

CHAPTER 114: AUTOMOTIVE RECYCLING DEALERS AND JUNKYARDS

Section

- 114.01 Definitions
- 114.02 Compliance with federal, state and local laws
- 114.03 Operational requirements
- 114.04 Licensing

- 114.98 Severability
- 114.99 Penalty

§ 114.01 DEFINITIONS.

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

DEPARTMENT. The Louisville Metro Solid Waste Management Department or any successor agency.

DIRECTOR. The Director of the Louisville Metro Solid Waste Management Department or any successor agency.

FACILITY. Any property, premises, or place of business, that is maintained, operated, or used for storing, keeping, buying or selling of five or more junked, wrecked, unlicensed, or non-operative automobiles, vehicles, machines, appliances and/or other similar scrap or salvage materials, scrap copper, brass, rope, rags, batteries, rubber debris, iron, steel or other scrap or ferrous or non-ferrous material. This term shall include junkyards, automotive recycling dealers and facilities, and used-car parts dealers. However, this term shall not include a scrap-metal processing facility or any facility regulated by Chapter 51.

PERSON. Any individual, firm, agency, company, association, partnership, business trust, joint stock company, body politic or corporation.

SCRAP-METAL PROCESSING FACILITY. An establishment having facilities for processing iron, steel or non-ferrous scrap and whose principle product is scrap iron and steel, or non-ferrous scrap for sale for remelting purposes only. The term "handling" shall refer to the collection of scrap from an off-site facility, temporary stockpiling of the scrap at the scrap metal processing facility and the subsequent shipment of the scrap for remelting purposes only.

(1994 Jeff. Code, § 114.01) (Jeff. Ord. 6-1979, adopted and effective 4-26-1979; Jeff. Am. Ord. 8-2001, adopted and effective 4-24-2001; Jeff. Am. Ord. 34-2001, adopted and effective 12-11-2001; Lou. Metro Am. Ord. No. 178-2005, approved 10-31-2005)

§ 114.02 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS.

(A) No facility shall be operated or maintained unless it is in compliance with all applicable federal, state and local laws, statutes, ordinances, regulations and permit requirements.

(B) No facility shall be operated or maintained unless it is in compliance with all public restrictions of record on the property on which it is located.

(1994 Jeff. Code, § 114.02) (Jeff. Ord. 6-1979, adopted and effective 4-26-1979; Jeff. Am. Ord. 8-2001, adopted and effective 4-24-2001; Lou. Metro Am. Ord. No. 178-2005, approved 10-31-2005) Penalty, see § 114.99

§ 114.03 OPERATIONAL REQUIREMENTS.

(A) A facility shall be operated, maintained or conducted entirely inside an enclosed building or buildings, or on premises enclosed by a fence with screening completely shielding its contents from public view and:

(1) All such fencing shall be made of such materials as set forth in the Land Development Code, as to completely screen from public view the contents of the facility. Fencing may be provided by, but not limited to, chain link fences with panel weave, wood or galvanized steel fences;

