

ORDINANCE NO. _____, SERIES 2025

AN ORDINANCE AMENDING SECTIONS 123.01 THROUGH 123.06, AND SECTIONS 123.32, 123.35, 123.37 AND 123.99, AND CREATING A NEW SECTION OF CHAPTER 123 OF THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") REGARDING REGULATED PROPERTY AND RESTRICTED METALS. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER KRAMER

WHEREAS, the City of Louisville has experienced a significant increase in incidents of copper theft, posing risks to public and private infrastructure and safety; and

WHEREAS, the theft of copper wiring from streetlights, communication poles, and traffic signals endangers public safety by disrupting essential lighting, communications, and traffic management systems; and

WHEREAS, such thefts create a risk of communication failures, potentially compromising emergency response services and public safety; and

WHEREAS, the financial impact of these crimes includes extensive damage to public and private property, exceeding the monetary value of the stolen copper itself; and

WHEREAS, incidents of vandalism, including the cutting of fiber optic cables mistaken for copper, exacerbate the disruption to essential services and infrastructure; and

WHEREAS, the allocation of resources for repairs resulting from these thefts diverts both financial and personnel efforts from other critical community needs and services.

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

SECTION I: LMCO Section 123.01 is amended as follows:

For purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMODITY METALS. Any metal containing primarily brass, copper, copper alloy, aluminum, stainless steel, or magnesium, or any other metal trading on the commodity markets that trades in pounds, rather than ounces, except aluminum single serving beverage cans shall not be considered commodity metals.

DEPARTMENT. Department of Specialty Permits and Licenses within the Louisville Metro Government Alcoholic Beverage Control Administrator's Office.

ELECTRICAL WIRE. Copper, aluminum, or other conductors or cables used to convey electricity by utility companies.

FERROUS METALS. Any metal consisting primarily of iron or steel. Ferrous metal includes alloys thereof, or an object containing ferrous metal or an alloy thereof.

HIGHWAY LIGHTING WIRE. Multi-strand #6 or #7 copper wire or cable.

INFRASTRUCTURE WIRING. Telecommunications wire, highway lighting wire, and electrical wire.

INVESTMENT PURPOSES. The purchase of regulated property by persons and the retention of that property in the same form as purchased, for resale to persons who are purchasing the property primarily as an investment.

LOUISVILLE METRO. The geographic boundaries of Jefferson County, Kentucky.

MOBILE DEALERS. Any person(s), business, or organization who loans money on deposit of gold, silver, precious metals, regulated property, and/or personal property, or who deals in the purchase of gold, silver, precious metals, and/or personal property, who advertises the loan or purchase of gold, silver, precious metals and/or personal property by any means including but not limited to signs, newspapers, radio and television ads, internet advertisements or postings, or any other media and in making said transactions utilizes a mobile vehicle as defined under this section.

MOBILE VEHICLE. Any machine or device, on or by which any person or property is or may be transported or drawn on any street, which is powered by an internal combustion, diesel, or electric engine and/or motor, horsepower or which is powered by human power.

MOTOR VEHICLE DEALERS. Any person who exclusively deals in new or used cars.

NONFERROUS METAL. Metals not consisting primarily of iron or steel. Nonferrous metal shall include any nonferrous metal or an alloy thereof, or an object containing nonferrous metal or an alloy thereof.

PAWNBROKER. Any person who loans money on deposit of personal property, or who deals in the purchase of personal property on condition of selling the property back again at a stipulated price, or who makes a public display at his place of business of the sign generally used by pawnbrokers to denote their business, or who publicly exhibits a sign advertising money to loan on personal property or deposit is a pawnbroker.

PERSON. Any individual, partnership, corporation or other business entity.

PRECIOUS METALS. Any metal that is valued for its character, rarity, beauty, quality, or worth, including, but not limited to gold, silver, platinum or any other such metals, whether as separate items or in combination as a piece of jewelry.

