



Louisville Metro Government

Legislation Text

File #: O-467-21, Version: 3

**ORDINANCE NO. _____, SERIES 2021
AN ORDINANCE AMENDING SECTION 115 OF THE LOUISVILLE METRO CODE
OF ORDINANCES REGARDING BOARDING AND GROUP HOUSING
REGULATIONS *(AS AMENDED)*.**

SPONSORED BY: COUNCIL MEMBER MADONNA FLOOD

WHEREAS, the Department of Planning and Design Services has spent several years discussing Boarding and Group Housing regulations with various regulator agencies, interest groups, experts, advocates, and others impacted by these uses, eventually developing suggestions for changes to the both the Land Development Code (“LDC”) and Louisville Metro Code of Ordinances (“LMCO”); and

WHEREAS, the Louisville Metro Planning Commission held a public hearing on these amendments on April 15, 2021 after the Planning Committee conducted its own meeting to discuss potential amendments regarding boarding and group housing regulations, eventually recommending the Planning Commission adopt them; and

WHEREAS, the Planning Commission considered the record and testimony related to those amendments and recommended their approval; and

WHEREAS, the Council heard and ultimately adopted the Planning Commission’s recommendations for changes to the LDC in Ordinance 102, Series 2021, which was passed on July 29, 2021; and

WHEREAS, the LMCO recommendations are companion changes related to the LDC changes which have already passed; and

WHEREAS, the Council concurs with and adopts the recommendations of the Planning

Commission, with minor corrections and amendments;

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

SECTION I: LMCO Chapter 115 is hereby amended to read as follows:

BOARDING HOUSES, HOMELESS SHELTERS, REHABILITATION HOMES, AND TRANSITIONAL HOUSING FACILITIES

§ 115.001 DEFINITIONS.

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

ADDRESS. The physical location/address of a person or entity. It may not be a P.O. Box address.

BOARDING AND LODGING HOUSE. A dwelling unit where for compensation and by prearrangement rooms are provided for no more than eight people, meals may or may not be provided, but there exists one common kitchen facility in which a room(s) is rented to a boarder(s) who is not a member of the family for compensation. This term does not apply to hotel, motel, extended stay lodging facilities, short-term rental facilities, nursing home rooms, or assisted living units. A Boarding House is not a Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, Transitional Housing, or any other use more specifically defined in this section or the Land Development Code. There are two classifications of Boarding Houses:

(1) RESIDENTIAL LODGING HOUSE. A single-family dwelling where one or more occupants are primarily permanent in nature, and rent is paid for guestrooms. A Residential Lodging House is a Boarding House that is owner-occupied and has five (5) or fewer guestrooms. A residential lodging house with more than five boarders is prohibited.

(2) COMMERCIAL BOARDING HOUSE. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family dwelling. A Commercial Boarding House is a Boarding House that is either a) not owner-occupied or b) owner-occupied and contains more than five (5) guestrooms. A commercial boarding house with more than eight boarders is prohibited.

CAMPUS. Shelters Homeless Shelters located on contiguous lots that are operated by the same operator.

CRIMINAL RECORD CHECK. A criminal record check performed by the Kentucky Administrative Office of the Courts for records of criminal actions in Kentucky.

DEPARTMENT OF PUBLIC HEALTH AND WELLNESS. The Louisville Metro Department of Public Health and Wellness.

DIRECTOR. The Director of the Louisville Metro Department of Codes and Regulations.

HOMELESS or HOMELESS INDIVIDUAL OR PERSON. An individual who lacks a fixed, regular, and adequate nighttime residence; and an individual who has a primary nighttime residence that is:

(1) A supervised publicly or privately operated homeless shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

HOMELESS SHELTER. A facility the primary purpose of which is to provide temporary shelter and living quarters for the homeless. The facility provides overnight sleeping accommodations with or without charge; and may provide meals and/or ancillary social, educational, or health services. The facility is staffed. No facility that is operated by the American Red Cross or other like entities to accommodate disaster victims who are left homeless due to events such as fires, flood, or hazardous materials releases that is operated under the Louisville/Jefferson County Emergency Operations Plan is included.

