

ORDINANCE NO. _____, SERIES 2021

AN ORDINANCE AMENDING THE LOUISVILLE/JEFFERSON COUNTY METRO CODE OF ORDINANCES (“LMCO”) CHAPTER 115 RELATING TO LICENSING REQUIREMENT EXEMPTIONS.

SPONSORED BY: COUNCIL MEMBER RICK BLACKWELL

WHEREAS, currently our farmers and gardeners are disadvantaged by competing with those who improperly utilize licensing exemptions; and

WHEREAS, this amendment will assist in creating a more level playing field for our local farmers and gardeners by making proper enforcement possible.

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

SECTION I. LMCO Section 115.351 is amended as follows:

§ 115.351 LICENSE REQUIRED.

(A) It shall be unlawful for any itinerant vendor or peddler to engage in business within Louisville/Jefferson County except when licensed as a stationary or mobile vendor or peddler as defined in § 115.350(A) and in compliance with the provisions of this chapter.

(B) Unless otherwise exempted, every itinerant vendor or peddler, before commencing business within Louisville/Jefferson County, shall make application in writing and under oath to the Department of Codes and Regulations and shall pay the required license fees.

(C) A separate license shall be required for each vehicle or conveyance engaged by an itinerant vendor.

(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) To newspaper carriers or newspaper vendors (provided that the location and design of all vending machines is approved by the Director of Public Works and Assets); to merchants or their employees in delivering goods in the regular course of business; to vendors of milk and other products distributed or sold to regular customers on established routes; ~~or to sales upon private property by farmers and gardeners of the produce of their farms and gardens.~~

(2) The selling or soliciting for the sale of goods at a trade fair, flea market, or sales exhibition sponsored by a sales exhibition promoter or on property owned or operated by the State Fair Board or Commonwealth of Kentucky.

(3) The selling or offering for sale or distribution from interior private pedestrian circulation areas of shopping centers or malls of products to pedestrians which are traversing such zones or patrons of retail stores.

(4) No license is required for those persons operating yard sales, garage sales, bake 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) Those restrictions placed upon garage sales by Land Development Code Section 4.4.4. shall apply to all such sales included in this section. For the sale of homegrown produce, a license is required and available for sales that are not temporary in nature.

(5) Sales upon private property by farmers and gardeners of the products of their farms and gardens. Should the Department of Codes and Regulations receive information, which in its discretion creates reason to believe that the licensing exemption created by this subsection should not apply, the burden of proof shall be upon the claimant to prove the applicability of the exemption.

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

Sonya Harward
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

O-248-21 Homegrown Exemption 5.27.21 rh