REGULATED PROPERTY. The following property, which is used or secondhand:

- (1) Ferrous, nonferrous and precious metals.
- (2) Gems including but not limited to any gem that is valued for its character, rarity, beauty or quality, including diamonds, rubies, emeralds, sapphires or pearls, or any other such gems or stones, whether as a separate item or in combination as a piece of jewelry.
- (3) Jewelry containing metals or gems including, but not limited to, rings, necklaces, pendants, earrings, brooches, bracelets, or chains.
- (4) Watches, including, but not limited to, pocket watches, wrist watches, or stop watches.
- (5) Sterling silver, including, but not limited to, flatware, candleholders, coffee and tea sets, ornamental objects, champagne flutes, wineglasses, or serving pieces such as platters, bowls, trays, water pitchers, open bakery, ice buckets, shell dishes or salt and pepper shakers.
- (6) Audio equipment and accessories, including, but not limited to, tape players, tape decks or players, compact/digital disc players and compact discs, sound metering devices, tuners, amplifiers, speakers, transceivers, equalizers, receivers, phonographs, turntables, stereos, radios, clock radios, satellite radios, car stereos, car speakers, radar detectors, broadcasting equipment or citizen band radios/transceivers.
- (7) Video and ~~digital~~ photographic or optical equipment and accessories, including, but not limited to, televisions, videotape or digital videodisc recorders, videotape or digital videodisc players, video cameras, video monitors, ~~or~~ video game consoles.
- ~~—(8) Photographic and optical equipment and any accompanying bags, including, but not limited to, cameras, camera lenses, camera filters, camera motor drives, light meters, flash equipment, movie projectors, slide projectors, photography processing equipment, photography enlarging equipment, binoculars, telescopes, opera glasses, microscopes, surveying equipment, rifle scopes, spotting scopes, or electronic sighting equipment.~~
- (9 ~~8~~) Electrical office equipment, including, but not limited to, telefax machines, laser printers, copiers, duplicators, typewriters, calculators, cash registers, transcribers, dictaphones, computers, modems, monitors, or any computer equipment or accessories having uniquely identifiable parts.
- ~~(10~~ 9) Power yard and garden tools, including, but not limited to, garden tractors, lawn mowers, rototillers, lawn sweepers, weed or brush cutters, edgers, trimmers, blowers, chippers, shredders, or ladders.
- ~~(11~~ 10) Power equipment and tools, including, but not limited to, air hammers, air tools, nail guns, power staplers, power saws, power sanders, chainsaws, power planers,

power drills, routers, lathes, joiners, shop vacuums, paint sprayers and accessory equipment, generators, air compressors, pressure washers or logging equipment.

(12 ~~11~~) Automotive and hand tools, including, but not limited to, wrench sets, sockets sets, screw driver sets, pliers, vise grips, tool boxes, auto body hammers, jacks or timing lights.

(13 ~~12~~) Telephones or telephone equipment, including, but not limited to, telecommunications cabling, office telephones, portable home telephones, mobile telephones, cellular telephones or answering machines.

(13) Infrastructure wiring.

(14) Sporting equipment, including, but not limited to, bicycles, golf clubs and bags, pool cues or cases, skis, ski boots, snowboards, fishing rods or reels, or skates.

(15) Outboard motors and boating accessories, including, but not limited to, outdrives, props, inboard engines, boat covers, tops or unlicensed boat trailers.

(16) Microwave ovens that are not intended for scrap or recycling.

(17) Motor vehicles, other than as set forth in subsection (19)(a), below.

(18) Gift cards, including, but not limited to those that can be used as a form of payment at convenience stores, gas stations, grocery stores, restaurants, retail stores, and online, or exchanged for money or other valuable consideration.

(19) Regulated property does not include any of the following property:

(a) Motor vehicles dealt in by motor vehicle dealers licensed under KRS 190.030 or purchased fully in accordance with § 123.36;

(b) Boats;

(c) Books, magazines, beta and VHS video tapes, and comic books;

(d) Glassware, objects d'art, or sports cards and sports memorabilia;

(e) Furniture;

(f) Refrigerators, stoves, washers, dryers and other similar major household appliances;

(g) Property purchased by a pawnbroker, secondhand dealer, or secondary metals recycler from another pawnbroker, secondhand dealer, or secondary metals recycler if the property is accompanied by proof of purchase from a verifiable business entity;

(h) Postage stamps, stamp collections and philatelic items;

(i) Clothing;

~~—(j) Ferrous metals and nonferrous, including items listed in subsections (6) through (16) above, when purchased by a scrap processor and which items are in such condition that their highest and primary value is either in sale or transfer as scrap metal;~~

(k j) Nonferrous or ferrous metals purchased by a scrap processor pursuant to a written contract from a manufacturing, industrial or other commercial vendor that generates such metals in the ordinary course of business; and

(l k) A total of five or less compact discs, digital video discs, Blu-Ray discs and/or video games purchased in any combination from a single seller in a 24-hour period.

