

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2009, Legislative Day No. 14

Bill No. 78-09

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Mr. Joseph Bartenfelder, Chairman  
By Request of County Executive

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By the County Council, October 5, 2009

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A BILL  
ENTITLED

AN ACT concerning

Scrap Metal Processors

FOR the purpose of authorizing the county to regulate scrap metal processors; requiring the licensing of scrap metal processors; providing criteria for the licensing of scrap metal processors; prohibiting the transfer of a license; providing for certain fees; providing for the expiration and renewal of licenses; providing for the approval, denial, suspension and revocation of a license; providing for the maintenance and electronic reporting of certain records to the Police Department; providing a certain holding period for certain items; providing for payment for purchases; providing for civil and criminal penalties; providing for hearings under certain circumstances; providing for injunctive relief; authorizing certain departments to adopt certain regulations; defining certain terms; and generally relating to the regulation of scrap metal processors.

By adding

Sections 21-20-101 through 21-20-122  
Title 20. Scrap metal processors  
Title 21. Permits, Licenses, and Business Regulation  
Baltimore County Code, 2003

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EXPLANATION:           CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
                                  [Brackets] indicate matter stricken from existing law.  
                                  ~~Strike out~~ indicates matter stricken from bill.

Underlining indicates amendments to bill.

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that Sections 21-20-101 through 21-20-122 are hereby added to new Title  
3 20. Scrap metal processors, of Title 21. Permits, Licenses, and Business Regulation, of the Baltimore  
4 County Code, 2003, as amended, to read as follows:

5 TITLE 20. SCRAP METAL PROCESSORS.

6 § 21-20-101.

7 (A) IN THIS TITLE THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

8 (B) "HOLDABLE SCRAP METAL" MEANS THE FOLLOWING ITEMS OF  
9 REPORTABLE SCRAP METAL, WHETHER OR NOT CONTAINING NON-FERROUS  
10 METAL:

11 ~~(1) METAL TYPICALLY ASSOCIATED WITH HEATING AND PLUMBING~~  
12 ~~FIXTURES;~~

13 ~~(2) CEMETERY URNS;~~

14 ~~(3) (2) GRAVE MARKERS;~~

15 ~~(4) (3) METAL BLEACHERS;~~

16 ~~(5) (4) METAL BEER KEGS;~~

17 ~~(6) (5) COPPER WIRING;~~

18 ~~(7) (6) PROPANE TANKS;~~

19 ~~(8) (7) STREET SIGNS;~~

20 ~~(9) (8) COPPER PIPES;~~

21 ~~(10) (9) LIGHT POLES;~~

22 ~~(11) (10) MANHOLE COVERS;~~

23 ~~(12) (11) WATER METERS;~~

24 ~~(13) (12) COPPER DOWNSPOUTS AND GUTTERS;~~

25 ~~(14) (13) GUARD RAILS; AND~~

26 ~~(15) (14) CATALYTIC CONVERTERS.~~

1 (C) (1) "PERSON" MEANS ANY INDIVIDUAL, CORPORATION, PARTNERSHIP,  
2 JOINT VENTURE, FIRM, ASSOCIATION, OR OTHER ENTITY.

3 (2) "PERSON" DOES NOT INCLUDE, UNLESS OTHERWISE EXPRESSLY  
4 PROVIDED, A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A  
5 GOVERNMENTAL ENTITY.

6 (D) "REPORTABLE SCRAP METAL" MEANS ANY OBJECT THAT CONSISTS IN  
7 WHOLE OR SUBSTANTIAL PART OF FERROUS OR NON-FERROUS METAL, INCLUDING  
8 COPPER.

9 (E) (1) "SCRAP METAL PROCESSOR" MEANS ANY PERSON WHO, WHETHER  
10 AS A DEALER, A BROKER, OR OTHERWISE, BUYS, PROCESSES, SELLS, OR  
11 TRANSPORTS REPORTABLE SCRAP METAL ITEMS FOR USE AS RAW MATERIAL BY A  
12 FOUNDRY, SMELTER, REFINER, MILL, OR OTHER USER.

13 (2) "SCRAP METAL PROCESSOR" DOES NOT INCLUDE:

14 (I) A PERSON WHOSE BUSINESS IS LIMITED TO THE PURCHASE OF  
15 ALUMINUM CANS FOR RECYCLING PURPOSES; ~~OR~~

16 (II) A LANDFILL OR SOLID-WASTE FACILITY THAT IS OPERATED  
17 PRIVATELY OR BY A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT  
18 OF A GOVERNMENTAL ~~ENTITY~~ ENTITY; OR

19 (III) A PERSON THAT BUYS SCRAP METAL TO USE AS RAW  
20 MATERIAL TO PRODUCE NOT LESS THAN 1 MILLION TONS OF STEEL IN THE COUNTY  
21 PER CALENDAR YEAR.

22 § 21-20-102.

23 THE CHIEF OF POLICE AND THE DIRECTOR MAY EACH ADOPT REGULATIONS TO  
24 CARRY OUT THE PURPOSES THIS TITLE.

25 § 21-20-103.

26 A PERSON MAY NOT DO BUSINESS AS A SCRAP METAL PROCESSOR WITHOUT  
27 HAVING FIRST OBTAINED A LICENSE TO DO SO FROM THE DIRECTOR.

