

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING §§ 123.35 AND 123.01 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) RELATING TO THE REGULATION OF SECONDARY METALS RECYCLERS.

SPONSORED BY: COUNCIL MEMBERS FOX AND MULVIHILL

WHEREAS, recent amendments to LMCO § 123.35 regarding the number of days restricted property must be held before alteration were applied to motor vehicles sold to secondary metals recyclers; 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, a technical correction to a reference to state law in LMCO 123.01 is also needed.

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:

(A) Except as provided in subsection (B), 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.

(B) Motor vehicles purchased by a secondary metals recycler shall be maintained on the recycler's business 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 II: The following 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 III: 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: _____

O-403-21 Vehicle hold 8-6-21 al.docx