

4-24-24

32726

ORDINANCE NO. _____

An ordinance amending Chapter 40B, “Secondary Metals Recyclers,” of the Dallas City Code by amending Section 40B-2 “Definitions,” Section 40B-3 “Record Required,” Section 40B-6 “Restrictions on the Purchase of Regulated Metal Property,” and Section 40B-7 “Five-Day Hold on Regulated Metal Property; Segregation, Labelling, and Inspection of Regulated Metal Property; Exceptions”; providing additional requirements for the purchase of catalytic converters; providing a savings clause; providing a severability clause; and providing an effective date.

WHEREAS, the 88th Texas Legislature met in regular session between January 10, 2023 and May 29, 2023; and

WHEREAS, S.B. 224 was filed on November 14, 2022; and

WHEREAS, S.B. 224 requires a recycling entity to maintain an accurate record of each catalytic converter transaction; and

WHEREAS, S.B. 224 was approved by both chambers of the Texas Legislature; and

WHEREAS, S.B. 224 was signed by Governor Greg Abbott on May 29, 2023 and took effect immediately; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 40B-2, “Definitions,” of Article I, “General,” of Chapter 40B, “Secondary Metals Recyclers,” of the Dallas City Code is amended to read as follows:

“(2) CATALYTIC CONVERTER means a device used to reduce the toxicity of emissions from an internal combustion engine through the use of a catalyst (typically a platinum-iridium catalyst) that converts the toxic combustion by-products into less toxic gases or products. A catalytic converter includes any material removed from a catalytic converter.”

SECTION 2. That Section 40B-3, "Records Required," of Article I, "General," of Chapter 40B, "Secondary Metal Recyclers," of the Dallas City Code is amended to read as follows:

"SEC. 40B-3. RECORDS REQUIRED.

(a) A secondary metals recycler shall maintain an electronic record or accurate and legible record of each purchase transaction. Each transaction must be recorded and filed separately.

(b) The record of each purchase transaction must be in English and contain the following information:

- (1) the name and street address of the secondary metals recycler;
- (2) the name or initials of the individual recording the information required by this section for the secondary metals recycler;
- (3) the seller's name, street address, sex, and birthdate and the identifying number from the seller's current and valid driver's license issued by a state in the United States, United States military identification card, or personal identification certificate;
- (4) the make, model, and license plate number of the motor vehicle in which the regulated metal property is delivered in a purchase transaction, along with a clear digital still photograph of the motor vehicle and any trailer attached to the motor vehicle;
- (5) the place, date, and time of the purchase transaction;
- (6) the weight, quantity, or volume and a description, made in accordance with the custom of the trade, of the regulated metal property purchased, along with a clear digital still photograph of the regulated metal property;
- (7) a general description of the predominant types of regulated metal property purchased in the purchase transaction;
- (8) the amount of consideration given in a purchase transaction for the regulated metal property and, if the seller was:
 - (A) paid by check, a copy of the check;
 - (B) paid in cash, a copy of the seller's valid cash transaction card (or the seller's current approved application for a cash transaction card); or
 - (C) paid by debit card, a copy of the debit card receipt and, if payment was made at the time of purchase, a copy of the seller's valid cash transaction card (or the seller's current approved application for a cash transaction card);

(9) written documentation evidencing that the seller is the legal owner, or is lawfully entitled to sell, the regulated metal property or a signed statement from the seller affirming a legal right of ownership and the right to sign over title to the regulated metal property offered for sale;

(10) a clear digital still photograph of the seller, taken at the time of the purchase transaction, that clearly depicts the seller's facial features; and

(11) a clear and legible thumbprint impression of the seller, unless a valid cash transaction card issued is presented by the seller to the metal recycling entity under this chapter if the sale is for a catalytic converter.

