

GENERAL ORDINANCE NO.9-2023

BY COUNCIL PRESIDENT COLLINS-BELLAMY, MAJORITY LEADER DIAZ, MAJORITY WHIP RUBBO, MINORITY LEADER BREEN, COUNCILMEMBERS, WILLIAMS, PINEDA –ISAAC AND MERANTE:

GENERAL ORDINANCE AMENDING PART VII OF THE CODE OF THE CITY OF YONKERS ENTITLED NUISANCES, PUBLIC WELFARE AND CRIMINAL TO ADD A NEW CHAPTER 88 TO BE ENTITLED "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:

Section 1. Part VII of the Code of the City of Yonkers entitled "Nuisances, Public Welfare and Criminal", is hereby amended in part by adding a new Chapter 88 entitled, "Catalytic converters: recordkeeping for purchase, sale and installation" to read as follows:

Part VII: Nuisances, Public Welfare and Criminal

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 shop, 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:

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- 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 two (2) years.
- B. The records maintained pursuant to this chapter must be electronic, in a standard computer searchable format and made available to the City of Yonkers Consumer Protection Consumer Protection Department for purposes of an official investigation or when approved by the Consumer Protection Consumer Protection Commissioner or his/her designee.
- C. The records maintained pursuant to this chapter must be turned over to the City of Yonkers Consumer Protection Consumer Protection 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.

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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 Consumer Protection Department upon demand.

F. Each business subject to the provisions of this chapter shall submit a certification report to the Consumer Protection 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 Consumer Protection 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 § 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.

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Section 2. This ordinance shall take effect immediately and pursuant to §C4-6 of the Charter of the City of Yonkers.

THIS GENERAL ORDINANCE WAS ADOPTED BY THE CITY COUNCIL AT A STATED MEETING HELD ON TUESDAY, APRIL 25, 2023. BY A VOTE OF 7-0.


COUNCIL PRESIDENT

5-2-2023
DATE

SENT TO MAYOR 5-3-2023
DATE


MAYOR

APPROVED 5/8/23
DATE

ATTEST: 
CITY CLERK

5/9/23
DATE