1 § 21-20-104.

2 (A) THE DIRECTOR SHALL CHARGE A LICENSE APPLICATION FEE AND A FEE  
3 FOR EACH LICENSE REQUIRED BY THIS TITLE.

4 (B) A LICENSE SHALL BE ISSUED FOR 5 YEARS AND THE LICENSE FEE SHALL  
5 BE DUE ON APPLICATION FOR A NEW OR RENEWED LICENSE.

6 (C) (1) THE COUNTY MAY NOT REFUND A LICENSE APPLICATION FEE.

7 (2) THE COUNTY MAY REFUND A FIRST 5-YEAR LICENSE FEE  
8 SUBMITTED WITH THE INITIAL APPLICATION IF THE INITIAL LICENSE IS NOT  
9 GRANTED.

10 (D) THE COUNTY ADMINISTRATIVE OFFICER SHALL ESTABLISH A FEE  
11 SCHEDULE FOR A LICENSE APPLICATION AND A LICENSE, INCLUDING THE RENEWAL  
12 FEE.

13 (E) IF A PERSON REQUIRED TO BE LICENSED UNDER THIS TITLE CEASES TO DO  
14 BUSINESS AS A SCRAP METAL PROCESSOR, THE LICENSE SHALL BE RETURNED TO  
15 THE DEPARTMENT ON CESSATION OF THE REPORTABLE SCRAP METAL  
16 TRANSACTIONS.

17 § 21-20-105.

18 (A) AN APPLICATION FOR A LICENSE SHALL BE SUBMITTED TO THE  
19 DEPARTMENT ON A FORM PROVIDED BY THE DIRECTOR.

20 (B) AN APPLICATION SHALL INCLUDE A NOTARIZED STATEMENT ATTESTING  
21 TO THE TRUTH OF THE INFORMATION PROVIDED UNDER PENALTIES OF PERJURY  
22 WHICH SHALL BE SIGNED BY:

23 (1) EACH INDIVIDUAL LISTED ON THE APPLICATION; OR

24 (2) IF THE APPLICANT IS A CORPORATION, ASSOCIATION, PARTNERSHIP,  
25 SOLE PROPRIETORSHIP, OR OTHER BUSINESS ENTITY, EACH AUTHORIZED OFFICER,  
26 DIRECTOR, OR GENERAL PARTNER OF THE APPLICANT.

1 (C) AN APPLICATION SHALL BE ACCOMPANIED BY PAYMENT OF THE  
2 APPLICATION FEE AND THE LICENSE FEE FOR THE FIRST 5-YEAR TERM.

3 (D) AN INDIVIDUAL UNDER THE AGE OF 18 MAY NOT RECEIVE A LICENSE  
4 UNDER THIS TITLE.

5 (E) DURING THE TERM OF THE LICENSE, IF THERE IS A CHANGE IN THE  
6 INFORMATION THAT A PERSON PROVIDED IN AN APPLICATION FOR A LICENSE OR  
7 LICENSE RENEWAL, THE PERSON SHALL:

8 (1) REPORT THE CHANGE TO THE DEPARTMENT WITHIN 30 DAYS AFTER  
9 THE CHANGE OCCURS; AND

10 (2) CERTIFY, UNDER PENALTIES OF PERJURY, THAT THE NEW  
11 INFORMATION IS CORRECT.

12 § 21-20-106.

13 (A) IF AN APPLICANT FOR A LICENSE UNDER THIS TITLE IS AN ASSOCIATION,  
14 PARTNERSHIP, OR CORPORATION, THE APPLICATION SHALL INCLUDE INFORMATION  
15 FROM THE FOLLOWING INDIVIDUALS:

16 (1) IF THE APPLICANT IS AN ASSOCIATION OR PARTNERSHIP, THE  
17 REQUIRED APPLICATION INFORMATION SHALL BE PROVIDED FOR EACH ASSOCIATE  
18 OR PARTNER;

19 (2) IF THE APPLICANT IS A CORPORATION, THE REQUIRED APPLICATION  
20 INFORMATION SHALL BE PROVIDED FOR EACH OFFICER OR DIRECTOR; OR

21 (3) IF ANOTHER CORPORATION OWNS 10% OR MORE OF THE STOCK OF  
22 THE APPLICANT, THE REQUIRED INFORMATION SHALL ALSO BE PROVIDED FOR  
23 EACH OFFICER OR DIRECTOR OF THE OWNING CORPORATION.

24 (B) AN APPLICANT THAT IS AN ASSOCIATION, PARTNERSHIP, CORPORATION,  
25 LIMITED LIABILITY COMPANY, OR OTHER BUSINESS ENTITY SHALL PROVIDE A COPY  
26 OF ALL ORGANIZATIONAL DOCUMENTS, INCLUDING, WITHOUT LIMITATION,  
27 ARTICLES OF INCORPORATION.