(c) A person selling or attempting to sell regulated metal property to a secondary metals recycler shall:

(1) display to the secondary recycler the person's current and valid driver's license issued by a state in the United States, United States military identification card, or personal identification certificate;

(2) provide to the secondary metals recycler the make, model and license plate number of the motor vehicle used to deliver the regulated metal property, [~~and~~]

(3) sign a written statement provided by the secondary metals recycler affirming that the person is the legal owner of, or is lawfully entitled to sell, the regulated material offered for sale; and

(4) for a catalytic converter provide:

(A) the year, make, model, and vehicle identification number for the vehicle from which the catalytic converter was removed; and

(B) a copy of the certificate of title or other documentation indicating that the person has an ownership interest in the vehicle described in Subparagraph (A).

(d) The secondary metals recycler or the recycler's agent shall visually verify the accuracy of the identification presented by the seller at the time of each purchase of regulated metal property and make a copy of the identification to be maintained by the secondary metals recycler in the record of the purchase transaction. A metal recycling entity may not purchase a catalytic converter unless the entity determines that the catalytic converter is consistent with the manufacturer's specifications for a catalytic converter from the vehicle for which the seller provided the information under Subsection (c).

(e) A secondary metals recycler shall maintain on file the information required by this section for not less than three years after the date of the purchase transaction. A secondary metals recycler shall make these records available for inspection by any police officer, upon request but

not later than 72 hours, at the secondary metals recycler's place of business during the usual and customary business hours of the secondary metals recycler.

(f) A secondary metals recycler shall mark, in the manner prescribed by the commission by rule, each catalytic converter purchased by the entity with a unique number and shall keep the information in the electronic record or accurate and legible written record in compliance with Subsection (e).

(g) The owner of a garage or repair shop that sells to a metal recycling entity registered under Chapter 40B a catalytic converter that the person removed in connection with a motor vehicle repair shall maintain a record of all repairs for the vehicle, and such record shall be kept until at least the second anniversary of the date of repair, that includes:

- (1) the name and address of the vehicle's owner; and
- (2) copies of all related invoices."

SECTION 3. That Subsection (d) of Section 40B-6, "Restrictions on the Purchase of Regulated Metal Property," of Article I, "General," of Chapter 40B, "Secondary Metals Recyclers," of the Dallas City Code is amended to read as follows:

"(d) A secondary metals recycler shall maintain on file the information required by Subsection (c) of this section for not less than three years after the date of the purchase of the item of regulated metal property. In addition, the record for each catalytic converter transaction must contain a description made in accordance with the custom of the trade for the volume of catalytic converters sold or transferred, the name of the person from whom the catalytic converters were purchased or otherwise acquired, and the date of the transaction. A secondary metals recycler shall make these records available for inspection by any police officer, upon request, at the secondary metals recycler's place of business during the usual and customary business hours of the secondary metals recycler."

SECTION 4. That Subsection (a) of Section 40B-7, "Five-Day Hold on Regulated Metal Property; Segregation, Labelling, and Inspection of Regulated Metal Property; Exceptions," of Article I, "General," of Chapter 40-B, "Secondary Metal Recyclers," of the Dallas City Code is amended to read as follows:

"(a) Except as provided in Subsection (c) of this section, a secondary metals recycler shall retain possession of purchased regulated metal property, including catalytic converters, at the secondary metals recycler's local place of business and withhold the property from alteration, processing, resale, disposal, removal, or salvage use for five days, excluding weekends and holidays, after purchase, unless the property is released sooner by written order of the chief or by order of a court of competent jurisdiction."

SECTION 5. That Chapter 40B of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 6. That any act done or right vested or accrued, or any proceeding, suit, or prosecution had or commenced in any action before the amendment or repeal of any ordinance, or part thereof, shall not be affected or impaired by amendment or repeal of any ordinance, or part thereof, and shall be treated as still remaining in full force and effect for all intents and purposes as if the amended or repealed ordinance, or part thereof, had remained in force.

SECTION 7. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 8. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

TAMMY L. PALOMINO, City Attorney

By  Assistant City Attorney

Passed MAY 08 2024



PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

DATE ADOPTED BY CITY COUNCIL MAY 08 2024

ORDINANCE NUMBER 32726

DATE PUBLISHED MAY 11 2024

ATTESTED BY:

A handwritten signature in black ink, appearing to be "R. G. ...", written over a faint horizontal line.