

ORDINANCE NO. \_\_\_\_\_, SERIES 2025

**AN ORDINANCE AMENDING THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) CHAPTER 51 REGARDING PENALTY ENHANCEMENT FOR ILLEGAL DUMPING.**

**SPONSORED BY: COUNCIL MEMBERS SEUM, JOSEPH, BAST, BRATCHER AND MULVEY-WOOLRIDGE**

**WHEREAS**, the Department of Public Works is committed to providing the highest quality of public services and enhancing the quality of life for Louisville Metro Citizens; and

**WHEREAS**, Louisville Metro Government enacted an ordinance in 2012 to address illegal dumping which has had a positive effect, but additional steps are required; and

**WHEREAS**, Louisville Metro Government desires to increase penalties to further disincentivize illegal dumping and to penalize repeat offenders.

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

**SECTION I:** Section 51.510 of the LMCO is hereby amended as follows:

(A) *Illegal dumping.* No person shall deposit, drop, dump, place, or throw any waste or hazardous waste onto public or private property that is not licensed for the purpose of disposal of waste by the Louisville/Jefferson County Metro Government Waste Management District and in compliance with all applicable laws and regulations. Illegal dumping does not include the discarding of small quantities of waste related to consumer goods that are reasonably understood to be ordinarily carried on or about the body of a living person, including, but not limited to, beverage containers and closures, packaging, wrappers, wastepaper, ~~newspaper, magazines,~~ or other similar waste that escapes or is allowed to escape from a container, receptacle, or package.

(B) *Approved containers.*

(1) No person shall dispose of any waste in an unclean and unsanitary manner. All waste shall be placed in approved containers expressly provided for use by the property owner upon which the solid waste is placed and the owner of the premises shall be responsible for the removal of such waste.

(2) No person shall tamper with, remove from, or deposit materials into any container not owned by them or expressly provided for their use.

(3) No person shall upset or overturn the contents of any waste or recycling container on any street, alley, or other public or private place.

(4) Public solid waste receptacles placed on sidewalks and streets by or with the approval of Louisville Metro Government shall be used only for such solid waste materials as a pedestrian may have for disposal. Such receptacles shall in no case be used for the disposal of solid wastes accumulated in residences or places of business.

(C) *Bulky waste.* No person shall dispose of any bulky waste, which is any solid waste, other than putrescible waste, in an unclean and unsanitary manner. All bulky waste set out for disposal shall satisfy the project pick-up requirements and/or limitations imposed by Louisville Metro Government and be placed upon the property from which the waste is or was generated.

(D) *Nuisance.* No person may cause a public nuisance, defined as an annoyance, hazard, injury, or the unlawful obstruction of a right of way or other public or private property, including, but not limited to, permitting or causing the presence, or accumulation of waste, rubbish, junk, trash or non-operable appliances or equipment.

(E) *Definitions.* For the purposes of this section only, the following terms have the following meanings:

**HAZARDOUS WASTE** , as defined in KRS 224.01-010(31)(b), means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

**WASTE** means any form of tangible matter described by any of the following:

(a) All forms of garbage, refuse, rubbish, recyclable materials, tires, roofing materials, and solid waste.

(b) Dirt, soil, rock, decomposed rock, gravel, sand, or other aggregate material dumped or deposited as refuse.

(c) Abandoned or discarded furniture; or commercial, industrial, or agricultural machinery, apparatus, structure, or other container; or a piece, portion, or part of these items.

(d) All forms of liquid waste including, but not limited to, water-based or oil-based paints, chemical solutions, water contaminated with any substance rendering it unusable for irrigation or construction, oils, fuels, and other petroleum distillates or byproducts.

(e) Any form of biological waste not otherwise designated by law as hazardous waste, including, but not limited to, body parts, carcasses, and any associated container, enclosure, or wrapping material used to dispose these matters.