28 (C) FOR EACH INDIVIDUAL LISTED IN AN APPLICATION, THE APPLICATION

1 SHALL INCLUDE:

2 (1) THAT INDIVIDUAL'S:

3 (I) FULL NAME, INCLUDING MAIDEN NAME, ALIASES, AND NAMES  
4 UNDER WHICH THE INDIVIDUAL HAS PREVIOUSLY BEEN KNOWN;

5 (II) DATE OF BIRTH, RESIDENCE ADDRESS, SOCIAL SECURITY  
6 NUMBER, AND RESIDENCE PHONE NUMBER AT THE TIME OF APPLICATION AND FOR  
7 THE 3-YEAR PERIOD PRECEDING THE DATE OF APPLICATION; AND

8 (III) BUSINESS ADDRESS AND BUSINESS PHONE NUMBER AT THE  
9 TIME OF APPLICATION; AND

10 (2) A COPY OF A GOVERNMENT-ISSUED PHOTOGRAPH IDENTIFICATION  
11 CARD OR DRIVERS' LICENSE.

12 (D) AN APPLICATION FOR A LICENSE UNDER THIS TITLE SHALL INCLUDE:

13 (1) THE LOCATION, MAILING ADDRESS, AND PHONE NUMBER OF THE  
14 PREMISES WHERE THE SCRAP METAL PROCESSOR WILL OPERATE;

15 (2) THE LOCATION, MAILING ADDRESS, AND PHONE NUMBER OF ANY  
16 OFF-SITE STORAGE LOCATION WHERE THE SCRAP METAL PROCESSOR WILL STORE  
17 REPORTABLE SCRAP METAL;

18 (3) IF THE SCRAP METAL PROCESSOR IS NOT THE OWNER OF THE  
19 PREMISES, WRITTEN ACKNOWLEDGMENT FROM THE OWNER OF THE PREMISES  
20 APPROVING THE USE OF THE PREMISES TO ENGAGE IN SCRAP METAL PROCESSOR  
21 TRANSACTIONS;

22 (4) IF THE SCRAP METAL PROCESSOR IS NOT THE OWNER OF THE OFF-  
23 SITE STORAGE LOCATION, WRITTEN ACKNOWLEDGMENT FROM THE OWNER OF THE  
24 OFF-SITE STORAGE LOCATION APPROVING THE USE OF THE OFF-SITE STORAGE  
25 LOCATION TO STORE REPORTABLE SCRAP METAL; AND

26 (5) IF THE SCRAP METAL PROCESSOR IS NOT THE OWNER OF THE  
27 PREMISES OR OFF-SITE STORAGE LOCATION, A COPY OF THE CURRENT LEASE.

28 (E) AN APPLICATION SHALL INCLUDE AN AUTHORIZATION FOR  
29 GOVERNMENTAL INSPECTION, INCLUDING POLICE INSPECTION, OF THE PREMISES

1 OR OFF-SITE STORAGE LOCATION DURING THE APPLICATION PROCESS AND WHILE  
2 THE LICENSE IS IN EFFECT FOR THE PURPOSE OF ENSURING COMPLIANCE WITH THIS  
3 TITLE.

4 § 21-20-107.

5 THE DIRECTOR MAY APPROVE AN APPLICATION UNLESS:

6 (1) THE INFORMATION PROVIDED BY THE APPLICANT IS INCORRECT OR  
7 INCOMPLETE; OR

8 (2) THE PREMISES LISTED IN THE APPLICATION DOES NOT MEET THE  
9 COUNTY'S HEALTH, ZONING, FIRE, OR BUILDING CODE REQUIREMENTS.

10 § 21-20-108.

11 (A) A LICENSE TO DO BUSINESS AS A SCRAP METAL PROCESSOR MAY NOT BE  
12 TRANSFERRED FROM ONE PERSON TO ANOTHER.

13 (B) A PERSON WHO HOLDS A LICENSE UNDER THIS TITLE SHALL NOTIFY THE  
14 DIRECTOR IN WRITING BEFORE MOVING THE ESTABLISHMENT OR ANY OFF-SITE  
15 STORAGE LOCATION FROM ONE LOCATION TO ANOTHER LOCATION WITHIN THE  
16 COUNTY.

17 § 21-20-109.

18 A SCRAP METAL PROCESSOR MAY NOT BUY OR OTHERWISE ACQUIRE ANY  
19 REPORTABLE SCRAP METAL IN A TRANSACTION WITH A MINOR.

20 § 21-20-110.

21 (A) ~~(1) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY~~  
22 ANY INDIVIDUAL WHO SELLS OR OTHERWISE TRANSFERS REPORTABLE SCRAP  
23 METAL TO A SCRAP METAL PROCESSOR SHALL PROVIDE THE SCRAP METAL  
24 PROCESSOR WITH:

25 ~~(1) THE INDIVIDUAL'S LEGAL NAME, DATE OF BIRTH, AND~~

1 ADDRESS; AND

2 ~~(H) IF THE INDIVIDUAL IS ACTING AS AN AGENT FOR A~~  
3 ~~PRINCIPAL, THE PRINCIPAL'S LEGAL NAME AND ADDRESS.~~

4 ~~(2) THE INDIVIDUAL SHALL ALSO DISPLAY TO THE SCRAP METAL~~  
5 ~~PROCESSOR:~~

6 ~~(I) THE REGISTRATION OF THE MOTOR VEHICLE USED TO~~  
7 ~~TRANSPORT THE REPORTABLE SCRAP METAL; AND~~

8 ~~(II) A GOVERNMENT-ISSUED PHOTOGRAPH IDENTIFICATION~~  
9 ~~CARD OR DRIVERS' LICENSE WITH THE INFORMATION THAT THE SCRAP METAL~~  
10 ~~PROCESSOR IS REQUIRED TO REPORT UNDER § 21-20-112(A)(3) THROUGH (8) OF THIS~~  
11 ~~TITLE .~~

12 (B) A SCRAP METAL PROCESSOR MAY NOT BUY OR OTHERWISE ACQUIRE  
13 ANY REPORTABLE SCRAP METAL FROM A PERSON WHO REFUSES OR FAILS TO  
14 PROVIDE THE INFORMATION REQUIRED BY THIS SECTION.

