

ORDINANCE NO. _____, SERIES 2026

AN ORDINANCE REPEALING, AMENDING, AND CREATING CERTAIN CHAPTERS OF TITLE III OF THE LOUISVILLE METRO CODE OF ORDINANCES PURSUANT TO KRS 83A.060.

SPONSORED BY: PRESIDENT ACKERSON

WHEREAS, Pursuant to KRS 83A.060(11), at least once every five (5) years, each city shall cause all ordinances in the composite index or code of ordinances to be examined for consistency with state law and with one another and to be revised to eliminate redundant, obsolete, inconsistent, and invalid provisions, and

WHEREAS, Louisville Metro Council has caused Title III of the Louisville Metro Code of Ordinances to be examined for consistency with state law, with other provisions of the Louisville Metro Code of Ordinances in conformity with KRS 83A.060, and

WHEREAS, Louisville Metro Council desires to revise certain sections of the Louisville Metro Code of Ordinances to eliminate redundant, obsolete, inconsistent, and invalid provisions.

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

SECTION I: LMCO Sections 33.01 to 33.97 are repealed in their entirety and reserved as follows:

- § 33.01 RESERVED.
- § 33.02 RESERVED.
- § 33.03 RESERVED.
- § 33.04 RESERVED.
- § 33.97 RESERVED.

SECTION II: LMCO Sections 37.10 to 37.19 are repealed in their entirety and reserved as follows:

- § 37.10 RESERVED.
- § 37.11 RESERVED.
- § 37.12 RESERVED.
- § 37.13 RESERVED.
- § 37.14 RESERVED.
- § 37.15 RESERVED.
- § 37.16 RESERVED.
- § 37.17 RESERVED.
- § 37.18 RESERVED.
- § 37.19 RESERVED.

SECTION III: LMCO Section 37.50 is amended to read as follows:

§ 37.50 OFFICIAL RECORDS.

The ~~Secretary of Finance and Administration~~ Chief Financial Officer or designee shall have custody of the Metro Government seal, all original contracts not required to be filed elsewhere, all official, penal, indemnity, or security bonds, all public records, and all papers and documents of value that are not required to be deposited with any other officer. The ~~Secretary~~ Chief Financial Officer shall register all such records, papers, and documents by numbers, dates, and contents.

SECTION IV: LMCO Section 37.53 is amended to read as follows:

§ 37.53 PURCHASING AND CONTRACTS.

The ~~Finance and Administration Cabinet~~ Office of Management and Budget shall be responsible for the administration of the Metro Government Procurement Code.

SECTION V: LMCO Section 37.75 is amended to read as follows:

§ 37.75 TAXPAYER SUBSIDIZED PROJECTS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CERTIFIED FEMALE OWNED BUSINESS. A business enterprise legally constituted under the laws of the state, including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, which enterprise is not an affiliate or a subsidiary of a business dominant in its field of operation and has employees identified in its own payroll records, working specifically for such entity and which entity is majority owned and controlled by a person or a combination of persons who are female and legal residents of the United States. A female owned business enterprise shall be certified by the Metro Human Relations Commission or by any organization approved and designated by the Metro Human Relations Commission to certify the company to be female owned.

CERTIFIED MINORITY OWNED BUSINESS. A business enterprise legally constituted under the laws of the state including but not limited to an individual, partnership, corporation, joint venture, association, or cooperative, which enterprise is not an affiliate or a subsidiary of a business dominant in its field of operation and has employees identified in its own payroll records, working specifically for such entity and which entity is majority owned and controlled by a person or a combination of persons who are minorities and legal residents of the United States. A minority owned business

enterprise shall be certified by the Metro Human Relations Commission or by any organization approved and designated by the Metro Human Relations Commission to certify the company to be minority owned.

COVERED STRUCTURE. Any building or facility constructed as part of a taxpayer subsidized project contemplated by this section.

DEVELOPER. Any person or entity undertaking a taxpayer subsidized project.

LOUISVILLE METROPOLITAN STATISTICAL AREA (MSA). As defined by the United States Census Bureau (currently comprising a 13 county area). For purposes of this section, the term **MSA** shall include the entire county of all counties within the MSA and all counties contained in the region commonly known as the Louisville Labor Force Area.

MINORITY. Any legal resident of the United States having ethnic origin in the black racial groups of Africa; a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish cultures; a person having ethnic origin in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, Korea, China, the Philippines, Malaysia, Hawaii, and Samoa; a person having origins in any of the original peoples of North America who is an enrolled member of an Indian tribe recognized as such by the government of the United States or Canada; or a person having origins in the Eskimo or Aleut peoples and who is recognized as such by either a tribe, tribal counsel, or a suitable authority in the community, which authority may be an educational institution, religious organization, or a federal or state agency.