RESTRICTED METALS. Any of the following metal items:

- (1) Manhole covers;
- (2) Electric light poles or other utility poles;
- (3) Guardrails;
- (4) Street signs, traffic signs, or traffic signals;
- (5) Whole road tiles;
- (6) Metal items or pieces of metal items used to identify or decorate a burial site, cemetery, or mausoleum, including but not limited to monuments, markers, vases, benches, plaques, medallions, and any metal base or foundation on which those items rest or are mounted;
- (7) Railroad equipment, including but not limited to a tie plate, signal house, control box, switch plate, e-clip, or rail tie junction;
- (8) Condensing or evaporating coils made from copper, aluminum, or aluminum-copper, including the tubing or rods from a heating or air conditioning unit that is not from a window air conditioning unit or automobile air conditioning unit;
- (9) Stainless steel beer kegs;
- (10) A catalytic converter or any nonferrous part of a catalytic converter, unless attached to a vehicle; or
- (11) Storm drain covers.

SCRAP PROCESSORS. Any person who utilizes torches, sheers, balers, presses, or shredders to manufacture scrap metal for remelting purposes only.

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

SECONDHAND DEALER. Any person or entity whose business includes buying, selling, trading, consigning, or exchanging previously owned or used tangible personal property, regardless of whether secondhand articles are the primary focus of the business or whether the dealer is a mobile dealer.

TELECOMMUNICATIONS WIRE. Wired communications facility, wireless communications facility, fiber, copper cable sheathed, or twisted-pair wire without sheathing. This definition includes tower, antennae, buss bar, copper ground support structures, batteries, burnt wire, and all associated aerial or ground-based cable lines or equipment.

SECTION II: LMCO Section 123.03 is amended as follows

(A) Except as provided in subsection (F) of this section, it shall be unlawful for any pawnbroker, secondhand dealer, or secondary metals recycler to engage in business within Louisville/Jefferson County except when licensed by the Department of Codes and Regulations under this section and in compliance with the provisions of this chapter.

(B) Before commencing business within Louisville/Jefferson County, each business required to be licensed under this section shall make application in writing and under oath to the Department of Codes and Regulations and shall pay the required license fees.

(C) Businesses licensed under this section shall be required to maintain a separate license for each business location.

(D) The Director of the Department of Codes and Regulations may set and enforce rules and regulations deemed necessary for the orderly and complete administration of this chapter which are not inconsistent with any of the provisions of this chapter. A copy of the administrative regulations as promulgated by the Director of the Department of Codes and Regulations shall be available for public inspection in the offices of the Department of Codes and Regulations.

(E) The Director of the Department of Codes and Regulations is authorized to establish and promulgate a reasonable schedule and classifications of fees for licenses and permits as shall be issued pursuant to this chapter.

(F) The license requirements of this chapter shall not be construed to apply to the following:

~~—(1) Upon producing proof of certification of registration with the Department of Professional Licensing of the Public Protection Cabinet, Secondary metals recyclers certified under the provisions of KRS 433.902 shall be exempt from the requirement to obtain a license with the Department of Codes and Regulations.~~

(2 1) No license is required for those persons operating yard sales, garage sales, or other similar types of activities from their own residentially zoned property, or from property on which they legally reside or from property owned by a charitable organization. These activities must be temporary in nature and must comply with all Louisville Metro ordinance provisions and Land Development Code provisions. (See Land Development Code Section 4.4.4 Garage Sales)

(3 2) No license is required for any member or members of a religious, charitable, health, welfare, educational, political or youth service organization, who is acting as a peddler by selling or offering to sell goods or services, including secondhand goods, to raise funds for the work of such organization and for no other purpose. The Director of the Department of Codes and Regulations may require any organization or individual

claiming exemption to appear and present evidence in support of said membership and purpose.

SECTION III: LMCO Section 123.04 is amended as follows:

(A) Any person, firm, or corporation required to secure a license under § 123.03 shall make written application, under oath, on a form provided by the Department of Codes and Regulations. Such application shall contain at least the following information:

(1) The name and permanent home address and telephone number and full local address and telephone number of the applicant.

(2) If not self-employed, the name, address and telephone number of the employer or parent organization the applicant is representing and copies of credentials or documents verifying that relationship.

(3) The nature or character of the goods, wares, merchandise or services to be offered by the applicant.

(4) The place or places where the applicant proposes to engage in business.

