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1 WHEREAS, copper and brass theft in Albuquerque is a major issue that  
2 threatens infrastructure, businesses, and residents alike, causing significant  
3 damage and severe disruptions; and

4 WHEREAS, the resale of stolen catalytic converters, copper, and brass  
5 result in significant financial harm to vehicle owners, property owners, and the  
6 community; and

7 WHEREAS, additional regulations and safeguards regarding the resale of  
8 catalytic converters, copper, and brass, including enhanced reporting  
9 requirements, may serve as a deterrent to theft and assist law enforcement  
10 investigations.

11 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY  
12 OF ALBUQUERQUE:

13 SECTION 1. Article 21 in Chapter 13 of the Revised Ordinances of  
14 Albuquerque 1994 is hereby amended as follows:

15 § 13-21-1 SHORT TITLE.

16 This Ordinance shall be known and cited as the [~~“Secondhand Catalytic  
17 Converter Purchase Ordinance.”~~] [“Sale of Recycled Metals Ordinance.”]

18 § 13-21-2 PURPOSE. The purposes of this article include to:

19 (A) Ensure a sound system of acquiring catalytic converters by and  
20 through secondhand metal dealers, to prevent frauds and theft, and ensure  
21 fair reporting practices;

22 (B) Provide for recordkeeping [and reporting] requirements for the  
23 purchase of catalytic converters by secondhand metal dealers;

24 (C) Prohibit secondhand metal dealers from purchasing or receiving  
25 catalytic converters not lawfully possessed and to prevent criminal damage to  
26 property by theft of a catalytic converter that is disconnected from a motor  
27 vehicle in accordance with ROA 1994, §§ 8-6-22, 12-3-7, and 12-3-8; [~~and~~]

28 [(D) Facilitate timely access by law enforcement to catalytic converter  
29 transaction information through electronic reporting to the Albuquerque  
30 Police Department’s electronic reporting system, currently known as  
31 LeadsOnline;]

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1           **[(E) Deter property crime related to the theft of copper or brass**  
2 **materials throughout the City by requiring secondhand metal dealers to**  
3 **maintain detailed records of purchases; and**

4           **[(F)] [(D)]** Promote the health, safety, and welfare of the City by  
5 implementing minimum accountability standards for secondhand metal dealer  
6 businesses and help limit vulnerability of these businesses to becoming  
7 unwitting participants in the cycle of property crime.

8           **§ 13-21-3 DEFINITIONS.** For the purpose[s] of this article, the following  
9 definitions shall apply unless the context clearly indicates or requires a  
10 different meaning.

11           **[COPPER OR BRASS MATERIAL. Insulated or non-insulated copper**  
12 **wire, hardware, or cable of the type used by a public utility, commercial mobile**  
13 **radio service carrier, or common carrier that consists of at least twenty-five**  
14 **percent copper; or a copper or brass item of a type commonly used in**  
15 **construction or by a public utility, commercial mobile radio service carrier, or**  
16 **common carrier.]**

17           **PROPERTY UNIT ENFORCEMENT OFFICIAL.** Any sworn officer within  
18 the Property Crimes Division of the Albuquerque Police Department, or any  
19 person specifically assigned to the enforcement or administration of this  
20 article.

21           **SECONDHAND CATALYTIC CONVERTER.** A catalytic converter, other  
22 than a new and unused catalytic converter, that is not part of an entire motor  
23 vehicle.

24           **SECONDHAND METAL DEALER.** A scrap metal processor in the  
25 business of operating or maintaining a scrap metal yard in a physical location  
26 in which scrap metal or cast-off regulated material is purchased for shipment,  
27 sale[,] or transfer.

