

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2010, Legislative Day No. 14

Bill No. 79-10

Mr. John Olszewski, Sr., Chairman
By Request of County Executive

By the County Council, September 7, 2010

A BILL
ENTITLED

AN ACT concerning

Junk Dealers and Scrap Metal Processors - Conformance with state law

FOR the purpose of conforming county law with state law pursuant to the enactment of Chapter 199 of the Laws of Maryland of 2010; repealing the statutory requirement to hold certain junk or scrap metal for a certain number of days; altering the type of information a junk dealer or scrap metal processor must record and report after the purchase of junk or scrap metal; repealing law on the release of junk or scrap metal; altering the authority of the Police Department to inspect the records of a junk dealer or scrap metal processor; clarifying the application of certain enforcement provisions; altering the penalty for certain violations; defining certain terms; and generally relating to conforming county law with state law.

By repealing

Sections 21-21-110, 21-21-112, 21-21-114, 21-21-115, and 21-21-116
Title 21. Scrap metal processors
Title 21. Permits, Licenses, and Business Regulation
Baltimore County Code, 2003

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.

By repealing and reenacting, with amendments

Sections 21-21-101, 21-21-103, 21-21-104(e), 21-21-106(d) and (e), 21-21-108(a), 21-21-109, 21-21-111, 21-21-113, 21-21-117(a) and (c)(1), 21-21-118(a), and 21-21-120
Title 21. Scrap metal processors
Title 21. Permits, Licenses, and Business Regulation
Baltimore County Code, 2003

B renumbering

Sections 21-21-119 and 21-21-121
Title 21. Scrap metal processors
Title 21. Permits, Licenses, and Business Regulation
Baltimore County Code, 2003
to be
Sections 21-21-114 and 21-21-116

WHEREAS, Council Bill 78-09 required scrap metal processors in Baltimore County to obtain a license and to provide the Police Department with certain information about scrap metal transactions; and

WHEREAS, Chapter 199 of the Laws of Maryland of 2010 (“Chapter 199”) required junk dealers and scrap metal processors in the State of Maryland to report certain junk and scrap metal transactions to a “primary law enforcement unit” designated by the local governing body to receive such reports; and

WHEREAS, the County Council designated the Baltimore County Police Department as the primary law enforcement unit for Baltimore County in Resolution 45-10; and

WHEREAS, it is necessary to amend Baltimore County’s law on scrap metal to conform it with Chapter 199; now, therefore

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that Sections 21-21-110, 21-21-112, 21-21-114, 21-21-115, 21-21-
3 116, of Title 21. Scrap metal processors, of Title 21. Permits, Licenses, and Business Regulation,
4 of the Baltimore County Code, 2003, as amended, are hereby repealed.

5 SECTION 2. BE IT FURTHER ENACTED, that Sections 21-21-101, 21-21-103, 21-21-

1 104(e), 21-21-106(d) and (e), 21-21-108(a), 21-21-109, 21-21-111, 21-21-113, 21-21-117(a) and
2 (c)(1), 21-21-118(a) and 21-21-120, of Title 21. Scrap metal processors, of Title 21. Permits,
3 Licenses, and Business Regulation, of the Baltimore County Code, 2003, as amended, are hereby
4 repealed and reenacted, with amendments, to read as follows:

5 § 21-21-101.

6 (a) In this title the following terms have the meanings indicated.

7 (b) [“Holdable scrap metal” means the following items of reportable scrap metal, whether
8 or not containing non-ferrous metal:

- 9 (1) Cemetery urns;
- 10 (2) Grave markers;
- 11 (3) Metal bleachers;
- 12 (4) Metal beer kegs;
- 13 (5) Copper wiring;
- 14 (6) Propane tanks;
- 15 (7) Street signs;
- 16 (8) Copper pipes;
- 17 (9) Light poles;
- 18 (10) Manhole covers;
- 19 (11) Water meters;
- 20 (12) Copper downspouts and gutters;
- 21 (13) Guard rails; and
- 22 (14) Catalytic converters.] “JUNK” OR “SCRAP METAL” HAS THE MEANING

23 STATED IN § 17-1001 OF THE BUSINESS REGULATION ARTICLE OF THE ANNOTATED
24 CODE OF MARYLAND.

25 (c) (1) “JUNK DEALER” OR “SCRAP METAL PROCESSOR” HAS THE MEANING

1 STATED IN § 17-1001 OF THE BUSINESS REGULATION ARTICLE OF THE ANNOTATED
2 CODE OF MARYLAND.

3 (2) “JUNK DEALER” OR “SCRAP METAL PROCESSOR” DOES NOT
4 INCLUDE:

5 (I) A LANDFILL OR SOLID-WASTE FACILITY THAT IS
6 OPERATED PRIVATELY OR BY A GOVERNMENTAL ENTITY OR AN
7 INSTRUMENTALITY OR UNIT OF A GOVERNMENTAL ENTITY;