~~PREVAILING WAGE.~~ ~~The wages typically paid for services rendered by any particular profession or trade as determined pursuant to KRS 337.505(1) and KRS 337.520(3), (a), (b), (c) to wit:~~

~~—— (a) KRS 337.505(1). The basic hourly rate paid or being paid subsequent to the Executive Director's most recent wage determination to the majority of laborers, workmen, and mechanics employed in each classification of construction upon reasonably comparable construction in the locality where the work is to be performed (Louisville/Jefferson County); such rate shall be determined by the Executive Director in accordance with paragraphs (a), (b), and (c) of subsection (3) of KRS 337.520; in the event that there is not a majority paid at the same rate, then the basic hourly rate of pay shall be the average basic hourly rate which shall be determined by adding the basic hourly rates paid to all workers in the classification and dividing by the total number of such workers.~~

~~—— (b) KRS 337.520(3). The Executive Director shall have the authority to determine schedules and current revisions of the rates of prevailing wages as defined in KRS 337.505 but in no case shall the Executive Director determine wages to paid for a legal day's work to laborers, workmen and mechanics engaged in the construction of public works at less than the prevailing wages paid in the localities (Louisville/Jefferson County). The Executive Director, in determining what rates of wages prevail, shall consider the following criteria:~~

~~—— 1. Wage rates paid on previous public works constructed in the localities (Louisville/Jefferson County). In considering the rates, the Executive Director shall ascertain, insofar as practicable, the names and addresses of the contractors, including~~

~~subcontractors, the location, approximate costs, dates of construction and types of projects, the number of workers employed on each project, and the respective wage rates paid each worker who was engaged in the construction of these projects.~~

~~2. Wage rates previously paid on reasonably comparable private construction projects constructed in the localities (Louisville/Jefferson County). In considering the rates the Executive Director shall ascertain, insofar as practicable, the names and addresses of the contractors, including subcontractors, the location, approximate costs, dates of construction and types of projects, the number of workers employed on each project, and the respective wage rates paid each worker who was engaged in the construction of these projects.~~

~~3. Collective bargaining agreements or understandings between bona fide organizations of labor and their employers located in the Commonwealth of Kentucky which agreements apply or pertain to the localities (Louisville/Jefferson County) in which the public works are to be constructed.~~

TAXPAYER SUBSIDIZED PROJECTS.

(a) Any construction project located in Louisville Metro (i) approved by the Commonwealth of Kentucky for a Tax Increment Financing (TIF) District pursuant to KRS 154.30-050 or KRS 154.30-060, (ii) approved by Louisville Metro for a local TIF pursuant to KRS 65.7041-65.7083, or (iii) having a cost exceeding \$20,000,000 and receiving at least 25% of its funding from Louisville Metro.

(b) For purposes of this section, in the determination of project cost, a project cannot be divided into component parts or separate projects unless the projects are

conceptually separate and unrelated to each other, or encompass independent and unrelated needs of Louisville Metro.

(c) Work performed as tenant finish shall be exempt from the provisions of this section. Further, tax credits or tax reductions provided by federal, state or city employment incentive programs (such as the Kentucky Jobs Development Act, KJDA, KIDA) that are based on the payroll related to new jobs and tax abatements and benefits derived from Industrial Revenue Bonds, are exempt from the provisions of this section.

TENANT FINISH. Any leasehold finish or remodeling work that is performed or contracted directly by tenants occupying all or part of a covered structure, or that is performed at the direction of the tenants.

(B) *Fair labor standards.* Taxpayer subsidized projects in Louisville Metro shall receive such assistance only if the developer certifies that the taxpayer subsidized project shall comply with the following minimum fair labor standards established by the Metro Council.

~~(1) The payment of prevailing wages, as established for each profession or trade used on the taxpayer subsidized project pursuant to applicable Kentucky Revised Statutes and based on wage rates paid on previous public and private construction projects as submitted to the Kentucky Department of Labor by contractors and subcontractors operating in Louisville Metro.~~

~~(2)~~(1) A measurable and documented goal of at least 20% minority participation, including minorities and certified minority owned businesses, for all employees and contractors employed on the taxpayer subsidized project.

~~(3)~~(2) A measurable and documented goal of at least 5% women participation, including females and certified female owned businesses, for employees and contractors employed on the taxpayer subsidized project.

~~(4)~~(3) Employment opportunities for both union and non-union employees and contractors.

~~(5)~~(4) A measurable and documented goal that at least 75% of the taxpayer subsidized project jobs are given to residents of the entire county of all counties within the Louisville MSA.

