

Item 4

BY: COUNCILMEMBER MERANTE

GENERAL ORDINANCE AMENDING PART VII: NUISANCES, PUBLIC WELFARE AND CRIMINAL BY ADDING CHAPTER 88 TO THE CODE OF THE CITY OF YONKERS TO BE KNOWN AS "CATALYTIC CONVERTERS: RECORDKEEPING FOR PURCHASE, SALE AND INSTALLATION; INDIVIDUALS IN POSSESSION"

Be it ordained by the City Council of the City of Yonkers, as follows: Part VII. of the Code of the City of Yonkers entitled "NUISANCES, PUBLIC WELFARE AND CRIMINAL", is hereby amended in part by adding Chapter 88. CATALYTIC CONVERTERS: RECORDKEEPING FOR PURCHASE, SALE AND INSTALLATION to read as follows;

Chapter 88. CATALYTIC CONVERTERS: BUSINESS RECORDKEEPING FOR PURCHASE, SALE AND INSTALLATION; INDIVIDUALS IN POSSESSION

§ 88-1. Catalytic Converter Records. It shall be required that the following business establishments: businesses that are licensed to purchase, sell, install and recycle Catalytic Converters by the State of New York at retail or wholesale including but not limited to motor vehicle repair shops, as defined in and holding a license as required by the State Motor Vehicle Repair Shop Registration Act (Vehicle and Traffic Law § 398-b, or any amendment thereto).; licensed secondhand dealers that buy and sell precious metals; and pawn shops that are licensed by the City of Yonkers (hereinafter collectively referred to in this chapter as "businesses") create and maintain a system of written or electronic records (hereinafter referred to as "system") that conforms with the following requirements:

- A. Identify each and every Catalytic Converter purchased, sold or installed by the Business with a unique identification number that must be etched onto the Catalytic Converter Unit
- B. Identify each and every customer that purchases or has a Catalytic Converter installed by the Business or anyone who sells a Catalytic Converter to the Business by retaining a copy of their driver's license, non-driver's identification or passport.
- C. The records maintained pursuant to this section shall be indexed by dates and times.

§ 88-2. Operating procedures. The businesses subject to the provisions of this chapter must comply with the following requirements in relation to the creation and preservation of the records, availability of records, dissemination of records and inspection of the records as follows:

- A. The records maintained pursuant to this chapter must be preserved for a minimum of ninety (90) days.

B. The records maintained pursuant to this chapter must be made available to the City of Yonkers Police Department for purposes of an official investigation or when approved by the Police Commissioner or his/her designee.

C. The records maintained pursuant to this chapter must be turned over to the City of Yonkers Police Department upon its demand while the business is open and/or as soon as possible if the business is closed.

D. All records maintained pursuant to this chapter while in possession of the business shall be stored in a locked receptacle, preferably located in a controlled access area, to which only authorized personnel may have access, or shall otherwise be secured so that only authorized personnel may access said records.

E. The business shall keep a log of all instances of requests for, access to, dissemination and use of said records maintained pursuant to this chapter. Copies of the access log shall be provided to the City of Yonkers Police Department upon demand.

F. Each business subject to the provisions of this chapter shall submit a certification report to the Police Department, on a form prescribed by said department, by January 31 of each year. The report shall certify that the business has complied with this chapter.

§ 88-3. Extension of time for compliance. In the event the business demonstrates a good reason why it cannot meet the date set for identifying and keeping a record of said Catalytic Converters, the Police Commissioner, or his/her designee, may for such good reason stated grant one extension of time to comply with this chapter, such time not to exceed six months.

§ 88-4. Individuals. Notwithstanding any provision of this section to the contrary and in addition to any other applicable law the unlawful possession of a Catalytic Converter by any individual will be a violation of this chapter and in addition to any other penalties under any other applicable law will also be subject to the penalties described in section 88-5 below.

§ 88-5. Penalties for offenses. The violation of any provision of this chapter shall be a Class III offense except for any Business found guilty of more than one (1) violation of this chapter within any twelve (12) month period the subsequent violations shall be a Class I offense.

SUBJECT: GENERAL ORDINANCE AMENDING PART VII: NUISANCES, PUBLIC WELFARE AND CRIMINAL BY ADDING CHAPTER 88 TO THE CODE OF THE CITY OF YONKERS TO BE KNOWN AS "CATALYTIC CONVERTERS: RECORDKEEPING FOR PURCHASE, SALE AND INSTALLATION; INDIVIDUALS IN POSSESSION"

NO FISCAL IMPACT PROJECTED

BUDGET IMPACT

(Completed by operating department and reviewed by Finance Department or Council Staff)

G) General Fund Board of Education Special Revenue fund or District

H) EXPENSES AND REVENUES

Total Current Year Cost: _____

Total Current Year Revenue: _____

Source of Funds (Check one): Current Appropriations Additional Appropriations

Transfer of Existing Appropriations Fee/Fine/Tax/Other (Explain)

Identify Accounts: _____

Potential Related Operating Budget Expenses: Annual Amount: \$ _____

Describe:

Potential Related Revenues: Annual Amount: \$ _____

Current Year:

Next 5 years:

Anticipated Savings: Annual Amount: \$ _____

Current Year:

Next 5 years:

I) FISCAL IMPACT

Potential for additional personnel: _____

Prepared By: Hon. Merante
Title: Councilmember
Department: City Council

Signature: _____

Reviewed By: _____
FINANCE DEPARTMENT

Signature: _____

Date: _____

If you need more space, attach additional sheets.

SPONSOR'S MEMORANDUM

SPONSOR: COUNCILMEMBER BREEN

TITLE OF BILL: A GENERAL ORDINANCE AMENDING PART VII: NUISANCES, PUBLIC WELFARE AND CRIMINAL BY ADDING CHAPTER 88 TO THE CODE OF THE CITY OF YONKERS TO BE KNOWN AS "CATALYTIC CONVERTERS: RECORDKEEPING FOR PURCHASE, SALE AND INSTALLATION; INDIVIDUALS IN POSSESSION"

PURPOSE: To combat the rampant and skyrocketing wave of catalytic converter thefts that is costing the residents of the City of Yonkers thousands of dollars on a regular basis.

SUMMARY OF SPECIFIC PROVISIONS: Creating recordkeeping and documentation requirements for the purchase, sale, installation and possession of Catalytic Converters as well as penalties for violations of said requirements in the City of Yonkers.

JUSTIFICATION: To combat the rampant and skyrocketing wave of catalytic converter thefts that is costing the residents of the City of Yonkers thousands of dollars on a regular basis.

IMPACT OF REGULATION ON BUSINESS AND INDIVIDUALS: class III and class I offense

CRIMINAL SANCTION IMPACT: class III and class I offense

LEGISLATIVE HISTORY: N/A.

FISCAL IMPLICATIONS: Neutral

EFFECTIVE DATE: This act shall take effect IMMEDIATELY