(F) *Impoundment*. Metro Government shall impound a motor vehicle used in violation of the provisions of § 51.510(A) as follows:

(1) For a first offense, a motor vehicle utilized in furtherance of illegal dumping in violation of § 51.510(A) will be impounded for a period of three (3) days.

(2) For a second offense within a five-year period, a motor vehicle utilized in furtherance of illegal dumping in violation of § 51.510(A) will be impounded for a period of thirty (30) days.

(3) For a third or subsequent offense within a five-year period, a motor vehicle utilized in furtherance of illegal dumping in violation of § 51.510(A) will be impounded for a period of ninety (90) days.

~~—(1) A motor vehicle used for illegal dumping, in violation of § 51.510(A), will be impounded for a period of 12 months.~~

~~—(2) A motor vehicle used in violation of § 51.510(B) – (E) will be impounded for a period of six months.~~

~~(34) The length of impoundment imposed may be decreased by the Code Enforcement Board during following an appeal under subsection (J), ~~or upon payment to the Louisville/Jefferson County Metro Government Waste Management District of a specific civil fine of \$500 per citation received, pursuant to § 51.510(J)(5).~~~~

(5) The Code Enforcement Board should evaluate, among all other relevant facts, the following factors when considering a modification to the impoundment period:

(a-) The size and nature of the violation; and

(b-) Whether the violation occurred for a business purpose; and

(c) Number of violations within a five-year period from the date of the offense.

~~(46) Any The release of any impounded motor vehicle under this section shall also meet the release requirements of § 51.510(I).~~

(G) *Authority to enforce.* Waste Management Compliance Officers, LMPD police officers, Code Enforcement Officers, and any other city official authorized to enforce any provision of the Louisville Metro Code shall have the authority to enforce any provision of this section.

~~—(1) Any official authorized to enforce any provision of this section shall be permitted to issue a citation and/or impound a vehicle for a violation of this section based on video surveillance, photographs, the official's personal observation and/or the sworn testimony by one or more eyewitnesses.~~

(H) ~~*Towing, handling, and storage Administrative Costs.*~~ Metro Government, in addition to the any civil fines imposed pursuant to subsection (S) levied for the offense, may impose reasonable towing, and handling, and storage charges upon such impounded vehicle and the costs of clean-up, removal and disposal of the waste that is dumped in violation of this section.

(I) *Release Bond.* Any motor vehicle impounded under this section shall be held for a minimum of 72 hours. After 72 hours, Louisville Metro may release the motor vehicle to the owner or other person entitled to possession only upon the filing of an appeal pursuant to LMCO § 32.283 and the posting of a bond equivalent to the civil fine imposed pursuant to the issued citation and the administrative costs pursuant to subsection (H). ~~and Metro Government shall condition the release of a motor vehicle impounded under this section, only upon a showing of payment of any outstanding unpaid citations that have become final, any administrative charges, any towing, handling, impoundment and storage charges imposed thereon, and upon proper showing of a receipt from a Louisville Metro Waste Management District licensed solid waste management disposal facility that the illegally disposed waste has been properly cleaned up and has been legally disposed of,~~

~~unless the owner or other person entitled to possession challenges the validity of the impoundment pursuant to § 51.510(J). In addition to the release requirements imposed under this section, a motor vehicle may be released to the owner or other person entitled to possession, only upon proof of ownership or right to possession. Metro Government may require reasonable security, bond, or other assurances of indemnification from a person who is not the registered owner of the vehicle prior to releasing the vehicle to such person.~~

*(J) Appeal of vehicle impoundment to Code Enforcement Board.*

(1) Within ten days of the issuance of citation or impoundment of a vehicle, any person against whom a citation has been issued, ~~and/or the owner of a motor vehicle, and/or any person entitled to possession of a vehicle that has been~~ impounded pursuant to this section, ~~or other person entitled to possession,~~ may challenge the validity of such impoundment and request in writing a hearing before the Code Enforcement Board. The hearing shall be conducted within ten business days of the date of the request, unless the owner or other person entitled to possession waives the limitation or Metro Government shows good cause for such delay. Metro Government shall retain possession of the vehicle pending the hearing, unless the owner or other person claiming right of possession posts a bond pursuant to subsection (I) ~~in an amount equal to the all fines, costs and fees accrued as of the date of the hearing request or \$500, whichever is less.~~

(2) No less than five days prior to the date set for the hearing, Metro Government shall notify the person requesting the hearing of the date, time, and place of the hearing.

