)] These fees are collectible in accordance with City Code Article 15 {"LICENSING  
8 AND REGULATION"}, Subtitles 46 {"ADMINISTRATION AND ENFORCEMENT"} and 47  
9 {"PENALTIES"}.

10 **§§ 8-9 TO 8-10. {RESERVED}**

11 **§ 8-11 § 8-13.1. Denial, suspension, etc., of license.**

12 The Police Commissioner may deny, suspend, revoke, or refuse to renew a license if, after  
13 giving the applicant or licensee notice and an opportunity to be heard, the Police  
14 Commissioner finds that the applicant or licensee:

15 (1) has made a material misstatement or omission in any application for an initial or  
16 renewal license;

17 (2) ~~HAS FAILED TO MAINTAIN IN GOOD STANDING ITS STATE LICENSE UNDER STATE~~  
18 ~~BUSINESS REGULATION ARTICLE TITLE 17, SUBTITLE 10 {"JUNK DEALERS AND SCRAP~~  
19 ~~METAL PROCESSORS"} ANY STATE LICENSE REQUIRED FOR THE BUSINESS;~~

20 (3) [(2)] has violated a provision of:

21 (i) this [subtitle] ~~SUBTITLE 8 {"SCRAP METAL PROCESSORS DEALERS"};~~

22 (ii) ~~STATE BUSINESS REGULATION ARTICLE TITLE 17, SUBTITLE 10 {"JUNK~~  
23 ~~DEALERS AND SCRAP METAL PROCESSORS"} AS FOUND BY A COURT OF~~  
24 ~~COMPETENT JURISDICTION;~~ or

25 (iii) [of] a rule or regulation adopted under [this subtitle] ~~EITHER OF THESE LAWS;~~  
26 or

27 (4) [(3)] has engaged in a pattern and practice of receiving stolen goods.

28 **§ 8-12. [§ 8-13.2.] Judicial and appellate review.**

29 (a) Judicial review.

30 A person aggrieved by a decision of the Police Commissioner under [§ 8-13.1] § 8-11  
31 {“Denial, suspension, etc., of license”} of this subtitle may seek judicial review of that  
32 decision by petition to the Circuit Court for Baltimore City in accordance with the  
33 Maryland Rules of Procedure.

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1 (b) Appellate review.

2 A party to the judicial review may appeal the court’s final judgment to the Court of  
3 Special Appeals in accordance with the Maryland Rules of Procedure.

4 **§ 8-13. {RESERVED}**

5 **§ 8-14. Penalties.**

6 (a) In general.

7 Any scrap metal [processor] DEALER or other person who violates any provision of this  
8 subtitle or of a rule or regulation adopted under this subtitle is guilty of a misdemeanor  
9 and, on conviction, is subject to a fine of not more than \$1,000 or imprisonment for not  
10 more than 12 months or to both fine and imprisonment for each offense.

11 (b) Each day a separate offense.

12 Each day that a violation continues is a separate offense.

13 **Article 2. Consumer Protections**

14 **Subtitle 7. Scrap Collectors and Scavengers**

15 **§ 7-2. Scope of subtitle.**

16 This subtitle does not apply to:

17 .....

18 (3) any of the following entities or their authorized officers or employees:

19 (i) a licensed scrap metal [processor] DEALER;

20 .....

21 **Subtitle 12. Second-Hand Property, Antiques,**  
22 **and Consignment Goods**

23 **§ 12-2. Exemptions from subtitle.**

24 (a) Pawnbrokers; scrap metal [processors] DEALERS.

25 This subtitle does not apply to:

26 (1) any person licensed as a pawnbroker under Subtitle 11 of this article; or

27 (2) any person licensed as a scrap metal [processor] DEALER under Subtitle 8 of this  
28 article.

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**§ 12-9. Holding requirements.**

*(b) Waivers.*

(2) These procedures shall include:

(i) provisions for waiving the holding period for items purchased directly from, and previously held for the required period by, another dealer, pawnbroker, or scrap metal [processor] DEALER; and

(ii) a mechanism for assuring prompt decisions on requests for waivers.

**§ 12-14. Exemptions from reporting and holding requirements.**

*(b) Purchases from certain regulated sources.*

(1) This subsection applies to items acquired by a dealer:

....

(iii) from a person licensed as a scrap metal [processor] DEALER;

....

**Article 31. Transit and Traffic**

**Subtitle 31. Clear Streets and Impoundment**

**§ 31-58. Auction sales — dirt bikes, unregistered motorcycles, etc.**

*(b) Bidders must be licensed.*

Bidders for dirt bikes or for unregistered motorcycles or similar vehicles, other than abandoned vehicles, must be licensed, bonded motorcycle dealers, licensed automotive dismantlers and recyclers, or licensed scrap metal [processors] DEALERS.

**Baltimore City Revised Code**

**Article – Health**

**Title 7. Waste Control**

**Subtitle 2. Solid Waste Collection**

**§ 7-202. Scope of subtitle.**

This subtitle does not apply to:

....

(3) a scrap metal [processor] DEALER who:

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- 1            (i) is licensed under City Code Article 2, Subtitle 8; and
- 2            (ii) is transporting materials for purchase, sale, recycling, or storage (but not for
- 3            disposal).

4            **SECTION 34. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this  
5 Ordinance are not law and may not be considered to have been enacted as a part of this or any  
6 prior Ordinance.

7            **SECTION 45. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
8 is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City