

ORDINANCE NO. _____, SERIES 2014

AN ORDINANCE RELATING TO COMPLIANCE WITH AND THE ENFORCEMENT OF LOUISVILLE METRO CODE OF ORDINANCES CHAPTER 94 AND THE INSTALLATION OF SMOKE DETECTORS (As Amended).

Sponsored By: Council Member Peden

WHEREAS, Louisville Metro Code of Ordinances Chapter 94.04 provides for the owners of dwellings and dwelling units to install suitable smoke detectors to protect dwelling and dwelling unit inhabitants and to support in fire prevention efforts; and

WHEREAS, in order to provide for the further safety of dwelling and dwelling unit inhabitants, it has become necessary to require dwelling and dwelling unit owners to install smoke detectors on all levels of a dwelling or dwelling unit, and to permit designated enforcement representatives the authority to install smoke detectors on all levels of a dwelling or dwelling unit

WHEREAS, in order to ensure compliance with LMCO Chapter 94, the Chief of the Fire Department, Fire District, or Code Official or any of their designated representatives, are hereby authorized and directed to enforce all provisions of LMCO Chapter 94; and

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

~~**SECTION I:** LMCO §94.01 of the LMCO is hereby amended to read as follows:~~

~~**DWELLING FLOOR.** Each story or level contained within a Dwelling, which is used for, but not limited to, living, sleeping, recreation, cooking, eating or other personal sentient type activities. Such areas may consist of singular or multiple stories or levels.~~

~~**DWELLING UNIT FLOOR.** Each story or level contained within a Dwelling Unit, which is used for, but not limited to, living, sleeping, recreation, cooking, eating or other personal sentiment type activities. Such areas may consist of singular or multiple stories or levels.~~

SECTION II: LMCO §94.02(A) of the LMCO is hereby amended to read as follows:

(A) ~~In On~~ all dwelling ~~units floors, and upon each dwelling unit floor,~~ smoke detectors powered by a hard wire AC primary power source or a self-monitored, non-removal ten-year lithium battery shall be installed and maintained after the effective date of this subchapter. Single station detectors presently installed utilizing standard batteries may continue to be used as long as the units remain operational. Should an inspection of the concerned properties reveal these units out of service due to a low or no battery, it will be cause to replace the units with at least smoke detectors powered by a hard wire AC primary power source or a self-monitored, non-removal ten-year lithium battery.

SECTION III: LMCO §94.04(C) of the LMCO is hereby amended to read as follows:

~~(C) Any designated representative, as identified in paragraph (A), who discovers a failure to comply with §94.02(A), may remediate the failure to comply by installing a one (1) suitable smoke detector. Costs of remediation shall may be assessed to the Owner of the Dwelling or Dwelling Unit. Costs of remediation shall be capped at Fifty Dollars (\$50), exclusive of any other fines, fees or penalties that may be assessed. In the event of a remediation in which one (1) suitable smoke detector is installed by a designated representative, said installation does not automatically bring the dwelling unit into compliance with the proper code requirements and all dwelling units shall be required to~~

comply with the appropriate installation and maintenance requirements for a dwelling unit.

SECTION III: Upon receiving the smoke detector, the Chief of the Fire Department, Fire District, or Code Official will leave written notice to the property owner who resides in said property of the cost associated with purchasing and installing the smoke detector; the letter shall also include instructions for voluntary reimbursement to the fire department.

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

H. Stephen Ott
Metro Council Clerk

Jim King
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____