

ORDINANCE NO. _____, SERIES 2022

AN ORDINANCE CREATING A NEW SECTION TO LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER 42 TO REGULATE THE USE OF METRO-OWNED PROPERTIES AS A TOW LOT.

SPONSORED BY: COUNCIL MEMBER KEISHA DORSEY AND COUNCIL PRESIDENT DAVID JAMES

WHEREAS, Mayor Greg Fischer announced on December 28, 2021 that the Administration intends to use Metro-owned property at 3502 S. Seventh Street (the “Property”) as a temporary tow lot; and

WHEREAS, while the December 28, 2021 announcement made by Mayor Greg Fischer contemplates that the use of the Property is not a permanent use, but is silent on the criteria used to determine when the use will no longer be needed and is also silent regarding the estimated timeframe for the temporary use; and

WHEREAS, communication by and between Mayor Greg Fischer and the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”), particularly the affected Council district where the Property is located, prior to the December 28, 2021 announcement was not sufficient; and

WHEREAS, pursuant to LMCO 72.060, the Metro Government tow lot(s) are under the direction of the Director of Public Works; and

WHEREAS, the Council wishes to set forth guidelines regarding the use of Metro-owned property as tow lots.

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

SECTION I: Creates a new subsection of LMCO Chapter 42 as follows:

§ 42.50 METRO COUNCIL APPROVAL REQUIRED FOR USE OF METRO-OWNED PROPERTY AS A TOW LOT

Council approval shall be required for the use of Metro-owned property as a tow lot through the processes set forth in subsections (A) through (D). For the purposes of this section, the following definitions apply:

PERMANENT USE shall mean a use lasting for a period of one year or more.

TEMPORARY USE shall mean a use lasting no more than six (6) months.

A. Public Works shall obtain Council approval to (i) extend a temporary use of any Metro-owned property as a tow lot, for an additional six (6) months, and at the end of any such additional six (6) month period, shall obtain Council approval for any further extensions, each such extension not to exceed six (6) months, and/or (ii) authorize the permanent use of any Metro-owned property, other than the current lot located at 1478 Frankfort Avenue, as a tow lot.

B. Prior to any request for Council approval pursuant to (A), Public Works must provide an explanation to Council as to the reasons that necessitate the extension of the temporary use, or permanent use, as applicable, of the Metro-owned property as a tow lot.

C. Prior to any permanent use of any Metro-owned property as a tow lot, or prior to requesting an extension of a temporary use, Public Works must hold a public meeting to discuss the use of the Metro-owned property with the community at a location in close proximity to the site in question. Notice of the public meeting must satisfy the requirements in KRS 61.823. Copies of the public notice must be filed with any such request to Council.

D. If Council approval is not obtained, Public Works shall have ninety (90) days in which to cease the use of the Metro-owned property as a tow lot and to perform any necessary remediation activities in connection with that cessation of use.

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

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-008-22 – Ordinance Regulating the Use of Metro-Owned Property as a Tow Lot (If)