(3) Any person who refuses or, except for good cause, fails to appear at the time and place set for the hearing shall be deemed to have conceded on his or her and the owner's behalf the validity of the impoundment.

(4) At the hearing, after consideration of the evidence, the Code Enforcement Board shall determine whether the impoundment was justified. ~~was valid and reasonable.~~

(a) Where it has not been established that the impoundment was justified, an order releasing the vehicle shall be entered. All fines and fees paid or amounts posted, ~~with the exception of final outstanding citations paid,~~ as bond because of the impoundment of the vehicle shall be returned.

(b) Where it has been established that the impoundment was justified, the Board shall uphold the impoundment and condition the release of the vehicle upon payment of all fines and fees accruing thereto. If bond has been posted as security for release of the vehicle, said bond shall be forfeited to Metro Government. ~~Any fines or fees in excess of the amount of the bond posted shall be ordered to be paid by the owner of the vehicle to Metro Government. The Code Enforcement Board shall furnish the owner or person appearing on the owner's behalf with a copy of its order.~~

(5) Any person who is charged with illegal dumping under this section, who does not wish to challenge the validity of such citation and/or impoundment and who does not wish to request a hearing before the Code Enforcement Board, ~~shall pay a specific civil fine of \$500 per citation received~~ may in lieu of a hearing and following the applicable impoundment period pursuant to subsection (F), pay the applicable civil fine amount and fees pursuant to subsections (H) and (P). ~~The applicable impoundment period shall be imposed pursuant to subsection (F). Said citation shall be paid to the Louisville/Jefferson County Metro Government Waste Management District. In addition to the civil fine imposed under this section, Louisville Metro may, pursuant to § 51.510(Q), impose an additional administrative fee to offset the costs associated with inspection, clean-up, removal and disposal of waste that is dumped in violation of this section.~~

~~(K) Evidentiary standards of review for impoundment and citations.~~

~~(1) The Code Enforcement Board may consider a citation and any other written report made under oath by the issuing officer in lieu of the officer's personal appearance at the hearing.~~

~~(2) Evidence to be considered by the Code Enforcement Board may be in the form of, but not necessarily limited to, video surveillance, photographs, and/or the sworn testimony by one or more eyewitnesses.~~

~~(L)~~ (K) *Appeal from Hearing Board to District Court.*

(1) An appeal from the Code Enforcement Board's determination may be made to the Civil Division of Jefferson District Court within ~~seven~~ thirty days of the Board's determination. The appeal shall be initiated by the filing of a complaint and a copy of the Board's order in the same manner as any civil action. The action shall be tried de novo and the burden shall be on Metro Government to establish that impoundment was justified. If the Court finds that the impoundment was justified, the owner shall be ordered to pay all fees and fines accruing as of the date of judgment. If the Court finds that the impoundment was not justified, Metro Government shall be ordered to release the vehicle, if applicable, and to return all civil fines and any fees paid as a result of the impoundment ~~and the plaintiff shall be authorized to recover his or her costs.~~

(2) The judgment of the Jefferson District Court may be appealed to the Jefferson Circuit Court, in accordance with the Rules of Civil Procedure.

~~(M)~~ (L) *Impoundment; response to notice required.* If a hearing has not been requested pursuant to § 51.510(J), or if within ten business days of the end of the impoundment period, a motor vehicle impounded by Metro Government has not been claimed, notice shall be mailed by certified mail to the registered owner, if known, and lien holders of

record, if any, affording the parties the right within ten days from the date of notice to claim the vehicle or request a hearing pursuant to KRS 82.625. The notice shall state that, if no hearing is requested, the vehicle shall be deemed abandoned unless the charges thereon are paid within 45 days of the certified mailing of the notice.