15 (C) (1) A SCRAP METAL PROCESSOR MAY PAY FOR THE PURCHASE OR  
16 ACQUISITION OF ANY REPORTABLE SCRAP METAL BY:

17 (I) CHECK DRAWN ON AN ACCOUNT BELONGING TO THE SCRAP  
18 METAL PROCESSOR OR A CORPORATE OWNER OF THE SCRAP METAL PROCESSOR AS  
19 IDENTIFIED UNDER § 21-20-106 OF THIS TITLE;

20 (II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, CASH  
21 DISBURSEMENT, PROVIDED THE SCRAP METAL PROCESSOR TAKES AND STORES A  
22 PHOTOGRAPH OF EACH INDIVIDUAL WHO RECEIVES CASH UNDER THIS  
23 SUBSECTION; OR

24 (III) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION,  
25 CASH DISBURSEMENT TO THE SELLER BY WAY OF WITHDRAWAL FROM AN  
26 AUTOMATED TELLER MACHINE (ATM).

27 (2) A PHOTOGRAPH TAKEN UNDER THIS SUBSECTION SHALL, TO THE  
28 BEST OF THE ABILITY OF THE PHOTOGRAPHER OR ATM, INCLUDE AT LEAST FULL  
29 HEAD, FULL FACE, FRONT VIEW, EYES OPEN, AND NATURAL EXPRESSION.

1 (3) THE ATM AUTHORIZED UNDER PARAGRAPH (1)(III) OF THIS  
2 SUBSECTION SHALL:

3 (I) BE LOCATED AT A LOCATION IDENTIFIED UNDER § 21-20-106  
4 OF THIS TITLE;

5 (II) BE UNDER THE OWNERSHIP OR MANAGERIAL CONTROL OF  
6 THE LICENSEE; AND

7 (III) TAKE AND STORE OR TRANSMIT TO THE LICENSEE A  
8 PHOTOGRAPH OF EACH INDIVIDUAL WHO MAKES A WITHDRAWAL.

9 § 21-20-111.

10 (A) EACH SCRAP METAL PROCESSOR SHALL:

11 (1) KEEP AN ACCURATE RECORD IN ENGLISH OF EACH TRANSACTION  
12 IN WHICH ANY PERSON SELLS OR TRANSFERS ANY REPORTABLE SCRAP METAL TO  
13 THE SCRAP METAL PROCESSOR; AND

14 (2) AS PROVIDED IN § 21-20-112 OF THIS TITLE, FILE WITH THE CHIEF OF  
15 POLICE A DAILY REPORT OF ALL TRANSACTIONS INVOLVING REPORTABLE SCRAP  
16 METAL.

17 (B) THE RECORDS AND REPORTS REQUIRED BY THIS SECTION SHALL BE  
18 MADE ON FORMS REQUIRED BY THE CHIEF OF POLICE.

19 (C) A SCRAP METAL PROCESSOR SHALL RETAIN, AT ITS PLACE OF BUSINESS,  
20 ALL RECORDS OF A TRANSACTION FOR AT LEAST 1 YEAR AFTER THE DATE OF THE  
21 TRANSACTION.

22 § 21-20-112.

23 (A) A SCRAP METAL PROCESSOR SHALL SUBMIT EACH DAILY REPORT  
24 REQUIRED UNDER § 21-20-111 OF THIS TITLE ELECTRONICALLY TO THE CHIEF OF  
25 POLICE IN A FORMAT THAT IS ACCEPTABLE TO THE CHIEF BY 5:00 P.M. ON THE  
26 BUSINESS DAY IMMEDIATELY FOLLOWING THE DAY FOR WHICH THE REPORT IS  
27 MADE.

1 (B) THE CHIEF OF POLICE MAY PROVIDE THAT THE DAILY REPORT SHALL  
2 CONTAIN ANY OF THE FOLLOWING INFORMATION:

3 (1) THE DATE, TIME, AND PLACE OF EACH TRANSACTION;

4 (2) A DESCRIPTION OF EACH REPORTABLE SCRAP METAL ITEM OR  
5 GROUP OF SUBSTANTIALLY SIMILAR ITEMS TRANSFERRED IN THAT TRANSACTION,  
6 INCLUDING:

7 (I) A GOOD FAITH EFFORT TO DESCRIBE THE FORMER APPARENT  
8 USE OF ANY HOLDABLE SCRAP METAL;