8 (II) AN AUTOMOTIVE DISMANTLER AND RECYCLER LICENSED
9 UNDER TITLE 15, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE OF THE
10 ANNOTATED CODE OF MARYLAND OR SCRAP METAL PROCESSOR THAT ONLY
11 ACQUIRES WHOLE VEHICLES FOR THE PURPOSE OF DISMANTLING, DESTROYING,
12 OR SCRAPPING THEM FOR THE BENEFIT OF THEIR PARTS OR THE MATERIALS IN
13 THEM; OR

14 (III) A PERSON THAT BUYS JUNK OR SCRAP METAL TO USE AS
15 RAW MATERIAL TO PRODUCE NOT LESS THAN 1 MILLION TONS OF STEEL IN THE
16 COUNTY PER CALENDAR YEAR.

17 (D) (1) “Person” means any individual, corporation, partnership, joint venture, firm,
18 association, or other entity.

19 (2) “Person” does not include, unless otherwise expressly provided, a
20 governmental entity or an instrumentality or unit of a governmental entity.

21 [(d) “Reportable scrap metal” means any object that consists in whole or substantial part

1 of ferrous or non-ferrous metal, including copper.

2 (e) (1) “Scrap metal processor” means any person who, whether as a dealer, a broker,
3 or otherwise, buys, processes, sells, or transports reportable scrap metal items for use as raw material
4 by a foundry, smelter, refiner, mill, or other user.

5 (2) “Scrap metal processor” does not include:

6 (i) A person whose business is limited to the purchase of aluminum cans
7 for recycling purposes;

8 (ii) A landfill or solid-waste facility that is operated privately or by a
9 governmental entity or an instrumentality or unit of a governmental entity; or

10 (iii) A person that buys scrap metal to use as raw material to produce not
11 less than 1 million tons of steel in the county per calendar year.]

12 § 21-21-103.

13 (A) A person may not do business as a JUNK DEALER OR scrap metal processor without
14 having first obtained a license to do so from the Director.

15 (B) NOTWITHSTANDING ANY PROVISION OF THIS TITLE, A JUNK DEALER OR
16 SCRAP METAL PROCESSOR IS SUBJECT TO ALL APPLICABLE PROVISIONS OF TITLE
17 17 OF THE BUSINESS REGULATION ARTICLE OF THE ANNOTATED CODE OF
18 MARYLAND.

19 § 21-21-104.

1 (e) If a person required to be licensed under this title ceases to do business as a JUNK
2 DEALER OR scrap metal processor, the license shall be returned to the Department on cessation
3 of the [reportable] JUNK OR scrap metal transactions.

4 § 21-21-106.

5 (d) An application for a license under this title shall include:

6 (1) The location, mailing address, and phone number of the premises where the
7 JUNK DEALER OR scrap metal processor will operate;

8 (2) The location, mailing address, and phone number of any off-site storage
9 location where the JUNK DEALER OR scrap metal processor will store [reportable] JUNK OR
10 scrap metal;

11 (3) If the JUNK DEALER OR scrap metal processor is not the owner of the
12 premises, written acknowledgment from the owner of the premises approving the use of the premises
13 to engage in JUNK OR scrap metal processor transactions;

14 (4) If the JUNK DEALER OR scrap metal processor is not the owner of the
15 off-site storage location, written acknowledgment from the owner of the off-site storage location
16 approving the use of the off-site storage location to store [reportable] JUNK OR scrap metal; and

17 (5) If the JUNK DEALER OR scrap metal processor is not the owner of the
18 premises or off-site storage location, a copy of the current lease.

19 (e) An application shall include an authorization for governmental inspection, including
20 police inspection, of the premises or off-site storage location during the application process [and]
21 AND, SUBJECT TO § 17-1011(C)(3) OF THE BUSINESS REGULATION ARTICLE OF THE

1 ANNOTATED CODE OF MARYLAND, while the license is in effect for the purpose of ensuring
2 compliance with this title.

3 § 21-21-108.

4 (a) A license to do business as a JUNK DEALER OR scrap metal processor may not be
5 transferred from one person to another.

6 § 21-21-109.

7 A JUNK DEALER OR scrap metal processor may not buy or otherwise acquire any
8 [reportable] JUNK OR scrap metal in a transaction with a minor.

9 [§ 21-21-111.] § 21-21-110.

10 [(a)] Each JUNK DEALER OR scrap metal processor [shall] SHALL, AS PROVIDED
11 IN § 17-1011 OF THE BUSINESS REGULATION ARTICLE OF THE ANNOTATED CODE OF
12 MARYLAND:

13 (1) Keep an accurate record in English of each transaction in which any person
14 sells or transfers any [reportable] JUNK OR scrap metal to the JUNK DEALER OR scrap metal
15 processor; and

16 (2) [As provided in § 21-21-112 of this title,] ELECTRONICALLY file with the
17 [Chief of] Police DEPARTMENT a daily report of all transactions involving [reportable] JUNK OR
18 scrap metal.