OPERATOR. The person or group that runs transitional housing or a homeless shelter or boarding and lodging house.

REHABILITATION HOME. A building or group of buildings providing residence for persons receiving supervised medical or professional care for drug or alcohol abuse or psychiatric disorders and/or required to stay at the subject facility as a condition of their parole for a past conviction. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and have 24-hour-a-day supervision. A Rehabilitation Home is not a Boarding House, Family Care Home, Homeless Shelter, Residential Care Facility, Transitional Housing, or any other use more specifically defined in this section and/or the Land Development Code. In addition, this term does not include uses that provide medical care that are more specifically defined in the Land Development Code, such as a Hospital, Medical Clinic, or Nursing Home.

RESIDENT. A person properly registered or signed into a shelter Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility for overnight occupancy that uses any or all of the services of a shelter such facility.

~~**SHELTER.** Transitional housing or a homeless shelter or boarding and lodging house.~~

TRANSITIONAL HOUSING FACILITY. A temporary residential living arrangement for persons participating in a program that provides supportive services (such as counseling, education, training, etc.) to help persons ~~them~~ achieve personal independence. Staff is available as needed. Transitional ~~H~~ Housing is not a rehabilitation home (as defined in the Land Development Code) a Boarding House, Family Care Home, Homeless Shelter, Rehabilitation Home, Residential Care Facility, or any other use more specifically defined in this section or the Land Development Code. These facilities are not subject to the Uniform Residential Landlord and Tenant Act as set forth in KRS Chapter 383 (KRS 383.500 et seq.).

TUBERCULIN SKIN TEST (TST). The Tuberculin Skin Test, referred to herein as TST, is

performed by injecting a small amount of tuberculin purified protein derivative into the inner surface of the forearm. The test is read at a later date to determine whether a person has been infected with tuberculosis.

§ 115.002 ANNUAL LICENSE REQUIRED; POSTING OF LICENSE.

(A) No person, firm, or corporation shall own or operate a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility on any premises within Jefferson County unless an annual license for ~~the its operation of a shelter~~ has been applied for and issued by the Director or his or her designee for the premises and the license remains in effect in conformity with the provisions of this subchapter.

(B) Any license issued under this subchapter shall be valid from the date of issuance until the next occurring September 1st, whether or not the next occurring September 1st is within the same calendar year as the grant of the license, unless the license has been suspended or revoked.

(C) Each owner or operator of a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility licensed under this subchapter shall post the operator's license, in a conspicuous place at or near the entrance to such ~~shelter~~ facility so that it may be easily read at any time.

(D) Application for renewal of a license for a Homeless Shelter, Rehabilitation Home, or Transitional Housing facility shall be made at least 90 days, ~~but not before 240 days,~~ before the expiration of the current license. Application for renewal of a license for a Boarding House shall be made at least 30 days before the expiration of the current license.

(E) If the renewal application and/or the annual fee are not tendered in a timely fashion, the Director shall serve notice to the operator that the failure to submit the renewal application and/or the annual fee within ten business days will be deemed an abandonment of the license as of the above-referenced renewal deadline. Service of the notice required by this section shall be deemed complete upon certified mailing, return receipt requested, or personal delivery.

§ 115.003 ANNUAL APPLICATION FOR LICENSE; INVESTIGATION; FEE.

(A) Each annual application to the Director for a license to operate a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility shall be in writing, notarized, and shall be in the form prescribed by the Director. The application, at a minimum, shall set forth:

(1) The name, address, ~~and~~ phone number, and email address of the applicant;

(2) The names, addresses, and phone numbers of the principal officers, if the applicant is a corporation;

(3) The designation of a registered office and registered agent (who regularly works at the registered office) located in Jefferson County, Kentucky which registered agent shall be its

representative for the service of process or notice under this subchapter;

(4) The location for which the permit is desired;

(5) If the applicant is not the owner of record of the real property on which the ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility is located or to be located, the application shall include the name and address of the owner of record of the real property, and a copy of lease or other agreement authorizing use of the property by applicant;

