

ORDINANCE NO. \_\_\_\_\_, SERIES 2019

AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 131 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES CREATING THE CIVIL OFFENSE OF LITTERING (AS AMENDED).

SPONSORED BY: COUNCIL MEMBER COAN

**WHEREAS**, Louisville Metro Council seeks to eliminate litter and debris along Louisville Metro's roads and highways, in our creeks and streams, and woods;

**WHEREAS**, KRS § 512.070(4) expressly grants the legislative body of a local government the authority to classify the offense of Criminal Littering, as proscribed in KRS § 512.070(1), as a civil offense; and

**WHEREAS**, pursuant to KRS § 512.070(4), Louisville Metro Council wishes to classify littering as a civil offense to be cited in Louisville Metro by code enforcement officers and enforced through the Code Enforcement Board.

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

**SECTION I:** A new section of Chapter 131 of the Louisville Metro Code of Ordinances ("LMCO") is hereby created as follows:

**§ 131.20: DEFINITIONS**

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

**Code Enforcement Officer** means any police officer, safety officer, citation officer, sheriff, deputy sheriff, university police officer, airport police officer, or other public law

enforcement officer with the authority to issue a citation. For purposes of this chapter, a citation officer is any employee of Metro Government, who has been charged by Metro Government with the authority to issue citations for violations of this chapter.

**Litter** means any rubbish, refuse, waste material, offal, paper, glass, cans, bottles, trash, debris or any foreign substance of whatever kind or description and whether or not it is of value, as defined in KRS 512.010.

**Sidewalk** means that portion of the street between the curb line and the adjacent property line intended for the use of pedestrians.

**Street** means any alley, avenue, boulevard, lane, road, highway, viaduct, and any other public thoroughfare within Louisville Metro.

**Motor Vehicle** means any device in, on, or by which any person or property is or may be transported or drawn on any street, except devices moved by human power or used exclusively on stationary rails or tracks, which vehicle does not travel more than five miles from the boundaries of Jefferson County.

**SECTION II:** A new section of Chapter 131 of LMCO is hereby created as follows:

**§ 131.21: CIVIL ENFORCEMENT**

Metro Government hereby elects to enforce littering as defined in LMCO § 131.22 as a civil offense pursuant to KRS § 512.070(4).

**§ 131.22: UNLAWFUL PRACTICES**

Any person shall be in violation of littering when:

- (A) He or she drops or permits to drop on a highway any destructive or injurious material and does not immediately remove it; or

- (B) He or she knowingly places or throws litter on any sidewalk, street, public or private property; or
- (C) He or she negligently places or throws glass or other dangerous pointed or edged substances on or adjacent to water to which the public has access for swimming or wading or on or within fifty (50) feet of a public highway; or
- (D) He or she discharges sewage, minerals, oil products, or litter into any public waters or lakes within Louisville Metro; or
- (E) Any paper, waste material, litter, or other refuse is thrown or dropped from a motor vehicle of which he or she is the operator or passenger; and
- (F) The amount of litter is less than or equal to the capacity of a standard 20-gallon container.

**SECTION III:** A new section of Chapter 131 of LMCO is hereby created as follows:

**§ 131.23 PENALTIES**

- (A) Any violation of § 131.22 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 penalties for violations of this subchapter are set forth below.
- (B) Any person who violates §§ 131.22 shall be fined not less than \$125 nor more than \$250 for an offense set forth herein. In lieu of a fine levied under this section, the Code Enforcement Board may waive said fine in exchange for community service.

**SECTION IV:** A new section of Chapter 131 of LMCO is hereby created as follows:

**§ 131.24 ENFORCEMENT**

This subchapter shall be enforced by any code enforcement officer, in accordance with all laws, regulations and ordinances, and violations shall be deemed a civil offense, punishable as set forth in this chapter.

**SECTION V:** A new section of Chapter 131 of LMCO is hereby created as follows:

**§ 131.25 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.

**SECTION VI:** This Ordinance shall take effect upon its passage and approval.

\_\_\_\_\_  
H. Stephen Ott  
Metro Council Clerk

\_\_\_\_\_  
David James  
President of the Council

\_\_\_\_\_  
Greg Fischer  
Mayor

\_\_\_\_\_  
Approved Date

**APPROVED AS TO FORM AND LEGALITY:**  
Michael J. O'Connell  
Jefferson County Attorney

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

O-152-19