9 (II) THE TYPE AND GRADE OF THE REPORTABLE SCRAP METAL  
10 OR GROUP OF ITEMS; AND

11 (III) THE TOTAL WEIGHT OF EACH TYPE AND GRADE OF  
12 REPORTABLE SCRAP METAL; ~~AND~~

13 ~~(IV) THE PRICE PAID OR OTHER CONSIDERATION GIVEN FOR THE~~  
14 ~~REPORTABLE SCRAP METAL OR GROUP OF ITEMS;~~

15 (3) A DIGITAL PHOTOGRAPH OF THE ~~REPORTABLE~~ HOLDABLE SCRAP  
16 METAL ITEM OR GROUP OF ITEMS;

17 (4) THE TRANSFEROR'S:

18 (I) NAME;

19 (II) DATE OF BIRTH;

20 (III) ADDRESS; AND

21 (IV) THE TYPE AND NUMBER OF THE ~~PERMIT~~, DRIVER'S LICENSE;  
22 ~~OR OTHER FORM OF IDENTIFICATION~~ GOVERNMENT-ISSUED PHOTOGRAPH  
23 IDENTIFICATION CARD USED TO VERIFY THIS INFORMATION;

24 (5) IF THE TRANSFEROR IS ACTING AS AN AGENT FOR A PRINCIPAL, THE  
25 PRINCIPAL'S LEGAL NAME AND ADDRESS;

26 ~~(6) IF THE TRANSFEROR IS AN INDIVIDUAL SELLING REPORTABLE~~  
27 ~~SCRAP METAL THAT WAS FORMERLY INCORPORATED INTO A DWELLING OWNED BY~~  
28 ~~THAT INDIVIDUAL, THE ADDRESS OF THE PROPERTY FROM WHICH THE~~  
29 ~~REPORTABLE SCRAP METAL WAS REMOVED;~~

1                   ~~(7) A DESCRIPTION~~ (6) IF APPLICABLE, THE MAKE, MODEL, COLOR AND  
2 LICENSE TAG STATE AND LICENSE TAG NUMBER OF THE MOTOR VEHICLE USED BY  
3 THE TRANSFEROR TO TRANSPORT THE REPORTABLE SCRAP METAL, ~~INCLUDING ITS~~  
4 ~~REGISTRATION PLATE AND THE MAKE, MODEL, AND COLOR OF THE VEHICLE~~  
5 METAL;

6                   ~~(8) (7)~~ THE SIGNATURE OF THE TRANSFEROR AND AN AUTHORIZED  
7 AGENT OF THE SCRAP METAL PROCESSOR; AND

8                   ~~(9) (8)~~ ANY OTHER INFORMATION CONSIDERED NECESSARY BY THE  
9 CHIEF OF POLICE.

10                   (C) A DAILY REPORT SUBMITTED UNDER THIS SECTION IS CONFIDENTIAL, AS  
11 PROVIDED IN § 12-304(D) OF THE BUSINESS REGULATION ARTICLE OF THE  
12 ANNOTATED CODE OF MARYLAND.

13 § 21-20-113.

14                   (A) EXCEPT AS AUTHORIZED UNDER SUBSECTION (B) OF THIS SECTION, EACH  
15 SCRAP METAL PROCESSOR SHALL HOLD AT A LOCATION IDENTIFIED UNDER § 21-20-  
16 106 OF THIS TITLE ALL ACQUIRED REPORTABLE SCRAP METAL, AS FOLLOWS:

17                   (1) A PRECIOUS METAL OBJECT, AS DEFINED IN § 12-101 OF THE  
18 BUSINESS REGULATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND, SHALL  
19 BE HELD FOR AT LEAST 18 DAYS AFTER THE REPORT OF ITS ACQUISITION IS MADE  
20 IN ACCORDANCE WITH THIS TITLE; AND

21                   (2) HOLDABLE SCRAP METAL SHALL BE HELD FOR AT LEAST 5  
22 ~~BUSINESS DAYS~~ 3 WEEK DAYS (MONDAY THROUGH FRIDAY), NOT INCLUDING A  
23 WEEK DAY ON WHICH BALTIMORE COUNTY GENERAL GOVERNMENT OFFICES ARE  
24 CLOSED IN HONOR OF A HOLIDAY AS ESTABLISHED EACH YEAR BY THE COUNTY  
25 ADMINISTRATIVE OFFICER, AFTER THE REPORT OF ITS ACQUISITION IS MADE IN  
26 ACCORDANCE WITH THIS TITLE.

27                   (B) (1) THE CHIEF OF POLICE MAY ADOPT PROCEDURES FOR GRANTING  
28 WAIVERS OR PERMITTING SHORTER HOLDING PERIODS, ON AN AD HOC OR LONG-

1 TERM BASIS, IN CASES OF HARDSHIP.

2 (2) THE CHIEF OF POLICE MAY CONDITION A WAIVER OR SHORTER  
3 HOLDING PERIOD ON THE RECORD-KEEPING OR OTHER REQUIREMENTS THAT THE  
4 CHIEF CONSIDERS NECESSARY TO PRESERVE THE INTEGRITY OF THE REPORTING  
5 AND HOLDING REQUIREMENTS OF THIS TITLE.

