

ORDINANCE NO. _____, SERIES 2026

AN ORDINANCE AMENDING THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) AND CREATING A NEW SECTION OF CHAPTER 32 REGARDING THE ISSUANCE, REQUIREMENTS, AND EXECUTION OF SEARCH WARRANTS. (AMENDMENT BY SUBSTITUTION)

SPONSORED BY: COUNCIL MEMBER DAN SEUM, JR.

WHEREAS, Administrative or Code Officers will encounter code violations involving risks to human health and safety that require prompt entry onto properties, yet currently there is no systematic method for gaining access to these properties; and

WHEREAS, non-compliance and potential dangers necessitating inspections of both public and non-public areas to protect the health and safety of the public can also arise in connection with commercial businesses including but not limited to massage parlors and smoking retail stores; and

WHEREAS, when there is reason to believe that a hazardous substance is present or emanating from a property that may present a threat to public health and safety, an inspection will be necessary to ensure protection of the surrounding community; and

WHEREAS, Louisville Metro Code Enforcement deals with a significant number of cases involving vacant and abandoned property with noncompliant property owners; and

WHEREAS, in 2024, the Louisville Metro Fire Department responded to 92 structure fires related with trespassing in vacant and abandoned properties; and

WHEREAS, administrative warrants are a best practice to ensure community safety and prompt compliance with local ordinances in instances where violations create a danger to the community; and

WHEREAS, codifying the administrative warrant process will ensure greater administrative and code officer consistency and enforcement while ensuring proactive judicial oversight of enforcement decisions.

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

SECTION I: Section 32.275 of the LMCO is hereby amended to add the following definitions:

ADMINISTRATIVE SEARCH WARRANT means a written order of a judge or other officer authorized by statute to issue search warrants that command the search or inspection of any property, place or thing, and the seizure, photographing, copying, or recording of property or physical conditions found. An **ADMINISTRATIVE SEARCH WARRANT** authorizes an officer to enter an occupied or unoccupied premises to conduct any inspection, sampling, and other functions required or authorized by law to determine compliance with the provisions of an ordinance, code, statute, or other regulation including, but not limited to, those relating to the use, condition, or occupancy of property or structures.

ADMINISTRATIVE OR CODE OFFICER: means a Building Inspector, Code Enforcement Officer, ABC Director or designee, Fire Chief or Chief's designee, Professional Engineer, Health Inspector, or any duly authorized representative responsible for the enforcement of the Louisville Metro Code of Ordinances.

SECTION II: Section 32.293 of the LMCO is hereby created as follows:

§ 32.293 SEARCH WARRANTS.

(A) Whenever any law, statute or regulation in the Commonwealth of Kentucky, including but not limited to the Louisville Metro Code of Ordinances, requires or authorizes

an inspection or investigation of any place or thing, the Administrative or Code Officer charged to enforce that law, acting in the course of his or her official duties, may apply for an administrative search warrant from a judge of competent jurisdiction.

(B) (1) Prior to submitting an application for an administrative search warrant, an Administrative/Code Officer shall receive written approval from his or her agency director, and this approval shall be provided to the court as part of the application.

(2) The warrant application shall detail the facts and circumstances to support the application for the warrant to enter into a property, including any prior notice to any owner and/or occupant(s) of the property or in the alternative, why no prior notice has been given and is not practicable under the circumstances.

SECTION III: 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: _____