(6) The names, addresses, and a ~~copy~~ copies of a government issued identification cards of all ~~shelter~~ Homeless Shelter, Rehabilitation Home, or Transitional Housing facility employees known as of the date of application;

(7) For Boarding Houses, Homeless Shelters, Rehabilitation Homes, and Transitional Housing Facilities, ~~have~~ Have a criminal record check performed on any owner, officer, director, or employee having direct contact with a child at the shelter;

(8) For Homeless Shelters, Rehabilitation Homes, and Transitional Housing Facilities, ~~provide~~ Provide a statement that ~~the shelter facility~~ maintains on site the social security number, or a complete set of finger prints for all owners, officers, and employees, and a current list of its board of directors with their mailing address and other contact information; and

(9) For Boarding Houses, Homeless Shelters, Rehabilitation Homes, and Transitional Housing Facilities, ~~provide~~ The notarized statements of all owners, officers, directors, and employees that have direct contact with a child at the shelter that each does not have a criminal record involving a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any violation of this ordinance.

(10) ~~Boarding and lodging house~~ House applications shall provide the following additional information:

(a) Resident/client profile, if applicable, (~~population to be served~~) and a statement as to whether or not convicted felons and/or registered sex offenders may be accepted as residents;

(b) Site plan and floor plans of any building subject to the use (showing the location and dimensions of all bedrooms);

(c) Rules of conduct and ~~business~~ management plan; and

(d) Support services to be provided and projected staffing level, if any; and ~~The~~ maximum number of Boarders; and

(e) Proposed maximum stay for each resident. ~~Documentation showing compliance with Revenue Commission~~ requirements.

(11) This licensure requirement shall apply in addition to licensure of boarding and lodging house home licensed by the Commonwealth of Kentucky under KRS 21B.305 et seq Chapter 216B.

(B) A nonrefundable fee of \$100 shall accompany the application for a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility. A nonrefundable fee of \$150 shall accompany the application for a campus for a Homeless Shelter.

(C) ~~(4)~~ An annual application for a license must be made for each separate Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility ~~shelter~~ or campus.

~~(2)~~ (1) When an complete application is received by the Director, the Director or his or her designee shall refer a copy of the application to the appropriate Metro Government agencies, which shall within ten business days of their receipt of the license application cause the facilities to be inspected to determine if the facilities meet the zoning, health, sanitation, structural, fire, property maintenance and fire safety requirements set out in any applicable state and local laws, and report such information to the Director within ten business days of such inspection.

(a) A food establishment inspection shall not be required at the time of application for a ~~shelter license~~ if the Department of Public Health and Wellness conducted such an inspection at the ~~shelter~~ location within the six months prior to the application, or if the ~~shelter~~ facility does not have commercial cooking facilities. The Department of Public Health and Wellness will advise the Director in writing as to whether a food establishment inspection is required for the ~~shelter license~~ application.

(D) A license to operate a Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility shall be issued to the applicant by the Director within ~~ten business~~ 14 days after receipt of the inspection reports required by subsection (C) above, if ~~the application is fully and accurately completed and~~ if the required inspections reveal that the ~~shelter facility~~ meets the zoning, health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws as may be amended from time to time. However, no license shall be issued by the Director if ~~any one of the following is found to be true:~~

(1) The applicant or any of its owners, officers, directors, or employees that have direct contact with a child at the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility ~~will check to confirm that a criminal record is not had involving~~ has a felony violation of any crime against a minor, or an equivalent law of another jurisdiction within ten years next preceding the date of application, or any violation of this ordinance; or

(2) An applicant is delinquent in the payment to Metro Government of taxes, fees, fines, or penalties assessed against or imposed upon the applicant in relation to a Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility; or

(3) The license fee required by subsection (B) above has not been paid; or

(4) The proposed Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility is located in a zoning district ~~that does not permit other than a district in which shelters are the use or does not have an approved conditional use permit if required~~ allowed to operate under the applicable zoning regulations of Metro Government; or

(5) The applicant's premises have been found by the Director to not be in compliance with laws or regulations of any applicable federal, state, or local governments.