6 (C) (1) AFTER THE HOLD PERIOD SPECIFIED BY SUBSECTION (A) OF THIS  
7 SECTION, A SCRAP METAL PROCESSOR SHALL CONTINUE TO HOLD ANY  
8 REPORTABLE SCRAP METAL SUBJECT TO THIS SECTION IF:

9 (I) A LAW ENFORCEMENT OFFICER REQUESTS THE SCRAP METAL  
10 PROCESSOR TO SO DO;

11 (II) THE LAW ENFORCEMENT OFFICER HAS REASONABLE CAUSE  
12 TO BELIEVE THE REPORTABLE SCRAP METAL HAS BEEN STOLEN; AND

13 (III) THE REPORTABLE SCRAP METAL HAS NOT BEEN IDENTIFIED  
14 UNDER § 21-20-114(A)(2) OF THIS TITLE.

15 (2) ANY REPORTABLE SCRAP METAL PLACED ON ADDITIONAL POLICE  
16 HOLD UNDER THIS SUBSECTION SHALL BE HELD BY THE SCRAP METAL PROCESSOR  
17 UNTIL:

18 (I) THE POLICE SEIZE THE REPORTABLE SCRAP METAL;

19 (II) THE POLICE DEPARTMENT RELEASES THE POLICE HOLD OR  
20 DIRECTS THE REPORTABLE SCRAP METAL TO BE RELEASED TO THE OWNER; OR

21 (III) 1 YEAR AFTER THE ADDITIONAL POLICE HOLD WAS  
22 IMPOSED.

23 § 21-20-114.

24 (A) A SCRAP METAL PROCESSOR SHALL RELEASE TO THE POLICE  
25 DEPARTMENT ANY REPORTABLE SCRAP METAL ITEM IN ITS POSSESSION IF:

26 (1) THE REPORTABLE SCRAP METAL IS ESTABLISHED TO BE STOLEN;

27 (2) THE OWNER OF THE REPORTABLE SCRAP METAL OR THE VICTIM OF  
28 THE THEFT HAS:

1 (I) POSITIVELY IDENTIFIED THE REPORTABLE SCRAP METAL;  
2 AND

3 (II) PROVIDED AN AFFIDAVIT OF OWNERSHIP AND MADE A  
4 REPORT OF THE THEFT TO A LAW ENFORCEMENT AGENCY;

5 (3) THE STOLEN PROPERTY REPORT DESCRIBES THE REPORTABLE  
6 SCRAP METAL BY:

7 (I) DATE;

8 (II) INITIALS;

9 (III) AN INSURANCE RECORD;

10 (IV) A PHOTOGRAPH;

11 (V) A SALES RECEIPT;

12 (VI) A SERIAL NUMBER;

13 (VII) SPECIFIC DAMAGE;

14 (VIII) A STATEMENT OF FACTS THAT SHOW THE REPORTABLE  
15 SCRAP METAL IS ONE OF A KIND; OR

16 (IX) A UNIQUE ENGRAVING; AND

17 (4) THE SCRAP METAL PROCESSOR IS GIVEN A RECEIPT FOR THE  
18 REPORTABLE SCRAP METAL RELEASED.

19 (B) WHEN THE POLICE NO LONGER NEED REPORTABLE SCRAP METAL FOR  
20 EVIDENCE, IT SHALL BE RETURNED TO THE OWNER.

21 (C) A SCRAP METAL PROCESSOR WHO IS REQUIRED TO RELEASE  
22 REPORTABLE SCRAP METAL UNDER THIS SECTION IS NOT ENTITLED TO DEMAND,  
23 OR TO CONDITION THE RELEASE ON, ANY REIMBURSEMENT FROM:

24 (1) THE POLICE DEPARTMENT;

25 (2) THE OWNER OF THE REPORTABLE SCRAP METAL; OR

26 (3) THE VICTIM OF THE THEFT.

27 ~~§ 21-20-115.~~

28 ~~ALL REPORTABLE SCRAP METAL IN THE SCRAP METAL PROCESSOR'S PLACE~~

1 ~~OF BUSINESS SHALL BE CLEARLY MARKED OR LABELED TO CORRELATE WITH:~~

2 ~~(1) THE SCRAP METAL PROCESSOR'S RECORD OF THE TRANSACTION;~~

3 ~~AND~~

4 ~~(2) THE PURCHASE RECEIPT.~~

5 § 21-20-116.

6 (A) A SCRAP METAL PROCESSOR SHALL ALLOW A LAW ENFORCEMENT  
7 OFFICER, ACTING IN OFFICIAL CAPACITY, TO:

8 (1) ENTER THE SCRAP METAL PROCESSOR'S PLACE OF BUSINESS OR  
9 STORAGE PREMISES DURING BUSINESS HOURS; AND

10 (2) INSPECT ANY RECORD OF TRANSACTION SUBJECT TO THIS TITLE  
11 AND ANY REPORTABLE SCRAP METAL ON THE PREMISES.

12 (B) ON THE REQUEST OF THE SCRAP METAL PROCESSOR, THE LAW  
13 ENFORCEMENT OFFICER SHALL MAKE THE INSPECTION IN THE PRESENCE OF THE  
14 SCRAP METAL PROCESSOR.

15 (C) IF THE SCRAP METAL PROCESSOR REFUSES TO ALLOW ACCESS OR  
16 REFUSES TO PRODUCE A RECORD OR REPORTABLE SCRAP METAL FOR INSPECTION,  
17 THE LAW ENFORCEMENT OFFICER MAY SEEK A SEARCH WARRANT.

