

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING §§ 123.36, 123.35 AND 123.01 AND REPEALING §123.02 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) RELATING TO THE REGULATION OF SECONDARY METALS RECYCLERS. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBERS FOX, FOWLER, AND MULVIHILL

WHEREAS, recent amendments were made to LMCO § 123.36 regarding the time which vehicles sold to secondary metals recyclers without a valid title must be held before alteration; and

WHEREAS, the size and number of such vehicles would require many acres of additional storage area in which to hold unaltered vehicles for ten days; and

WHEREAS, vehicles sold to secondary metals recyclers with a valid title under LMCO § 123.35 do not require a holding period; and

WHEREAS, a technical correction to a reference to state law in LMCO 123.01 is also needed; and

WHEREAS, a jurisdictional limitation in LMCO 123.02, on the enforcement of LMCO Chapter 123 in suburban cities of 10,000 or more, has caused confusion for affected businesses and law enforcement, while hindering LMPD’s ability to locate stolen goods using online tools;

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“THE COUNCIL”) AS FOLLOWS:

SECTION I: LMCO § 123.35 is hereby amended as follows:

Gold, silver, precious metals, regulated property and/or restricted metals purchased by a secondary metals recycler shall not be sold, modified, altered or destroyed for a period

of ten calendar days after the date of purchase by a secondary metals recycler. The property purchased must be kept in its original form, uncommingled, along with a copy of the transaction record, as set forth in § 123.32, on the premises of the business location during the holding period for purposes of inspection, if necessary, as provided by this subchapter. This section shall not apply to ferrous or nonferrous metals that are intended for scrap or recycling and are not defined as restricted metals, nor shall it apply to vehicles transferred to a secondary metals recycler with a valid certificate of title.

SECTION II: LMCO § 123.36 is hereby amended as follows:

(C) ~~Vehicles purchased for purposes of scrapping or dismantling for parts shall not be sold, altered, modified, or destroyed for a period of ten calendar days after the date of purchase, unless the vehicle was transferred with a valid certificate of title executed under KRS 186A.215.~~ Motor vehicles purchased without a title shall be maintained on the purchaser's premises for a minimum of 48 hours after purchase in a condition in which a Vehicle Identification Number (VIN) physically located on the vehicle can be visually inspected by law enforcement.

SECTION III: The definitions in LMCO § 123.01 are being amended as follows:

SECONDARY METALS RECYCLER. Any person(s) or business who meets the definition of "Secondary Metals Recycler" in KRS ~~434.900~~ 433.900.

SECTION IV: LMCO § 123.02 is repealed in its entirety.

SECTION V: This Ordinance shall take effect upon its passage and approval.

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____
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