(E) A license to operate a Boarding House shall be issued to the applicant by the Director within 14 days after receipt of all inspection reports required by subsection (C) above, if the required inspections reveal that the facility meets the zoning, health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state and local laws. However, no license shall be issued by the Director if:

(1) The applicant's premises have been found by the Director to not be in compliance with laws or regulations of any applicable federal, state, or local governments; or

(2) The license fee required by subsection (B) above has not been paid; or

(3) The proposed Boarding House is located in a zoning district that does not permit the use or does not have an approved conditional use permit if required.

~~(E)~~ (F) In the event of denial, the Director shall notify the applicant in writing of the reasons for such denial. Said notice shall be mailed, certified mail, return receipt requested, within ten business days after the Director receives the inspection reports required by subsection (C) above.

(F) (G) In the event the inspection required by this section is not completed within the time frame set forth in subsection (C) hereof or if the Director fails to notify the applicant in writing of the reasons for denial of the application in the manner prescribed in subsection (E) hereof, then the application will be deemed to be granted and the ~~shelter~~ facility authorized to operate until such time as all required inspections have been completed, the Director has received the required reports, and the applicant receives notice of the Director's decision on the application by certified mail, return receipt requested.

§ 115.004 COMPLIANCE WITH FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS.

Each separate ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility shall be in compliance with any currently applicable laws and regulations of the federal, state, or local governments, as may be amended from time to time including but not limited to, laws or regulations on nondiscrimination, zoning, building, safety, property maintenance, food sanitation, health and sanitation, fire, electrical, plumbing, mechanical, reporting the dependency, abuse or neglect of minor children, and other applicable laws.

§ 115.005 DUTIES OF OPERATOR.

(A) In addition to being in compliance with any currently applicable laws and regulations of the federal, state, or local governments required by § 115.004, it shall be the duty of the operator of a Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility licensed under this subchapter to:

(1) Maintain the health and safety standards set out herein or in any currently applicable laws or regulations of the federal, state, or local governments as may be amended from time to time;

(2) Have a criminal record check performed on all employees having direct contact with a child at the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility prior to such employee's performing duties for the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility, and annually thereafter;

(3) Have a criminal record check performed on all volunteers having direct contact with a child at the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility within one week of the volunteer first volunteering for the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility, and annually thereafter;

(4) Require all employees and volunteers, that have regular and ongoing direct contact with residents, to provide the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility with a tuberculosis medical clearance card issued by a licensed medical professional within seven days of the employee's or volunteer's first working day at a shelter, and a one step TST annually thereafter;

(5) Require all new residents at a Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility, within seven days of admission, and annually thereafter, to provide the shelter with a tuberculosis medical clearance card issued by a licensed medical professional;

(6) Maintain a confidential central file of the tuberculosis medical clearance cards for all employees, volunteers, and residents as required by subsections (A)(4) and (A)(5);

(7) Provide and have available for review by any employee, volunteer, or resident, educational materials about tuberculosis;

(8) The rate of ventilation at a Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility should be at or above 25 cubic feet of outside air per minute per person to assist in the prevention of transmission of tuberculosis;

(9) Refer any employee, volunteer, or resident suspected of having a communicable disease to the appropriate medical authority for testing;

(10) Provide and have available for review, by any employee, volunteer, or resident, educational materials regarding communicable diseases and precautions to be taken to protect the employee, volunteer, and ~~shelter~~ residents;

(11) Maintain a written and posted first aid and cardiopulmonary resuscitation ("CPR") policy, including having:

(a) At least one person trained and currently certified in first aid and CPR on duty on each shift; and

(b) All certifications of employees or volunteers for first aid and CPR shall be kept on file for inspection by the Department of Public Health and Wellness; and

(c) Adequate and available medical supplies for first aid and CPR.