- (2) All such fencing shall be no less than eight feet nor greater than 12 feet in height;
 - (3) All such fences shall be of similar composition, construction and color throughout;
 - (4) All such fencing shall be maintained in a neat, substantial and safe condition, and shall not be allowed to deteriorate;
 - (5) All gates shall conform to the same standard as those for fences and shall swing inwardly; such gates shall be kept closed and locked when the facility is not open for business;
 - (6) All such fencing shall be set back no less than five feet from any property line, public or utility easement, sidewalk or any public right-of-way.
 - (7) All fencing must meet with the approval of the Director.
 - (8) Any conditional use permit that is granted for the operation of a facility may specify additional buffering and/or screening to be required, but none of the requirements shall be less stringent than is set forth in this chapter, although they may be more stringent.
 - (9) Any facility in operation as of the original effective date of this chapter that made timely application for a license pursuant to § 114.04, and which currently maintains fences of a least seven feet in height shall be exempt from the requirements of subsection (A)(2) and (A)(6) above, so long as the current fences remain in good repair as determined by the Director. The requirements of subsections (A)(2) and (A)(6) shall be met, however, upon replacement of the current fencing whether such replacement is voluntary, or by order of the Director after inspection and written notice to the owner of general disrepair.
 - (10) If one or more sides of the facility abut property that is industrial, and do not provide an unobstructed view to the general public, or if there is a substantial buffer between properties, then the fence that is utilized shall not be subject to the screening requirements set forth herein, so long as the facility contents are completely shielded from public view by the buffer, or any buildings on the adjacent property.
- (B) A facility shall comply with the following operational requirements:
- (1) All business of the facility shall be transacted on the premises and none of the contents of the facility subject to the control of the owner or operator shall be allowed to remain outside the area enclosed by the building or the fence.
 - (2) The contents of a facility shall not be placed or deposited to a height greater than one foot below the height of the enclosing fence. However, higher elevations of land inside the facility may only be used if the contents are elevated (by any means, including ground elevation) five feet or less above the level of the exterior fence, and are located further than 100 yards from such fence.
 - (3) The contents of a facility shall not be placed or deposited closer than three feet to the enclosing fence, with the exception that motor vehicles shall be subject to the following additional restrictions:
 - (a) No vehicles, complete or dismantled, shall be stored within 500 feet of any private well, school, church, or public park, to be measured along a straight line from the nearest point on the herein-referenced properties to the vehicle in question; and
 - (b) No vehicles may be stored on land that is sited within the 100-year floodplain.
 - (4) No facility or part of a facility shall be allowed to operate on a slope greater than 12%.
 - (5) All facilities shall include fire lanes of a width specified by law to allow fire and safety personnel and equipment to function effectively on the premises.
 - (a) The space occupied by any collection of the contents of the facility shall not be located more than 55 feet from a fire lane or designated open space, as set forth on an approved site plan.
 - (b) Any collection of the contents of the facility shall be separated from any building of an adjoining property by a clearly defined open space or fire lane.
 - (c) All facilities shall submit a detailed survey, in accordance with § 114.04, showing designated fire lanes that must be approved by the Director and a Fire Marshall from the jurisdiction in question, before a license is issued.
 - (6) (a) If a vehicle is leaking anti-freeze, gas, oil, battery fluid, refrigerant, or other flammable liquids, it shall be drained within 72 hours of the time of placement on the licensed premises, or upon discovery of a leak at any point subsequent to placement on the premises. Such fluids shall be collected, stored and disposed of in accordance with applicable federal, state and local statutes, ordinances and regulations pertaining thereto.

(b) The owner/operator shall maintain records, which shall be available for inspection during regular business hours, which indicate the date and time of receipt of each motor vehicle located on the premises.

(7) All facilities shall have a paved surface with a containment curb, or an alternate method approved in writing by the Director, which is intended to prevent fluids from escaping to unpaved areas, on which the removal of fluids or crushing of vehicles shall take place.

(8) All parts removed from vehicles for sale, such as engines, transmissions, wheel assemblies, differential assemblies, and all other parts that may leak oil, or other potential contaminant shall be stored in a building or under a roof protected from exposure to the elements, or an alternated method that has been approved in writing by the Director shall be utilized, in order to prevent contamination of stormwater above regulatory limits.

(9) No facility shall be allowed to accumulate on the premises more than 100 tires that are not mounted on a wheel and attached to a vehicle, unless the tires are stored in accordance with the provisions of KRS 224.50-860.

(10) Any dismantling of all or part of a motor vehicle must take place only between the hours of 7:00 a.m. and 7:00 p.m.

(C) Licensed premises shall be allowed six months from the effective date of this chapter to come into compliance with subsections (B)(7) and (B)(8), herein. This in no way allows a waiver of any other provisions of this chapter or its effective date.

(1994 Jeff. Code, § 114.03) (Jeff. Ord. 6-1979, adopted and effective 4-26-1979; Jeff. Am. Ord. 8-2001, adopted and effective 4-24-2001; Jeff. Am. Ord. 34-2001, adopted and effective 12-11-2001; Lou. Metro Am. Ord. No. 178-2005, approved 10-31-2005)
Penalty, see § 114.99

§ 114.04 LICENSING.