(5) A listing of all criminal convictions pertaining to theft, stolen property, or other pecuniary crimes of the applicant for the past five years.

(6) A statement of whether applicant has previously been denied a license under this chapter or if applicant has had previous license suspended or revoked and, if so, the reasons or the circumstances surrounding the denial, suspension or revocation.

(7) Applicant must provide proof of his or her tax identification number from the Metro Revenue Commission.

(B) Each applicant shall be required to complete the entire application form and abide by any request for information made by the Department of Codes and Regulations under this chapter. The failure to complete the form and provide all requested information may result in denial of the license.

(C) It shall be unlawful for any individual to intentionally provide false information or to intentionally omit requested information on an application for any license or permit governed by this chapter.

(D) Unless otherwise exempted, all applications shall be accompanied with the required fee(s) as specified in the schedule of fees established by the Director of the Department of Codes and Regulations.

SECTION IV: LMCO Section 123.05 is amended as follows:

(A) *License application review:*

(1) Upon receipt of such license application, the Director of ~~the Department of Codes and Regulations~~ shall refer the application to the Louisville/Jefferson County Metro Revenue Commission for its certification that applicant is in compliance with the occupational license tax registration and filing requirements.

(2) The Director of the Department of ~~Codes and Regulations~~ has the authority to deny or revoke any license if there is:

(a) A history of criminal convictions provided pursuant to LMCO § 123.04(A)(5) demonstrating a proclivity toward crimes of a pecuniary nature;

(b) The discovery of any legitimate reason that the applicant presents a risk to citizens if permitted to engage in activities as a pawnbroker or secondhand dealer; or

(c) Any nonpayment of any civil penalties for previous violations of this chapter.

(B) *General standards for licenses:*

(1) No license shall be transferable nor shall such license authorize the activities licensed by any person other than the person to whom it is issued.

(2) Every person to whom a license is issued shall conform at all times with all applicable Louisville Metro Governmental requirements, including without limitation, public health and safety ordinances and regulations; local zoning codes and regulations; local occupational license tax ordinances and regulations; and any other applicable regulation or code provisions.

(3) Every person to whom a license is issued shall at all times while engaged in business have the applicable license in their possession or in a conspicuous place within the licensee's business location and shall produce the same at the request of any Louisville Metro official or at the request of any individual to whom the licensee is exhibiting his or her goods or selling or attempting to sell same.

(4) Licenses issued under this chapter shall be valid for the time period specified thereon. Renewal shall be required upon expiration of said license if the applicant wishes to continue such activity.

(5) Issuance of a license under this chapter shall not excuse any license holder from compliance with any other applicable ordinance or law.

SECTION V: LMCO Section 123.06 is amended as follows:

(A) A license issued pursuant to this chapter may be suspended or revoked by the Director of the Department of ~~Codes and Regulation~~ subject to appeal pursuant to LMCO § 32.286. A license may be suspended or revoked for the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for a license.

(2) Fraud, misrepresentation or false statement made in connection with the business of acting as a pawnbroker or secondhand dealer.

(3) The applicant is a fugitive or has been convicted of a crime in the nature of business or commercial fraud, extortion, or receiving stolen property within the last three years.

(4) Any facts of conditions which would justify the denial of the original application.

(5) Conducting the business of a pawnbroker, secondhand dealer, or secondary metals recycler under this chapter in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

(6) Purchase of infrastructure wiring from any individual who is not the operator of the underlying infrastructure, or an individual with written authorization to serve as the operator's designated representative.

(B) This section shall be self-executing and the suspension or revocation shall be effective immediately. The Director of the Department of ~~Codes and Regulation~~ shall give notice of the suspension or revocation of the license and sufficient notice shall be given if either hand-delivered or mailed to the licensee at his/her local address as listed on the licensee's application.

(C) It is unlawful for any person whose license has been suspended or revoked to continue in the business of a pawnbroker, secondhand dealer, or secondary metals recycler, or to keep the license issued to him/her in his/her possession and control, and the same shall immediately be surrendered to the Director of the Department of ~~Codes and Regulations~~ or his/her designee.