(12) Provide written policies and procedures on the handling of prescription or over-the-counter drugs, including controls and/or limitations on access to prescription and over-the-counter drugs kept in the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility;

(13) Maintain sanitary conditions in the Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility;

(14) Maintain all mattresses and box springs with a water resistant encasing protective cover that will resist tearing and can be wiped thoroughly with a disinfectant cleaner before use by any other residents;

(15) Post a clearly marked evacuation plan that is approved by the appropriate Fire Department or Fire District official in areas available to both Homeless s Shelter, Rehabilitation Home, or Transitional Housing Facility staff and residents, and keep a copy of the plan on file;

(16) Provide services to all individuals within Jefferson County free from discrimination because of race, color, religion, national origin, familial status, age, disability, sex, gender identity, or sexual orientation;

(17) Allow residents access to restrooms during Homeless s Shelter hours of operation; and

(18) If required, have and maintain a Kentucky food establishment permit and have received a passing score on their most recent inspection.

~~(19) Boarding and lodging houses shall not have any signage which identifies the use.~~

~~(20) Boarding and lodging houses shall be located on or near a collector or arterial street with reasonable access to public transportation.~~

~~(21) Boarding and lodging houses shall provide sufficient on-site parking as required by the Land Development Code.~~

(22) ~~(19)~~ The new owner of a shelter, including a boarding and lodging house, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility must file the registration statement within ten days of a change of ownership and/or acquiring title to the shelter.

~~(23)~~ ~~(20)~~ Subsections (A)(4) through (A)(7)(15) and (A)(9) through (A)(12) of this section shall not apply to ~~boarding and lodging houses~~ Boarding Houses.

§ 115.006 RIGHT OF ENTRY TO INSPECT.

Any peace officer, Code Enforcement Officer, Zoning Enforcement Officer, Fire Department or Fire District official, the Department of Public Health and Wellness, and any other appropriate investigating officials of the Metro Government, shall have the right to enter any portion of a ~~shelter's~~ premises on which a Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility is located during regular business hours ~~where shelter residents and employees are permitted~~ for the purpose of making reasonable inspections and determining compliance with zoning, health, sanitation, structural, electrical, plumbing, fire, property maintenance, and safety regulations, as well as all other provisions of law or regulations.

§ 115.007 TRANSFER OF LICENSE.

(A) No ~~shelter~~ license shall be transferable except with the written approval of the Director. The application for such a transfer shall be in writing and shall contain the same information required for the initial application for such a license.

(B) The application procedure shall be the same as outlined in § 115.003. A \$100 transfer fee shall be charged for each such license transfer.

(C) In the event of denial, notification and reasons for denial shall be given to the applicant in the manner provided by § 115.003. A denial of a transfer may be appealed in the same manner as the denial of an application for an original shelter license.

§ 115.008 DENIAL OF APPLICATION FOR A NEW LICENSE.

(A) In the event the Director denies an ~~license~~ application for a new ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility, the Director shall advise the applicant of his or her decision, and the reasons therefore, by certified letter, return receipt requested, sent to the most current address listed in the affected operator's file. Such denial of an application for a new ~~shelter~~ license shall include information regarding the right to appeal the decision. The applicant affected by the denial of a new ~~permit~~ license shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying him or her in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final. When the Director denies an application for an ~~license~~ application for a new ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing Facility, the applicant shall not operate as a ~~shelter~~ such a facility until either the Code Enforcement Board or a court of competent jurisdiction so orders. ~~Notwithstanding the preceding sentence, all homeless shelters and transitional housing facilities in existence and in operation on the effective date of this subchapter shall be issued an initial license for a term in accordance with § 115.002(B).~~

(B) When the Director receives a notice of an appeal, he or she shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.

(C) At the hearing on the new license denial, the appellant shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.

(D) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Jefferson Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a court of competent jurisdiction.

§ 115.009 REVOCATION, SUSPENSION, OR DENIAL OF THE TRANSFER OF A LICENSE.

(A) In the event the Director has reason to believe that a ~~shelter~~ Boarding House, Homeless Shelter, Rehabilitation Home, or Transitional Housing facility is operating in violation of this subchapter, or that the transfer of a license would create a violation of this subchapter, the Director shall provide written notice to the operator that the ~~shelter~~ license is suspended, revoked, or denied a transfer. The written notice shall include the reasons for the revocation, suspension, or denial of a transfer, and shall be sent by certified letter, return receipt requested, to the most current address listed in the affected operator's file. Such notice shall include information regarding the right to appeal the decision. Any decision by the Director to suspend, revoke, or deny the transfer of any license issued hereunder shall remain in abeyance until all appeals are exhausted or the time for filing the initial appeal from the Director's decision under subsection (B) hereof has expired.