(A) The owner or operator of a facility shall be required to make application for an automotive recycling dealer/junkyard ("dealer") license with Louisville Metro Solid Waste Management Department prior to conducting business, on a form supplied by the Department, which shall include:

(1) The name and location of the business; the name of the owner of the business; the name of the owner of the property on which the facility is located, and the name and address of the owner's agent, if any. This information shall be posted in a conspicuous place in the business office of the facility;

(2) A detailed survey of the facility made by a registered engineer or land surveyor, drawn to scale and indicating the location of buildings, storage areas, vehicular use areas (driveways), surface water drainage and utility information, all property lines, easements, right-of-ways, designated fire lanes and lot lines;

(3) Copies of any or all of the following: articles of incorporation, deed and recorded lease agreements which affect the property on which the facility is located;

(4) Any expansion of a facility shall require a detailed survey of the entire facility, in addition to any other requirements for a modification of the conditional use permit. If the expansion is proposed for a nonconforming facility, the business must be brought into compliance with all requirements of the Land Development Code, and with all other applicable restrictions of the Land Development Code, and with all other applicable restrictions set forth in this Code; and

(5) Any such additional information the Director deems necessary for the adequate administration of this chapter.

(B) The Director, or his or her designee, will inspect the premises after the application has been received and shall issue a license forthwith if all standards contained in this chapter and all applicable requirements of law have been met. If inspection reveals the failure to comply with any requirement, the Director shall notify the applicant in writing of such fact, stating what failure(s) has been discovered and shall allow the applicant a reasonable time, not to exceed 30 days, to correct such defect(s). If the applicant does not agree with the Director's decision, a hearing may be requested before the Code Enforcement Board. Such request shall be submitted in writing within seven days of the Director's decision.

(C) No person shall maintain, operate, manage or conduct a business as an automotive recycling dealer/junkyard without a dealer license issued in accordance with this chapter.

(D) All licenses shall be for the calendar year January 1st to December 31st, or the remaining portion of the year thereof. The annual license fee shall be \$300 but shall be prorated for any portion of the year at the rate of \$25 per month or any part thereof.

(E) Application for renewal of a license shall be made on or before September 15 of each year and shall be accompanied by the annual fee. The applicant shall be advised of any changes in the information required by § 114.04 that occurred since the previous

application.

(F) Licenses may be transferred to new owners by the license holder by giving written notice to the Director at least 14 days before the effective date of the transfer, and upon filing therewith, a complete application containing the information required in § 114.04 regarding the new owner.

(G) Regardless of the issuance of the appropriate business license, no facility shall be operated unless it is in compliance with all requirements of the Land Development Code, and with any other applicable restrictions set forth in this Code.

(1994 Jeff. Code, § 114.04) (Jeff. Ord. 6-1979, adopted and effective 4-26-1979; Jeff. Am. Ord. 8-2001, adopted and effective 4-24-2001; Jeff. Am. Ord. 34-2001, adopted and effective 12-11-2001; Lou. Metro Am. Ord. No. 178-2005, approved 10-31-2005)
Penalty, see § 114.99

§ 114.98 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(1994 Jeff. Code, § 10.07) (Jeff. Ord. 36-1994, adopted and effective 12-20-1994; Lou. Metro Am. Ord. No. 178-2005, approved 10-31-2005)

§ 114.99 PENALTY.

(A) Any person who operates a facility without a license as provided in this chapter shall be issued a citation by an enforcement officer designated by the Louisville Metro Solid Waste Management Department, and ordered to cease business operations until a valid license is obtained. Enforcement of violations shall occur in accordance with §§ 32.275 et seq., in administrative proceedings before the Louisville Metro Code Enforcement Board, which shall be authorized to impose an administrative penalty of \$500 per day for each day that a facility is operated without a valid license.

(B) Any person licensed to operate an automotive recycling facility/junkyard who violates the regulations set forth in this chapter shall be subject to having the license revoked, and may be fined not more than \$100 per offense. Each day of such violation(s) shall constitute a separate offense.

(1994 Jeff. Code, § 114.99) (Jeff. Ord. 6-1979, adopted and effective 4-26-1979; Jeff. Am. Ord. 8-2001, adopted and effective 4-24-2001; Lou. Metro Am. Ord. No. 178-2005, approved 10-31-2005)