SECTION VI: LMCO Section 123.32 is amended as follows:

(A) Every secondary metals recycler carrying on any business as set forth in § 123.31 in Metro Louisville shall keep a transaction record, ~~in plain, legible printed English text,~~ for each purchase of regulated property and/or restricted metals, with the following information downloaded by 11:00 a.m. the following day to be reported to an online internet-based transaction recording service accessible to law enforcement as designated by the Louisville Metro Police Department:

(1) Information on the regulated property and/or restricted metals purchased:

(a) The date and time when the property was received and bought;

(b) The purchase price;

(c) A digital photograph of the property in color. Digital color photos must accurately depict the regulated property and/or restricted metals purchased.

1. If being sold on a large outdoor scale then it shall be taken by an overhead camera at the scale and a digital photograph in color of the license plate from the vehicle that is selling the property at the scale shall also be taken. The numbers, letters, and state issuing the license plate shall be readable in the digital color photograph;

2. If being sold on an indoor scale then it shall be taken by an overhead camera and an individual ~~picture~~ digital photograph in color shall be taken of each type of ferrous or nonferrous metal being purchased;

(d) A description of the property that is as accurate as practicable in the usage of the trade, to include a brief description of the ferrous or nonferrous type of metal being purchased. Nonferrous metal shall be described as clean or burned.

(2) For each new transaction regardless of the individual already having an existing file with the secondary metal recycler, information on the seller of the regulated property and/or restricted metals purchased:

(a) A digital copy of the seller's U.S. state-issued or ~~federally~~ U.S. government-issued photo identification;

~~(b) If not available from the aforementioned photo identification card, the following personal information from the seller must be supplemented:~~

- ~~_____ 1. Full Name;~~
- ~~_____ 2. Signature;~~
- ~~_____ 3. Physical and mailing address (to include city, state, and zip code);~~
- ~~_____ 4. Telephone number;~~
- ~~_____ 5. Date of birth;~~
- ~~_____ 6. Gender;~~
- ~~_____ 7. Race;~~
- ~~_____ 8. Hair color; and~~
- ~~_____ 9. Eye color;~~

(b) A digital color photo of the seller made at the time of the transaction. In the photograph, the seller's face shall be free of all glasses or sunglasses, free of hats, scarves, or other headwear that covers the hairline. An exception exists if the attire is worn in observance of the seller's religious practice, such as a turban or headscarf, however, the seller's face must still be visible from the hairline to the chin and from the front of one ear to the front of the other ear;

(c) A digital thumbprint. The digital thumbprint should be made from the right hand unless the right hand is unavailable in which case the left hand thumb should be provided;

(d) Information obtained from scanning the bar code on the back of the seller's valid driver's license, if available;

(e) The seller's phone number; and

(f) The numbers, letters, and state of the license plate of the vehicle in which the regulated property and/or restricted metals were transported shall be manually entered into the transaction record, and a digital color photograph of the license plate shall also be entered.

(3) Information on the purchaser of the regulated property and/or restricted metals, including the purchaser's name, and business, if applicable.

~~—(B) Every secondary metals recycler carrying on any business as set forth in § 123.31 in Louisville Metro shall by 11:00 a.m. the next business day furnish to the Louisville Metro Police Department a true and correct written report of all regulated property and/or restricted metals received by him or her by purchase, from the preceding business day. The report shall describe the goods as accurately as practicable in the usage of the trade. The report shall include who actually made the purchase, the name of the person or persons, his or her address, city, state and zip code, his or her sex, race, hair color, eye color, and his or her date of birth. The report shall contain a digital copy of the government-issued photo identification and a digital photo of the seller at the time of the transaction. The report shall be transmitted electronically in a format designated by the Louisville Metro Police Department.~~

(~~G~~ B) It shall be the duty of the Louisville Metro Police Department during regular business hours to examine and inspect transaction records, and if sufficient information cannot be gained from an inspection of transaction records, it shall be the duty of any person to permit and allow the officer to examine any and all regulated property and/or restricted metals mentioned herein belonging to or purchased by such person. A transaction record and digital photograph for a purchase of all regulated property and/or restricted metals shall be maintained together on the premises for at least ~~one year~~ two years after the date of such purchase. The digital photo must accurately depict the regulated property and/or restricted metals purchased in accordance with § 123.32(A)(1)(c).

(~~D~~ C) Every secondary metals recycler shall give a plain written or printed receipt of the regulated property or restricted metals purchased.

(~~E~~ D) No seller shall provide false, fraudulent, altered, or counterfeit documents or information to a secondary metals recycler required to keep a transaction record under this section.

SECTION VII: LMCO Section 123.35 is amended as follows:

§ 123.35 REGULATED PROPERTY AND RESTRICTED METALS, PURCHASE AND SALE LIMITATIONS.