28           **§ 13-21-4 [SECONDHAND CATALYTIC CONVERTER TRANSACTIONS-]**  
29 **RECORDKEEPING [AND REPORTING].**

30           **[(A) RECORDKEEPING.]** [~~In addition to the reporting and recordkeeping~~  
31 ~~required by the “Sale of Recycled Metals Act” NMSA 1978[,] §§ 57-30-1~~  
32 ~~through 57-30-14, every]~~ **[Every]** secondhand metal dealer shall keep a record  
33 of each purchase of a secondhand catalytic converter. The record shall be

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1 preserved for a period of [at least three years] ~~[one year]~~ from the date the  
2 secondhand catalytic converter was purchased. Each entry shall include:

3 ~~[(A)]~~ [(1)] The name, address, and date of birth of the seller as indicated  
4 on a valid government-issued photo identification card, a notation as to the  
5 type of identification card, the jurisdiction that issued the same and the  
6 identification card number;

7 [(2) The license plate number and vehicle identification number of the  
8 vehicle used to transport the catalytic converter to the secondhand metal  
9 dealer, if applicable;]

10 ~~[(B)]~~ [(3)] The year, make, model, and VIN for the vehicle from which the  
11 catalytic converter was removed. The secondhand metal dealer must  
12 determine [and document] that the catalytic converter presented is consistent  
13 with the manufacturer’s specifications for a catalytic converter from the  
14 vehicle which the seller provided information for; and

15 ~~[(C)]~~ [(4)] A copy of the certificate of title or other verifiable  
16 documentation indicating that the ~~[person]~~ [seller] has an ownership interest  
17 in the vehicle from which the catalytic converter was removed.

18 ~~[(D)]~~ [(5)] The recordkeeping requirements [in this section] ~~[of § 13-21-4(B)~~  
19 ~~and 13-21-4(C)]~~ shall not apply to a purchase that meets the following  
20 requirements:

21 ~~[(1)]~~ [(a)] The seller of the secondhand catalytic converter is an  
22 automotive recycler licensed by the State of New Mexico pursuant to NMSA  
23 1978, § 66-4-1.1(A), who manages its inventory of secondhand catalytic  
24 converters using a stock numbering system. The stock numbering system  
25 must use a unique number that can be readily linked to VIN of the vehicle of  
26 origin.

27 [(B) REPORTING. Every secondhand metal dealer shall electronically report  
28 each purchase of a secondhand catalytic converter to the Albuquerque Police  
29 Department’s electronic reporting system, currently known as “LeadsOnline,”  
30 or any successor reporting system designated in writing by the Chief of  
31 Police.

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1 (1) Each transaction shall be reported no later than 12:00 noon on the  
2 secondhand metal dealer’s next business day following the date the  
3 secondhand catalytic converter was purchased.

4 (2) Each report shall include, at a minimum, the recordkeeping information  
5 required under ROA 1994, section 13-21-4(A), along with the date and time of  
6 the transaction and the dealer’s transaction identifier.

7 (4) In the event that the City’s electronic reporting system is temporarily  
8 unavailable, the secondhand metal dealer shall maintain all records required  
9 by ROA 1994, section 13-21-4(A) and shall submit the information by an  
10 alternative method approved by the Chief of Police, and subsequently upload  
11 the information when the system becomes available.]

12 § 13-21-5 INSPECTION [OF CATALYTIC CONVERTERS AND COPPER  
13 OR BRASS MATERIAL BY PROPERTY UNIT ENFORCEMENT OFFICIAL];  
14 HOLDING PERIOD.

15 (A) Any property unit enforcement official may inspect the full premises  
16 of the secondhand metal dealer’s place of business during normal business  
17 hours, and have free access to inspect all secondhand catalytic converters  
18 [and copper or brass material], and the corresponding transaction records  
19 required by this article. The business being inspected may escort the property  
20 unit enforcement official throughout the inspection process.

21 (B) No secondhand metal dealer shall sell, or otherwise dispose of, alter  
22 in any way, or remove any catalytic converter [and copper or brass material]  
23 from their business premises within 15 days from the date said catalytic  
24 converter was received.