~~(6)~~(5) Participation by all taxpayer subsidized project contractors in training programs (recognized by the U.S. Department of Labor and/or state or other accrediting organizations) for employees in their respective professions or trades.

~~(7)~~(6) Adherence to a zero tolerance drug policy with respect to alcohol and illicit drug use.

~~(8)~~(7) Opportunities provided by taxpayer subsidized project contractors for all workers to have access to a health benefit plan.

~~(9)~~(8) Verification of the work status of all employees through the E-Verify Program operated jointly by the U.S. Department of Homeland Security and the Social Security Administration or any similar successor program. Such verification shall include the opportunity for a prospective employee to correct any erroneous information concerning the work status of the prospective employee furnished by the E-Verify Program or any similar successor program.

(C) *Compliance and maintenance of records.*

(1) Every developer of a taxpayer subsidized projects shall require all contractors and subcontractors employed on a taxpayer subsidized project to keep full and accurate records covering all disbursements of wages to their employees ~~to whom they are required to pay at least prevailing wages~~. Such records shall indicate the hours worked each day by each employee for his or her work in each classification. They shall be open to the inspection of and copying by an authorized representative of Louisville Metro at any reasonable time, and shall be in compliance with all regulations issued by Louisville Metro. Records produced for inspection under this section shall be submitted with a certification by the developer, under oath, that the records tendered are accurate. These payroll records and certifications shall be maintained by Louisville Metro for one year following the completion of the taxpayer subsidized project. Records maintained by Louisville Metro shall be subject to all terms of the Kentucky Open Records Act.

(2) The developer of a taxpayer subsidized project shall require each contractor and subcontractor employed on the taxpayer subsidized project to post and keep posted in a conspicuous place or places at the site of the construction work a copy or copies of prevailing rate of wages and working hours, showing the rates of wages prescribed and the working hours for each class of laborers, workers, and mechanics employed by him or her in the work of constructing the taxpayer subsidized project.

(3) Each developer of a taxpayer subsidized project shall provide a sworn affidavit to the Executive Director of the Human Relations Commission certifying its good faith efforts to achieve the goals established by this section to utilize minorities, certified minority owned businesses, females, certified female owned businesses, and local residents.

(4) The Human Relations Commission either directly or through a contract with an organization or organizations shall assist contractors and subcontractors employed on a taxpayer subsidized project with the recruitment of minority and female members of the workforce, assist in the training of those individuals recruited by the Commission or its designee, and provide verification and concurrent monitoring of the level of participation of minorities and female members of the workforce and minority and female owned businesses on the respective projects.

(5) (a) The Human Relations Commission shall forthwith initiate a study to determine whether or not the use of goals as a means of increasing employment opportunities for women and minorities, and for women and minority owned businesses, has been effective to carry out the legislative intent of the Metro Council in enacting such measures in connection with the expenditure of public funds.

(b) The study shall be limited to the entire county of all counties within the Louisville MSA and shall take into account all publicly funded contracts for procurement of goods or services, or for construction projects, whether federal, state, or local.

(c) The Human Relations Commission may contract with other qualified public or private organizations or individuals to assist with the study.

(d) The study may include recommendations to the Metro Council.

(e) The completed study shall be filed with the Clerk of the Metro Council, with a copy to the Mayor.

(D) *Penalties.* A developer of a taxpayer subsidized project may be disqualified for a period not to exceed ten years from any subsequent taxpayer subsidized project if it is

determined that such developer willfully failed to make a good faith effort to satisfy the requirements of this section.

(E) *Severability*. If any provision of this section as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION VI: LMCO Section 38.01 is amended to read as follows:

§ 38.01 INVESTMENT OF TAX REVENUES.

(A) The Jefferson County Sheriff shall may, pursuant to KRS 134.140, invest all tax revenues held in his or her possession from the time of collection until the time of distribution to the proper taxing authorities as set forth in KRS 134.119(1)(a) ~~KRS 134.300, 134.320 and 160.510~~. Investments by the Sheriff shall be restricted to those permitted by KRS 66.480.

(B) In addition to any other legal remedies available under the Kentucky Revised Statutes, either criminal or civil, for the failure of the Jefferson County Sheriff to invest tax revenues in conformity with subsection (A), the Mayor may enforce the terms of this section through injunctive proceedings or a declaration of rights action in the Jefferson Circuit Court.

SECTION VII: A new section of Chapter 39 of the Louisville Metro Code of Ordinances is created as follows:

§ 39.003 INVOLUNTARY POLITICAL CONTRIBUTIONS.

(A) No person employed by Louisville/Jefferson County Metro Government ("Metro Government") shall be required as a condition of employment, advancement, or other employment benefit to contribute any money or thing of value to any political candidate,

political party, political fund, political fundraising affair, or to purchase tickets for the benefit of the foregoing.