(A) Pursuant to KRS 433.904(4), a secondary metals recycler shall not enter into any cash transaction for the purchase of infrastructure wiring or copper wire.

(1) Payment by a secondary metals recycler for the purchase of infrastructure wiring or copper wire restricted metals shall be made by check issued to the seller and payable to the seller;

(2) Each check for payment shall be mailed by the secondary metals recycler directly to the street address of the seller. Payment shall not be mailed to a post office box.

(3) Each check shall be mailed by the secondary metals recycler to the seller no sooner than one (1) day after the purchase transaction.

(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, nor shall it apply to vehicles transferred to a secondary metals recycler with a valid certificate of title.

(C) Pursuant to KRS 433.890, a secondary metal recycler shall not purchase any metal that has been smelted, burned, or melted unless, in addition to the other requirements of this chapter, the seller provides the following, and the purchaser maintains a copy thereof:

(1) A signed certificate of ownership stating that he or she is the owner of the metal and is entitled to sell it; or

(2) A signed certificate from the owner of the metal stating that he or she is the owner of the metal, and that the person selling the metal is authorized to sell the metal on behalf of the owner.

SECTION VIII: LMCO Section 123.37 is amended as follows:

(A) Metro Government may impound a motor vehicle used to transport stolen metals, stolen catalytic converters or parts of stolen catalytic converters, or stolen motor vehicles to a secondary metals recycler for a period of not more than 12 months. The impoundment period imposed will be determined by the court during the adjudication of the underlying criminal charges and/or ordinance violations. The size and nature of the violation shall be factors considered by the court in determining the length of impoundment. The court may order impoundment of a motor vehicle used to transport stolen metals or stolen motor vehicles to a secondary metals recycler. Fees incurred for towing, handling, and storage of the impounded motor vehicle, set forth in LMCO § 72.062, shall be imposed against the responsible party during the adjudication of the underlying criminal charges and/or ordinance violations.

Vehicle Utilized to Remove Infrastructure Wire

(B) LMPD officers and Code Enforcement officers may impound a motor vehicle utilized in removing infrastructure wire from the related infrastructure based on that official's personal observation, or surveillance video, or surveillance photographs of the vehicle.

(1) For a first offense, the vehicle will be impounded for a period of three (3) days.

(2) For a second offense within a two-year period, the vehicle will be impounded for a period of thirty (30) days.

(3) For a third or subsequent offense within a two-year period, the vehicle will be impounded for a period of ninety (90) days.

(C) The length of impoundment imposed may be decreased by the Code Enforcement Board following an appeal under subsection (F). The Code Enforcement Board should evaluate, among all other relevant facts, the following factors when considering a modification to the impoundment period:

- (1) The size and nature of the violation; and
- (2) Number of violations within a two-year period from the date of the offense.

(D) *Administrative Costs.* Metro Government may impose reasonable towing and handling charges for the vehicle.

(E) *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 administrative costs pursuant to subsection (D).

(F) Appeal of vehicle impoundment to Code Enforcement Board.

(1) Within ten days of the issuance of citation or impoundment of a vehicle, the owner of the motor vehicle, and/or any person entitled to possession of a vehicle impounded pursuant to this section, 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 (E).

(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.

(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 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.

(5) Any person 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, may in lieu of a hearing and following the applicable impoundment period pursuant to subsection (B), pay the applicable fees pursuant to subsection (D).

(G) *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 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 any fees paid as a result of the impoundment.

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

(H) *Impoundment; response to notice required.* If a hearing has not been requested pursuant to § 51.510(F), 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.

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

(1) After 45 days from the date of notice required by § 51.510(H), 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.

(J) *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 charges and fees imposed thereupon. Such lien shall be superior to and have priority over all other liens thereupon.

(K) *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.

(L) *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 fees pursuant to subsection (D).

SECTION IX: A new Section of Chapter 123 is hereby created as follows:

123.40 Possession of Infrastructure Wiring

(A) It shall be unlawful for any person to possess infrastructure wiring with the intent to sell the wiring unless:

(1) The person possessing the infrastructure wiring presents proof of the person's ownership of the wiring; or

(2) The person presents proof that the infrastructure wiring lawfully passed from the owner or operator of the infrastructure to that person.

(B) For purposes of this section, possession of infrastructure wiring in violation of subsection (A) shall be prima facie evidence of intent to sell.