25 [§ 13-21-6 COPPER OR BRASS MATERIALS TRANSACTIONS-  
26 RECORDKEEPING.

27 (A) A secondhand metal dealer in this state shall keep an accurate and  
28 legible written record, in a form approved by the department, of each purchase  
29 made in the course of the dealer’s business of copper or brass materials. Such  
30 record shall be in English and shall include the following information:

- 31 (1) the place, date, and time of the purchase;
- 32 (2) the name and address of each person from whom the copper or
- 33 brass material was purchased or obtained;

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- 1       (3) the identifying number of the personal identification document of
- 2       each person from whom the copper or brass material is purchased or
- 3       obtained, including, if applicable, a contractor’s license number and
- 4       qualifying party number as required by the Construction Industries
- 5       Licensing Act, NMSA 1978, sections 60-13-1 to -59;
- 6       (4) the year, make, model and license plate number of the motor vehicle
- 7       used to transport the copper or brass material, if applicable;
- 8       (5) a description, made in accordance with the custom of the trade, of
- 9       the type and quantity of copper or brass material purchased; and
- 10       (6) a signed, written statement provided by the secondhand metal deal
- 11       er that the person selling the copper or brass material is the legal owner
- 12       of or is lawfully entitled to sell the copper or brass material.

13       (B) During the transaction, a secondhand metal dealer may take a digital  
14 photograph, with a date and time stamp, of:

- 15       (1) the seller of the copper of brass material, and
- 16       (2) the copper or brass material in the form in which it was purchased or
- 17 obtained by the secondhand metal dealer.

18       (C) A secondhand metal dealer shall preserve each record required by this  
19 section until the first anniversary of the date the record was made.

20       § 13-21-7 PAYMENT BY CHECK

21       A secondhand metal dealer or the dealer’s agent, employee, or  
22 representative shall pay for all purchases subject to this ordinance only by  
23 check.

24       §13-21-98 RELATIONSHIP TO STATE LAW.

25       The recordkeeping and reporting requirements of this Ordinance  
26 supplement and do not replace the secondhand metal dealer’s obligations  
27 under the Sale of Recycled Metals Act, NMSA 1978, sections 57-30-1 through  
28 57-30-14. This Ordinance shall be construed to be consistent with, and no  
29 more stringent than, state requirements.]

30       § 13-21-99 PENALTY.

31       (A) Any secondhand metal dealer [found to have violated] [violating] any of  
32 the provisions of this article shall be deemed guilty of a misdemeanor and  
33 upon conviction thereof shall be subject to the penalty provisions set forth in

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1 § 1-1-99 of this code of ordinances. Each day of violation shall be considered  
2 a separate offense.

3 (B) Notwithstanding the above, the city may also pursue the penalties  
4 permitted under NMSA 1978~~[ ]~~ § 30-16D-7, “Operating a Chop Shop” and  
5 NMSA 1978, §§ 57-30-1 et seq., the “Sale of Recycled Metals Act” for  
6 infractions related to the purchase, sale, or acquisition of any catalytic  
7 converter that is disconnected from a motor vehicle.

8 SECTION 2. SEVERABILITY. If any section, paragraph, sentence, clause,  
9 word or phrase of this ordinance is for any reason held to be invalid or  
10 unenforceable by any court of competent jurisdiction, such decision shall not  
11 affect the validity of the remaining provisions of this ordinance. The Council  
12 hereby declares that it would have passed this ordinance and each section,  
13 paragraph, sentence, clause, word or phrase thereof irrespective of any  
14 provision being declared unconstitutional or otherwise invalid.

15 SECTION 3. COMPILATION. Section ‘1’ of this Ordinance amends, is  
16 incorporated in, and is to be compiled as part of the Revised Ordinances of  
17 Albuquerque, New Mexico, 1994.

18 SECTION 4. EFFECTIVE DATE. This Ordinance takes effect five days after  
19 publication by title and general summary.

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