(B) No person, corporation, or organization shall require any employee of Metro Government to contribute to any of the things/functions mentioned in subsection (A) above, as a condition of employment, advancement, or the receipt of any other employment benefits.

(C) Nothing in this section shall prevent the voluntary contribution to the abovementioned people/entities/functions.

SECTION VIII: LMCO Section 39.179 is amended to read as follows:

§ 39.179 COMPLAINTS AND DISCIPLINE.

(A) An employee of Metro Government who violates ~~this section~~ LMCO 39.176, LMCO 39.177, or LMCO 39.178 may be subject to disciplinary action, such as oral reprimands, written reprimands, suspension without pay, and/or discharge, under the appropriate union contract, civil service commission rules, or department work rules.

(B) Complaints of a violation of ~~this section~~ LMCO 39.176, LMCO 39.177, or LMCO 39.178 by an employee of LMPD or LMDC shall be received and investigated by the respective Professional Standards Unit ("PSU"), except for investigations required and led by the LMPD Public Integrity Unit. Complaints of a violation of LMCO 39.176, LMCO 39.177, or LMCO 39.178 ~~this section~~ by an employee of any other Metro Government departments shall be received and investigated by the director of the Human Resources Department ("HR"). The results of any such investigation shall be provided to the complainant in writing within seven days of the completion of the investigation, which shall

occur no later than one year after receipt of the complaint or in accordance with time frames specified in any applicable collective bargaining agreement, whichever is shorter.

SECTION IX: LMCO Section 39.224 is amended to read as follows:

§ 39.224 VIOLATIONS OF THIS SECTION.

Any covered entity which enters into a settlement agreement or requires a nondisclosure agreement in violation of ~~this section~~ LMCO 39.222 and LMCO 39.223 shall, upon the determination that the covered entity has violated this section, become ineligible for contracting with, receiving TIF incentives, receiving any other financial incentives, or receiving a grant or general budget funding from Metro Government for a period of five years. Additionally, any covered entity which enters into a settlement agreement or requires a nondisclosure agreement in violation of LMCO 39.222 and LMCO 39.223 ~~this section~~ shall be considered to be in breach of its contract with Louisville Metro and shall be liable to Louisville Metro for liquidated damages in the amount of 10% of the amount of the contract, TIF incentive, financial incentive, or grant of funds awarded to the covered entity by Metro Government. This clause shall be included in all contracts or agreements entered by Metro Government after the effective date of this subchapter, and shall not constitute the total amount of damages recoverable by Metro should an additional breach outside of the violations contained in the section occur.

SECTION X: LMCO Section 41.04 is amended as follows:

§ 41.04 SIGNS TO BE POSTED.

The Department of ~~Public Properties~~ Facilities & Fleet Management shall post signs at the entrance to all restricted buildings and areas covered by this chapter which shall read as follows:

“CONCEALED DEADLY WEAPONS PROHIBITED ON THESE PREMISES BY METRO GOVERNMENT ORDINANCE”

SECTION XI: LMCO Section 43.01 is repealed and replaced in its entirety as follows:

§ 43.01 RESERVED.

SECTION XII: LMCO Section 43.02 is amended to read as follows:

§ 43.02 RESTRICTIONS; PROHIBITED ACTIVITIES.

~~—(A) Prohibited conduct. No person shall climb any tree, lie down or sit on any grave, participate in any loud or angry discussion, or use any profane language within any cemetery within Louisville Metro.~~

~~(B) Prohibited activities. No refreshment or liquors of any kind are allowed in any cemetery within Louisville Metro. Hunting, fishing, or disturbance of fish or birds, and the discharge of firearms (except military salutes), fireworks or missiles by the use of gunpowder or other explosives, within, into, or on or over any portion of any cemetery within Louisville Metro is prohibited, as is use of any cemetery for dumping grounds, building sites, playgrounds, places of entertainment and amusement, public parks, athletic fields or parking grounds.~~

SECTION XIII: LMCO Section 43.03 is repealed and reserved as follows:

§ 43.03 RESERVED.

SECTION XIV: LMCO Section 43.99 is amended to read as follows:

§ 43.99 PENALTY.

~~(A)~~ Any person who violates the provisions of §§ ~~43.01~~, 43.02, or 43.04 shall be fined not less than \$50 nor more than \$500 for each offense.

~~(B) Any person who violates any of the provisions of § 43.03 shall be penalized in accordance with KRS 525.115.~~

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

Sonya Harward
Metro Council Clerk

Brent Ackerson
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

O-170-26 Title III Comprehensive Ordinance Update ab 6.5.26