



Legislation Details (With Text)

File #: 10-0574 **Version:** 0 **Name:** Scrap Metal Processors - Conformance to State Law
Type: Ordinance **Status:** Enacted
File created: 7/12/2010 **In control:** City Council
On agenda: **Final action:** 11/22/2010
Enactment date: **Enactment #:** 10-389
Title: Scrap Metal Processors - Conformance to State Law

FOR the purpose of formally designating, as required by State law, the City's "primary enforcement unit" to receive certain records; conforming a definition to its State law counterpart; clarifying the need of scrap metal processors to comply with State licensing and regulatory provisions; authorizing the denial, suspension, or refusal to renew certain licenses for violation of certain State laws, rules, or regulations; providing for a special effective date; and generally relating to the licensing and regulation of scrap metal processors.

Sponsors: City Council President (Administration)

Indexes: Scrap Metal Processors, State Law

Code sections:

Attachments: 1. 10-0574 - 1st Reader.pdf, 2. Criminal Justice - 10-0574.pdf, 3. Law - 10-0574.pdf, 4. Police - 10-0574.pdf, 5. Finance - 10-0574.pdf, 6. 10-0574 - 3rd Reader.pdf

Date	Ver.	Action By	Action	Result
11/22/2010	0	Mayor	Signed by Mayor	
11/15/2010	0	City Council	Approved and Sent to the Mayor	
11/8/2010	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
11/8/2010	0	City Council	Advanced to 3rd Rdr., Adopted Comm. Report	
10/4/2010	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
8/9/2010	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
7/15/2010	0	The City Council	Referred for a Report	
7/15/2010	0	The City Council	Referred for a Report	
7/15/2010	0	The City Council	Referred for a Report	
7/15/2010	0	The City Council	Referred for a Report	
7/12/2010	0	City Council	Assigned	
7/12/2010	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
7/12/2010	0	City Council	Introduced	

EXPLANATION: CAPITALS indicate matter added to existing law.

[Brackets] indicate matter deleted from existing law.

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THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.
INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: The Council President

At the request of: The Administration (Baltimore Police Department)

A BILL ENTITLED

AN ORDINANCE concerning

Scrap Metal Processors - Conformance to State Law

FOR the purpose of formally designating, as required by State law, the City's "primary enforcement unit" to receive certain records; conforming a definition to its State law counterpart; clarifying the need of scrap metal processors to comply with State licensing and regulatory provisions; authorizing the denial, suspension, or refusal to renew certain licenses for violation of certain State laws, rules, or regulations; providing for a special effective date; and generally relating to the licensing and regulation of scrap metal processors.

BY repealing and reordaining, with amendments

Article 2 - Consumer Protections

Section(s) 8-1(e)(1), 8-3(a), and 8-13.1

Baltimore City Code

(Edition 2000)

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

SECTION 2. AND BE IT FURTHER ORDAINED, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 2. Consumer Protections

Subtitle 8. Scrap Metal Processors

§ 8□ Definitions.

(e) Scrap metal processor.

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

§ 83□ License required; Application and fee.

(a) In general.

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

(1) HAS first obtained a STATE license [to do so] UNDER STATE BUSINESS REGULATION ARTICLE TITLE 17, SUBTITLE 10 {"JUNK DEALERS AND SCRAP METAL PROCESSORS"}; AND

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

§ 813.1. Denial, suspension, etc., of license.

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

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

(2) HAS FAILED TO MAINTAIN IN GOOD STANDING ITS STATE LICENSE UNDER STATE BUSINESS REGULATION ARTICLE TITLE 17, SUBTITLE 10 {"JUNK DEALERS AND SCRAP METAL PROCESSORS"}

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

(I) this [subtitle] SUBTITLE 8 {"SCRAP METAL PROCESSORS"};

(II) STATE BUSINESS REGULATION ARTICLE TITLE 17, SUBTITLE 10 {"JUNK DEALERS AND SCRAP METAL PROCESSORS"}; or

(III) [of] a rule or regulation adopted under [this subtitle] EITHER OF THESE LAWS; or

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

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

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art2/ScrpMtlPrcls/aa:me

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