19 [(b)] The records and reports required by this section shall be made on forms required by

1 the Chief of Police.

2 (c) A scrap metal processor shall retain, at its place of business, all records of a
3 transaction for at least 1 year after the date of the transaction.]

4 [§ 21-21-113.] § 21-21-111.

5 (a) [Except as authorized under subsection (b) of this section, each scrap metal processor
6 shall hold at a location identified under § 21-21-106 of this title all acquired reportable scrap metal,
7 as follows:

8 (1) A precious metal object, as defined in § 12-101 of the Business Regulation
9 Article of the Annotated Code of Maryland, shall be held for at least 18 days after the report of its
10 acquisition is made in accordance with this title; and

11 (2) Holdable scrap metal shall be held for at least 3 week days (Monday through
12 Friday), not including a week day on which Baltimore County general government offices are closed
13 in honor of a holiday as established each year by the County Administrative Officer, after the report
14 of its acquisition is made in accordance with this title.

15 (b) (1) The Chief of Police may adopt procedures for granting waivers or permitting
16 shorter holding periods, on an ad hoc or long-term basis, in cases of hardship.

17 (2) The Chief of Police may condition a waiver or shorter holding period on the
18 record-keeping or other requirements that the Chief considers necessary to preserve the integrity of
19 the reporting and holding requirements of this title.

20 (c) (1) After the hold period specified by subsection (a) of this section, a scrap metal

1 processor shall continue to hold any reportable scrap metal subject to this section if:

2 (i) A law enforcement officer requests the scrap metal processor to so do;

3 (ii) The law enforcement officer has reasonable cause to believe the
4 reportable scrap metal has been stolen; and

5 (iii) The reportable scrap metal has not been identified under §
6 21-21-114(a)(2) of this title.

7 (2) Any reportable scrap metal placed on additional police hold under this
8 subsection shall be held by the scrap metal processor until:

9 (i) The police seize the reportable scrap metal;

10 (ii) The Police Department releases the police hold or directs the
11 reportable scrap metal to be released to the owner; or

12 (iii) One year after the additional police hold was imposed.] THE POLICE
13 DEPARTMENT MAY ISSUE A WRITTEN HOLD NOTICE AS PROVIDED IN § 17-1011 OF
14 THE BUSINESS REGULATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

15 (B) THE POLICE DEPARTMENT MAY INSPECT THE PREMISES OF A JUNK
16 DEALER OR SCRAP METAL PROCESSOR AS PROVIDED IN TITLE 17 OF THE BUSINESS
17 REGULATION ARTICLE OF THE ANNOTATED CODE OF MARYLAND OR ANY OTHER
18 APPLICABLE LAW.

19 [§ 21-21-117.] § 21-21-112.

1 (a) If a violation of this title is found, the Director may provide to the [licensee] JUNK
2 DEALER OR SCRAP METAL PROCESSOR a correction notice that describes the violation,
3 specifies the action necessary to correct the violation, and sets forth the time to correct the violation.

4 (c) (1) If the [licensee] JUNK DEALER OR SCRAP METAL PROCESSOR fails
5 to comply with the correction notice, the Director may issue a citation and code enforcement
6 proceedings shall continue as provided in Article 3, Title 6 of the Code.

7 [§ 21-21-118.] § 21-21-113.

8 (a) The Director may issue an order denying, refusing to renew, revoking, or suspending
9 a license for the following reasons:

10 (1) The information provided by the licensee or applicant in the application is
11 incorrect, incomplete, or has not been updated as required by this title;

12 (2) A licensee has failed to comply with a correction notice or citation;

13 (3) The licensee or applicant has violated one or more of the provisions of this
14 title; or

15 (4) After investigation, the Police Department determines that the JUNK
16 DEALER OR scrap metal processor has been engaging in a pattern and practice of receiving stolen
17 [reportable] JUNK OR scrap metal.

18 [§ 21-21-120.] § 21-21-115.

1 A [Person] PERSON who violates any provision of this title is guilty of a misdemeanor and
2 on conviction is subject [to a] TO:

3 (1) A fine not exceeding [\$1,000] \$500 FOR A FIRST OFFENSE; or

4 (2) A FINE NOT EXCEEDING \$5,000 OR imprisonment not exceeding [6 months] ONE
5 YEAR or both FOR A SUBSEQUENT OFFENSE.

6 SECTION 3. BE IT FURTHER ENACTED, that Sections 21-21-119 and 21-21-121, of Title
7 21. Scrap metal processors, of Title 21. Permits, Licenses, and Business Regulation, of the Baltimore
8 County Code, 2003, as amended, are hereby renumbered to be Sections 21-21-114 and 21-21-116.

9 SECTION 4. BE IT FURTHER ENACTED, that this Act, having passed by the affirmative
10 vote of five members of the County Council, shall take effect on October 17, 2010.

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