18 § 21-20-117.

19 (A) ~~(1)~~ EXCEPT AS SPECIFIED IN ~~PARAGRAPH (2) OF THIS~~ SUBSECTION (B) OF  
20 THIS SECTION, A SCRAP METAL PROCESSOR MAY NOT PURCHASE OR OTHERWISE  
21 ACQUIRE FROM ANYONE, INCLUDING A GOVERNMENTAL EMPLOYEE, ANY  
22 IDENTIFIABLE OBJECT OR MATERIALS USED TO CONTROL TRAFFIC OR MAINTAIN  
23 PUBLIC SAFETY, INCLUDING SUCH OBJECTS OR MATERIALS AS MANHOLE COVERS,  
24 TRASH RECEPTACLES, TREE PROTECTORS, AND OTHER METAL OBJECTS USED FOR  
25 THE PUBLIC GOOD.

26 ~~(2) (B)~~ THIS SUBSECTION SECTION DOES NOT APPLY IF THE INDIVIDUAL  
27 SEEKING TO SELL OR OTHERWISE TRANSFER THE OBJECT OR MATERIALS PROVIDES

1 THE SCRAP METAL PROCESSOR WITH A WRITTEN AUTHORIZATION FROM THE  
2 RELEVANT AGENCY, SPECIFICALLY AUTHORIZING THAT INDIVIDUAL TO CONDUCT  
3 THE TRANSACTION.

4 ~~(B) A SCRAP METAL PROCESSOR MAY NOT PURCHASE OR OTHERWISE~~  
5 ~~ACQUIRE ANY OBJECT OR MATERIALS THAT ARE BEING TRANSPORTED BY CART,~~  
6 ~~CARRIAGE, DRAY, OR WAGON OR BY ANY OTHER TRANSPORT EXCEPT A MOTOR~~  
7 ~~VEHICLE DISPLAYING CURRENT REGISTRATION MARKERS.~~

8 § 21-20-118.

9 ~~(A) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, IF IF A~~  
10 ~~VIOLATION OF THIS TITLE IS FOUND, THE DIRECTOR MAY PROVIDE TO THE~~  
11 ~~LICENSEE A CORRECTION NOTICE THAT DESCRIBES THE VIOLATION, SPECIFIES THE~~  
12 ~~ACTION NECESSARY TO CORRECT THE VIOLATION, AND SETS FORTH THE TIME TO~~  
13 ~~CORRECT THE VIOLATION.~~

14 (B) (1) THE DIRECTOR SHALL SERVE A CORRECTION NOTICE BY CERTIFIED  
15 MAIL, RESTRICTED DELIVERY OR BY PERSONAL SERVICE OR BY REGULAR MAIL.

16 (2) IF SERVICE CANNOT BE OBTAINED BY CERTIFIED MAIL, RESTRICTED  
17 DELIVERY OR PERSONAL SERVICE OR BY REGULAR MAIL, THE CORRECTION NOTICE  
18 MAY BE POSTED IN A CONSPICUOUS LOCATION ON THE SCRAP METAL PROCESSOR'S  
19 ESTABLISHMENT.

20 ~~(C) A CORRECTION NOTICE IS NOT REQUIRED AND A CITATION MAY BE~~  
21 ~~ISSUED IMMEDIATELY IF THE LICENSEE VIOLATES THE SAME PROVISION OF THIS~~  
22 ~~TITLE FOR WHICH IT HAD PREVIOUSLY RECEIVED ONE CORRECTION NOTICE WITHIN~~  
23 ~~A 12-MONTH PERIOD. (1) IF THE LICENSEE FAILS TO COMPLY WITH THE~~  
24 ~~CORRECTION NOTICE, THE DIRECTOR MAY ISSUE A CITATION AND CODE~~  
25 ~~ENFORCEMENT PROCEEDINGS SHALL CONTINUE AS PROVIDED IN ARTICLE 3, TITLE~~  
26 ~~6 OF THE CODE.~~

27 (2) SECTION 3-6-205(B) OF THE CODE DOES NOT APPLY TO AN ENFORCEMENT  
28 ACTION FOR A VIOLATION OF THIS TITLE.

1 § 21-20-119.

2 (A) THE DIRECTOR MAY ISSUE AN ORDER DENYING, REFUSING TO RENEW,  
3 REVOKING, OR SUSPENDING A LICENSE FOR THE FOLLOWING REASONS:

4 (1) THE INFORMATION PROVIDED BY THE LICENSEE OR APPLICANT IN  
5 THE APPLICATION IS INCORRECT, INCOMPLETE, OR HAS NOT BEEN UPDATED AS  
6 REQUIRED BY THIS TITLE;

7 (2) A LICENSEE HAS FAILED TO COMPLY WITH A CORRECTION NOTICE  
8 OR CITATION;

9 (3) THE LICENSEE OR APPLICANT HAS VIOLATED ONE OR MORE OF THE  
10 PROVISIONS OF THIS TITLE; OR

11 (4) AFTER INVESTIGATION, THE POLICE DEPARTMENT DETERMINES  
12 THAT THE SCRAP METAL PROCESSOR HAS BEEN ENGAGING IN A PATTERN AND  
13 PRACTICE OF RECEIVING STOLEN REPORTABLE SCRAP METAL.

