

## Legislation Text

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**File #:** 140750, **Version:** 1

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Amending Section 9-613 of The Philadelphia Code, entitled “Junk Dealers,” to establish additional requirements in connection with engaging in the business of a junk dealer, all under certain terms and conditions.

*THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:*

SECTION 1. Section 9-613 of The Philadelphia Code, entitled “Junk Dealers,” is amended as follows:

§ 9-613. Junk Dealers.

(1) Definitions.

\* \* \*

(c) *HVAC component. Any evaporator coil or condenser used in connection with an air conditioner of any size.*

(2) Records Required.

(a) All junk dealers shall *provide receipts to sellers and* maintain adequate records [of] *in connection with* all business transactions pertaining to bronze, copper, all plumbing fixtures such as pipes, bathtubs, toilets, sinks and all similar material, *and all HVAC components*, as well as any other items of which they may be required to keep a record in accordance with certain regulations promulgated by the Department of Licenses and Inspections.

(.1) Such *receipts and* records shall include information stating the name, address and commercial activity license number of the person and/or company with whom the junk dealer is transacting business; the type and amount of material involved in the transaction; the date of the transaction; *the amount paid or received in connection with such transaction*; and such other information [and] *as may be required by* any regulations [as] the Department of Licenses and Inspections shall from time to time promulgate.

\* \* \*

(.3) The records of a junk dealer, *including those required under subsection (3) of this Section*, shall be retained for a period of two (2) years after the date of a transaction.

(.4) *In addition to the information required under subsection (a)(.1) to be set forth on a receipt for purchase of materials, the receipt shall contain the following statement: “By accepting payment from [Insert name of Junk dealer], seller represents and warrants that the material documented by this receipt is owned or was lawfully obtained by the seller and the seller has the legal right to sell such materials.”*

(3) Prohibited Conduct. No junk dealer shall handle, store, buy, sell, sort, pick or otherwise process any of the following items unless the person who sells such an item to the junk dealer provides proof of lawful possession and ownership of the materials or authorization to sell the materials on behalf of a documented owner: utility covers[,]; cables used only in high voltage transmission lines; historical markers; cemetery plaques; traffic signs; refuse containers or refuse container components; HVAC components; new materials or new or used equipment or tools used in connection with building construction; or catalytic converters. Proof of lawful possession must be reasonable, taking into account the quantity and condition of the items.

(4) No junk dealer shall purchase any of the types of materials or items identified in subsections (2) (a) or (3) with any form of payment other than by check.

[(4)] (5) \* \* \*

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**Explanation:**

[Brackets] indicate matter deleted.

*Italics* indicate new matter added.