SECTION X: LMCO Section 123.99 is amended as follows:

(A) Except for violations of §§ ~~123.21~~, 123.22, ~~123.31~~, 123.32, 123.36, 123.38, and 123.39 any violation of Chapter 123 shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in § 32.275 et seq. or as it may be amended. The civil penalty for violations of this section are set forth below. Each day a violation continues shall be a separate violation of this section.

(B) Any pawnbroker, secondhand dealer, or secondary metals recycler who violates any of the provisions of §§ 123.04, 123.05, 123.06, 123.07, 123.08, 123.09, or 123.11 shall be civilly fined not less than \$100, nor more than \$1,000.

(C) Any pawnbroker who violates any of the provisions of § 123.13 shall be civilly fined not less than \$100 nor more than \$1,000.

(D) Any licensee who violates § 123.03 shall be civilly fined not less than \$100, nor more than \$1,000.

~~—(E) Any person, secondary dealer, secondary metals recycler, or mobile dealer as defined in § 123.01, who violates the provisions of § 123.21 or § 123.31 shall be fined not less than \$100 nor more than \$1,000 for each offense, or imprisoned not more than 50 days, or both. Each day such violations continue, shall constitute a separate offense.~~

(F E) (1) Any person, secondhand dealer, secondary metals recycler, or mobile dealer as defined in § 123.01, who shall neglect or refuse to comply with or violates the recordkeeping provisions of § 123.22 or § 123.32 shall be fined not less than \$100 nor more than \$1,000 for each offense, or imprisoned not more than 50 days, or both shall be guilty of a Class B misdemeanor. Each day such person, firm, or corporation shall neglect or refuse to comply with or violate any of the provisions of that section shall constitute a separate offense.

(2) Any seller who violates § 123.32(D) shall be guilty of a Class A misdemeanor and upon conviction shall be criminally fined not less than \$100 nor more than \$500 for each offense, or imprisoned for a period not to exceed 12 months, or both.

(G-F) (1) Any person who violates § 123.35(A) or (B) shall be civilly fined not less than \$100, nor more than \$1000 for each purchase made in violation of that section.

(2) (a) A person who purchases smelted, burned, or melted metal without the documentation required in §123.35(C) is guilty of a Class B misdemeanor.

(b) A seller who provides a fraudulent, altered, or counterfeit certificate of ownership to a secondhand dealer or a secondary metal recycler under § 123.35(C) is guilty of a Class A misdemeanor.

(G) (1) Any person who knowingly falsifies information on the statement required by § 123.36(A) shall be guilty of a Class B misdemeanor and upon conviction shall be criminally fined not less than \$500 not more than \$250, or imprisoned for a period not to exceed 90 days or both;

(2) Any person who violates § 123.36(C) shall be guilty of a Class A misdemeanor and upon conviction shall be criminally fined not less than \$100 nor more than \$500 for each offense, or imprisoned for a period not to exceed 12 months, or both.

(H) (1) Any person who violates § 123.38 shall be guilty of a Class A misdemeanor and upon conviction shall be criminally fined not less than \$100 nor more than \$500 for each offense, or imprisoned for a period not to exceed 12 months, or both.

(2) Independent of any non-felony criminal prosecution, any person violating § 123.38 shall be cited civilly. A minimum civil penalty fine of \$500 or a maximum civil penalty fine of \$1,500 shall be issued.

(3) Each catalytic converter purchased in violation of § 123.38 shall constitute a separate violation.

(I)(1) Any person who violates § 123.39 shall be criminally fined not less than \$100 nor more than \$500 for each offense, or imprisoned for a period not to exceed 12 months, or both.

(2) Independent of any non-felony criminal prosecution, any person violating § 123.39 shall be cited civilly. A minimum civil penalty fine of \$500 or a maximum civil penalty fine of \$1,500 shall be issued.

(3) Each catalytic converter possessed in violation of § 123.39 shall constitute a separate violation.

(J)(1) Any person who violates § 123.40 shall be criminally fined not less than \$100 nor more than \$500 for each offense, or imprisoned for a period not to exceed 12 months, or both.

(2) Independent of any non-felony criminal prosecution, any person violating § 123.40 shall be cited civilly. A minimum civil penalty fine of \$500 or a maximum civil penalty fine of \$1,500 shall be issued.

SECTION XI: This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

Sonya Harward
Metro Council Clerk

Brent Ackerson
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

O-087-25 CABS metals recycling 5-7-25