14 (B) (1) AN ORDER DENYING, REFUSING TO RENEW, REVOKING, OR  
15 SUSPENDING A LICENSE SHALL BE SERVED ON THE LICENSEE OR APPLICANT BY  
16 CERTIFIED MAIL, RESTRICTED DELIVERY OR BY PERSONAL SERVICE.

17 (2) THE ORDER SHALL CONTAIN THE REASONS FOR THE DENIAL,  
18 REFUSAL TO RENEW, REVOCATION, OR SUSPENSION.

19 (3) IF SERVICE CANNOT BE OBTAINED BY CERTIFIED MAIL, RESTRICTED  
20 DELIVERY OR PERSONAL SERVICE, THE NOTICE MAY BE POSTED IN A CONSPICUOUS  
21 LOCATION ON THE SCRAP METAL PROCESSOR'S ESTABLISHMENT.

22 (C) (1) WITHIN 15 DAYS AFTER THE DATE OF AN ORDER, A PERSON  
23 AGGRIEVED MAY APPEAL THE ORDER AND REQUEST A HEARING BEFORE THE  
24 DIRECTOR OR THE DIRECTOR'S DESIGNEE.

25 (2) ~~(I) IF THE ORDER OF THE DIRECTOR IS BASED ON SUBSECTION~~  
26 ~~(A)(1), (2), OR (3) OF THIS SECTION, THE~~ THE FILING OF AN APPEAL SHALL STAY THE  
27 ORDER OF THE DIRECTOR.

28 ~~(H) IF THE ORDER OF THE DIRECTOR IS BASED ON SUBSECTION~~

1 ~~(A)(4) OF THIS SECTION, THE FILING OF AN APPEAL DOES NOT STAY THE ORDER OF~~  
2 ~~THE DIRECTOR.~~

3 (D) (1) WITHIN 30 DAYS AFTER THE DATE OF THE DECISION OF THE  
4 DIRECTOR OR THE DIRECTOR'S DESIGNEE ON THE APPEAL OF AN ORDER, A PERSON  
5 AGGRIEVED MAY APPEAL THE DECISION TO THE BOARD OF APPEALS.

6 (2) ~~(F) IF THE ORDER OF THE DIRECTOR IS BASED ON SUBSECTION~~  
7 ~~(A)(1), (2), OR (3) OF THIS SECTION, THE THE FILING OF AN APPEAL WITH THE BOARD~~  
8 ~~OF APPEALS SHALL STAY THE ORDER OF THE DIRECTOR.~~

9 ~~(H) IF THE ORDER OF THE DIRECTOR IS BASED ON SUBSECTION~~  
10 ~~(A)(4) OF THIS SECTION, THE FILING OF AN APPEAL WITH THE BOARD OF APPEALS~~  
11 ~~DOES NOT STAY THE ORDER OF THE DIRECTOR.~~

12  
13 § 21-20-120.

14 (A) THE DEPARTMENT MAY INSTITUTE ANY ACTION AT LAW OR EQUITY,  
15 INCLUDING INJUNCTION OR MANDAMUS, TO ENFORCE THE PROVISIONS OF THIS  
16 TITLE.

17 (B) ALTERNATIVELY, AND IN ADDITION TO AND CONCURRENT WITH ALL  
18 OTHER REMEDIES, THE DEPARTMENT MAY ENFORCE THE PROVISIONS OF THIS  
19 TITLE WITH CIVIL PENALTIES IN ACCORDANCE WITH ARTICLE 3, TITLE 6 OF THE  
20 CODE.

21 (C) A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS SUBJECT TO A  
22 CIVIL PENALTY OF NOT MORE THAN \$1,000.

23 (D) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE.

24 § 21-20-121.

25 PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A  
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$1,000  
27 OR IMPRISONMENT NOT EXCEEDING 6 MONTHS OR BOTH.

28 § 21-20-122.

29 IF ANY SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION OF THIS

1 TITLE IS, FOR ANY REASON, HELD INVALID OR UNCONSTITUTIONAL BY A COURT OF  
2 COMPETENT JURISDICTION, THE PORTION IS DEEMED A SEPARATE, DISTINCT, AND  
3 INDEPENDENT PROVISION. THE HOLDING DOES NOT AFFECT THE VALIDITY OF THE  
4 REMAINING PORTION OF THIS TITLE. IT IS THE INTENT OF THE COUNTY THAT THIS  
5 TITLE WOULD HAVE BEEN ENACTED NOTWITHSTANDING THE INVALIDITY OF ANY  
6 SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR PORTION OF THE TITLE.

7 SECTION 2. AND BE IT FURTHER ENACTED, that a scrap metal processor as defined in  
8 Article 21, Title 20 of the Baltimore County Code, 2003 in operation on or before the effective date  
9 of this Act, shall obtain a scrap metal processor license under Article 21, Title 20 of the Baltimore  
10 County Code, 2003 by ~~January~~ June 1, 2010.

11 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having passed by the  
12 affirmative vote of five members of the County Council, shall take effect on ~~November 15, 2009~~  
13 April 15, 2010.