~~(NM)~~ *Impoundment; escheat to Metro Government if no response to notice.*

(1) After 45 days from the date of notice required by § 51.510(M), an impounded motor vehicle shall be deemed abandoned and the vehicle shall escheat to Metro Government.

(2) If the vehicle is judged suitable for use, Metro Government may obtain a certificate of registration and ownership from the Jefferson County Clerk, pursuant to KRS 186.020 and either use the vehicle for governmental purposes or sell the vehicle at public auction to the highest bidder. If the vehicle is not suitable for use it may be sold for its scrap or junk value.

~~(ON)~~ *Metro Government lien on vehicles impounded.* Metro Government shall possess a lien on a motor vehicle impounded, pursuant to KRS 82.625 for all fines, penalties, and towing, and handling, ~~and storage~~ charges and fees imposed thereupon. Such lien shall be superior to and have priority over all other liens thereupon.

~~(PO)~~ No effect on security interest in vehicle. Nothing in these provisions shall otherwise affect the rights or obligations between the owner of the motor vehicle and those persons who claim a security interest therein.

~~(Q)~~ ~~*Release of impounded vehicle; impoundment fees paid.*~~ In addition to the release requirements imposed under § 51.510(l), any motor vehicle impounded pursuant to this section may be released to the appropriate owner or other person entitled to possession of the vehicle upon payment of all towing and impoundment fees incurred, in addition to

~~any fines imposed under § 51.999. In addition to those impoundment fees, Louisville Metro may impose administrative fees to offset the costs associated with inspection, clean-up, removal and disposal of waste that is dumped in violation of this section.~~

~~(R) *Clean up and administrative fees and costs.* Louisville Metro may clean up any illegally dumped waste that it feels poses a risk or is a threat to the health, safety and welfare of the public. Louisville Metro may, pursuant to § 51.510(Q), impose administrative fees to offset the costs associated with inspection, clean-up, removal and disposal of waste that is dumped in violation of this section.~~

(P) *Civil Fines.* Any person or entity found to be in violation of LMCO § 51.510 shall be subject to a civil fine of \$500 for the first offense. A second offense committed within a five-year period from the date of a previous offense shall be subject to a civil fine of \$1,000. A third offense or greater committed within a five-year period from the date of a previous offense shall be subject to a civil fine of \$2,000.

(Q) *Impoundment.* Failure to file an appeal of a citation with the Code Enforcement Board shall result in the maximum impoundment period. When a Citation is appealed the impoundment period shall be within the discretion of the Code Enforcement Board. In the instance that the vehicle is found to be properly impounded pursuant to a Final Order as defined in LMCO § 32.275, in addition to all other requirements, release of the vehicle shall only be permitted only upon the payment of all fines and fees pursuant to subsections (H) and (P).

**SECTION II:** Section 51.999(C) of the LMCO is hereby amended as follows:

(C) Any person who violates §§ 51.501, 51.502, or 51.503, ~~or 51.510~~, or who fails to perform any of the duties imposed by these sections, or who violates any determination, permit, administrative regulation or order of the Waste Management District or the

Department promulgated pursuant thereto, shall be liable for a civil penalty of not less than \$250 nor more than \$5,000. Each day upon which a violation occurs shall constitute a separate violation. For a first offense within a two-year period, a specific civil fine of \$250 per day will be imposed for each offense if the person who has committed the offense does not contest the citation. For each subsequent offense committed within a two-year period from the date of payment or conviction on the first offense, a specific civil fine of \$500 per day will be imposed for each offense if the person who has committed the offense does not contest the citation.

**SECTION III.** This Ordinance shall take effect upon its passage and approval, or otherwise becoming law.

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Sonya Harward  
Metro Council Clerk

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Brent Ackerson  
President of the Council

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Craig Greenberg  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

By: \_\_\_\_\_