(B) Upon receipt of a decision from the Director to suspend, revoke, or deny the transfer of a license, the operator affected thereby shall have ten business days from the date of receipt of said notice to appeal the Director's decision by notifying the Director in writing of the basis for said appeal. The notice of appeal may be hand delivered to the Director or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the Director shall be final.

(C) When the Director receives a notice of an appeal, the Director shall schedule a time and date for the appeal to be heard before the Code Enforcement Board and such hearing shall be held within 30 calendar days of the date the Director receives the notice of appeal. The Director shall notify the appellant in writing of the hearing date and may send such notice by regular first class mail. The appellant may request an alternate hearing date but in no event shall it be more than 30 days after the originally scheduled date.

(D) At the hearing on any license suspension, revocation, or denial of license transfer, the operator shall have the right to counsel, present evidence and offer testimony by witnesses. The hearing shall be transcribed. The Board shall render written findings within 20 days of its oral decision. The Board's decision will be final unless appealed.

(E) Any party adversely affected by the Code Enforcement Board's decision may appeal it to the Jefferson Circuit Court within 30 days of the date the Board issues its written findings. The party appealing the Board's decision will be responsible for the cost of preparing the transcript which, along with evidence presented and the written findings of the Board, shall constitute the record on appeal. The decision of the Board shall be effective during the pendency of the appeal unless stayed by a

court of competent jurisdiction.

§ 115.010 ENFORCEMENT.

(A) In addition to the penalties provided in § 115.999(L), the Director is authorized to enforce the provisions of this chapter through declaratory, injunctive and other civil actions filed in any court of competent jurisdiction.

(B) The Director has the authority to issue rules and regulations for the implementation of this subchapter. Written notice of the issuance of any rules and/or regulations concerning the implementation of this subchapter shall be sent by first class mail to all active license holders ten days prior to the date they become effective. The rules and regulations shall be available to the public through the Department of Codes and Regulations and online at the Louisville Metro website.

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§ 115.999 PENALTY.

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(L) (1) Any person who operates a shelter without a license as provided in or entity who violates any provision of §§ 115.001 through 115.010 shall be issued a citation by an enforcement officer Enforcement Officer designated by the Director, and. If the facility is not licensed as required in §§ 115.001 through 115.010, the citation shall include an order to cease operations until a valid license is obtained. If the facility is licensed pursuant to §§ 115.001 through 115.010, the citation shall include an order to cease operations until compliance with the violation is obtained. A first offense will be subject to a civil penalty of \$125 as imposed by an Enforcement Officer. A second offense will be subject to a civil penalty of \$250 as imposed by an Enforcement Officer. A third offense will be subject to a civil penalty of \$500 as imposed by an Enforcement Officer. Any additional offense beyond the third offense will be subject to a civil penalty of \$1,000 as imposed by an Enforcement Officer. Each day that a violation continues after separate notice has been served shall be deemed a separate offense. Any person who receives a citation may appeal the violation to the Code Enforcement Board. Enforcement of violations shall occur in accordance with §§ 32.275 et seq., in administrative proceedings before the Louisville Metro Code Enforcement Board, which shall be authorized to impose an administrative penalty of not less than \$500, nor more than \$1,000, per day for each day that a shelter is operated without a valid license. Each day of such violation(s) shall constitute a separate offense.

(2) Any person licensed to operate a shelter who violates the provisions of §§ 115.001 through 115.010 shall be subject to having the license revoked, and may be fined not less than \$100, nor more than \$1,000, per offense. Each day of such violation(s) shall constitute a separate offense. In addition to the penalties provided herein, the Director is authorized to pursue remedial civil actions for violations of §§ 115.001 through 115.010 by civil complaint or petition for injunctive relief, declaration of rights or other appropriate proceedings filed in the Jefferson County, Kentucky Circuit Court.

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

APPROVE AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

By: _____

O-467-21 V.3 LMCO 115 RE Boarding and Group Housing Regulations