



# Louisville Metro Government

## Legislation Details (With Text)

**File #:** O-403-21      **Version:** 2      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 8/9/2021      **In control:** Metro Council  
**On agenda:** 10/28/2021      **Final action:** 10/28/2021  
**Title:** 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)  
**Sponsors:** Pat Mulvihill (D-10), Mark Fox (D-13), Cindi Fowler (D-14)  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. O-403-21 V.2 CABS 102021 Amend LMCO 123 RE Secondary Metal Recyclers.pdf, 2. O-403-21 PROPOSED CABS 091521 METAL RECYCLERS.pdf, 3. O-403-21 V.1 081221 Amend LMCO 123 RE Secondary Metal Recyclers.pdf, 4. ORD 159 2021.pdf

Date	Ver.	Action By	Action	Result
10/28/2021	2	Metro Council	passed	Pass
10/20/2021	1	Public Safety Committee	amended	
10/20/2021	1	Public Safety Committee	reconsidered	Pass
10/20/2021	1	Public Safety Committee	recommended for approval	Pass
10/20/2021	1	Public Safety Committee	recommended for approval	Pass
10/20/2021	1	Public Safety Committee	amended	Pass
10/6/2021	1	Public Safety Committee	held	
9/15/2021	1	Public Safety Committee	held	
9/1/2021	1	Public Safety Committee	held	
8/18/2021	1	Public Safety Committee	held	
8/12/2021	1	Metro Council	assigned	

### 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.

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Sonya Harward  
Metro Council Clerk

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David James  
President of the Council

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Greg Fischer  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O’Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

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