

1 AN ACT relating to vehicle recyclers.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 177.905 is amended to read as follows:

4 As used in KRS 177.910 to 177.950, unless the context otherwise requires:

- 5 (1) "Road" means any ~~county, state, federal or limited access~~ highway ***designated as a***  
6 ***part of the national highway system, which includes the interstate highway***  
7 ***system*** ~~or turnpike~~, including bridges and bridge approaches.
- 8 (2) "Automobile, vehicle, or machinery ***recycler*** ~~recyclers~~" means any place where  
9 five (5) or more junked, wrecked or nonoperative automobiles, vehicles, machines  
10 and other similar scrap or salvage materials, excluding inoperative farm equipment,  
11 are deposited, parked, placed or otherwise located, or any business as defined in  
12 subsection (3) where ten (10) or more junked, wrecked or nonoperative  
13 automobiles, vehicles, machines and other similar scrap or salvage materials are  
14 deposited, parked, placed or otherwise located.
- 15 (3) "Business" means any person engaged as an automobile dealer, body shop operator,  
16 wrecker service operator, service station operator or other activity which may buy,  
17 sell or repair nonoperative vehicles, automobiles or machinery as a service.
- 18 (4) "Material ***recycler*** ~~recyclers~~" shall mean any establishment or place of business,  
19 including garbage dumps and sanitary fills, maintained, operated, or used for  
20 storing, keeping, buying or selling of old or scrap copper, brass, rope, rags,  
21 batteries, paper, trash, rubber debris, waste, or motor vehicle parts, iron, steel, and  
22 other old or scrap ferrous or nonferrous material.
- 23 (5) "Operator or operators" means a person, firm or corporation operating an  
24 automobile, vehicle, machinery or material recycling establishment or place of  
25 business or the allowing of such automobile, vehicle, machinery or material  
26 recycling establishment or place of business to be placed or deposited, or to remain  
27 on premises owned or controlled by such person, firm or corporation.

1 (6) "Person" means any individual, firm, agency, company, association, partnership,  
2 business trust, joint stock company, body politic or corporation.

3 (7) "Department" means the Department of Highways.

4 (8) "Commissioner" means the commissioner of the Department of Highways.

5 ➔Section 2. KRS 177.912 is amended to read as follows:

6 (1) An automobile, vehicle, or machinery recycler business, or material recycler,  
7 regardless of whether it is subject to permitting under KRS 177.910, shall be  
8 subject to the ordinances, rules, and regulations enacted by the city, county,  
9 urban-county government, consolidated local government, charter county  
10 government, or unified local government in which it operates, including but not  
11 limited to planning and zoning laws.

12 (2) For any automobile, vehicle, or machinery recycler, business, or material  
13 recycler required to obtain a permit from the department under KRS 177.910, the  
14 commissioner of highways may exempt the business or establishment from the  
15 permit process if the local government in which the business or entity operates  
16 certifies that the business or establishment complies as a conforming use in an  
17 industrially zoned area under the applicable zoning ordinances and regulations.  
18 Any business or establishment granted a permit exemption under this subsection  
19 shall not be deemed to be in violation of KRS 177.905 to 177.950.

20 (3) (a) Any automobile, vehicle, or machinery recycler business, or material  
21 recycler which holds a valid permit from the department on the effective  
22 date of this Act but is no longer subject to the permitting authority of the  
23 department, shall be allowed to continue operation on that site for which  
24 the permit was granted after the effective date of this Act.

25 (b) Any screening or other site or use restrictions imposed on an automobile,  
26 vehicle, or machinery recycler, business, or material recycler by the  
27 department prior to the effective date of this Act shall remain in place and

- 1 *in effect until the removal of such screening or restriction is approved by:*
- 2 *1. A planning commission or board of adjustment with the jurisdiction,*
- 3 *if one exists;*
- 4 *2. The governing body of the city in which the establishment or place of*
- 5 *business is located; or*
- 6 *3. The fiscal court of the county in which the establishment or place of*
- 7 *business is located, if it is an unincorporated area.*
- 8 *(c) Compliance with this subsection may be enforced by the county attorney for*
- 9 *the county in which the establishment or place of business facility is*
- 10 *located.*

11 ~~An automobile, vehicle or machinery recycling establishment or place of business or~~  
 12 ~~material recycling establishment or place of business which complies as a conforming use~~  
 13 ~~in an industrially zoned area under the applicable zoning ordinances and regulations of~~  
 14 ~~any county or city, as determined in the discretion of the commissioner of highways, shall~~  
 15 ~~not be deemed to be in violation of KRS 177.905 to 177.950].~~