

Louisville Metro Government



Meeting Agenda – Final

Thursday, November 09, 2023

6:00 PM

THIS MEETING IS BEING HELD VIA VIDEO TELECONFERENCE
Council Chambers/Virtual

Metro Council

*Tammy Hawkins (D-1), Barbara Shanklin (D-2), Kumar Rashad (D-3),
Jecorey Arthur (D-4), Donna L. Purvis (D-5), Phillip T. Baker (D-6), Paula McCraney
(D-7),*

*Ben Reno-Weber (D-8), Andrew Owen (D-9), Pat Mulvihill (D-10),
Kevin Kramer (R-11), Rick Blackwell (D-12), Dan Seum (R-13), Cindi Fowler (D-14),
Jennifer Chappell (D-15), Scott Reed (R-16), Markus Winkler (D-17),
Marilyn Parker (D-18), Anthony Piagentini (R-19), Stuart Benson (R-20), Betsy
Ruhe(D-21),*

*Robin Engel (R-22), Jeff Hudson(R-23), Madonna Flood (D-24), Khalil Batshon (R-
25), Brent Ackerson (D-26)*

President: Markus Winkler (D-17)

President Pro Tem: Paula McCraney (D-7)

24. O-230-23 AN ORDINANCE AMENDING CHAPTERS 94, 115, AND 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES ("LMCO") RELATING TO UPDATES TO THE FIRE PREVENTION AND SAFETY STANDARDS.

Enactment #: Ordinance No. 162, Series 2023

Sponsors:

ORDINANCE NO. _____, SERIES 2023

AN ORDINANCE AMENDING CHAPTERS 94, 115, AND 156 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) RELATING TO UPDATES TO THE FIRE PREVENTION AND SAFETY STANDARDS.

SPONSORED BY: COUNCIL MEMBER ACKERSON

WHEREAS, the Louisville Fire Department has identified multiple sections of LMCO Chapter 94 on Fire Prevention which require updating due to changes in state laws and regulations; and

WHEREAS, LMCO Chapters 115 on short term rentals and Chapter 156 on property maintenance require amendments to conform to Chapter 94.

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

SECTION I: LMCO § 94.02 is hereby amended as follows:

§ 94.02 SMOKE ~~DETECTORS~~ ALARMS REQUIRED; TYPE AND PLACEMENT.

(A) All dwellings’ smoke ~~detectors~~ alarms 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.~~

(B) In order to comply with this subchapter, only ionization or photoelectric type ~~detectors~~ alarms listed by a nationally recognized testing laboratory shall be installed.

(C) Smoke ~~detectors~~ alarms shall be installed in accordance with applicable NFPA standards and the manufacturers recommendations. ~~Detectors~~ Alarms may be ceiling or wall mounted, provided that they ~~shall be mounted at a minimum of four inches and a maximum of 12 inches from the ceiling, and not closer than four inches from the point at which the ceiling and wall~~ meet requirements as referenced in NFPA 72.

(D) In a dwelling unit, which contains a well-defined sleeping room separated from the other activity areas of the same unit, the ~~detector~~ alarm shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated and/or where a single smoke ~~detector~~ alarm will not

adequately service all sleeping areas, there shall be a smoke ~~detector~~ alarm installed adjacent to each sleeping area. In a rooming unit the ~~detector~~ alarm shall be centrally located.

(E) In a dwelling containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke ~~detectors~~ alarms in each dwelling unit or rooming unit, ~~detectors~~ alarms shall be placed in centrally located common areas so that smoke ~~detectors~~ alarms will adequately service all sleeping areas.

(F) It shall be unlawful for any person to distribute, offer for sale, or sell any smoke alarm powered by a replaceable or removable battery not capable of powering the smoke alarm for a minimum of 10 years.

SECTION II: LMCO § 94.03 is hereby amended as follows:

§ 94.03 INSTALLATION AND MAINTENANCE.

(A) The owner of a dwelling shall be responsible for supplying and installing in an operable condition, the required ~~detectors~~ alarms and for providing the manufacturer's maintenance and testing instructions to the tenant.

(B) The owner of a dwelling shall be responsible for maintenance and testing of ~~detectors~~ alarms, in accordance with manufacturer's instructions, which are located in common areas and/or ~~detectors~~ alarms in rooming units where the tenant usually has periods of occupancy, (less than 30 continuous days, such as, hotels, motels, tourist homes).

(C) The tenant shall be responsible for maintaining and testing the ~~detectors~~ alarms, in accordance with the manufacturer's instructions, which are within his or her exclusive control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing when ~~detectors~~ alarms become inoperable, and the owner shall have ten days after receipt of such written notice in which to replace or repair the ~~detectors~~ alarms in an operable condition. ~~In the existing single station, battery-operated types of detectors, battery replacement will not be allowed. In the event existing detectors with standard batteries are found inoperable, the units shall be replaced with at least smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal ten-year lithium battery.~~

(D) At every change of tenancy in all multi-family residential units and dormitories, it shall be the duty of the owner to test and ascertain that those ~~detectors~~ alarms contained in the unit are in operable condition, and if not, the owner shall be responsible for placing them in operable condition. ~~Further, in the event existing detectors with standard batteries are found inoperable, the owner shall be responsible for replacing such detectors with at least smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal ten-year lithium battery.~~

(E) In all hotels, motels, rooming houses or tourist homes it shall be the duty of the owner to test such ~~detectors~~ alarms on a regular basis in accordance with manufacturer's instructions, and the owner shall be responsible for maintaining such units in an operable

condition. A log of smoke ~~detector~~ alarm inspections and findings shall be maintained by the owner, and shall be made available to fire inspectors upon request.

(F) It shall be the responsibility of the property owner to install at least smoke ~~detectors~~ alarms powered by a hardwire AC primary power source or a self-monitored, non-removal ten year lithium battery before transfer of the property to a new party. A signed affidavit of the property owner, given to purchaser, seller, and real estate agent before transfer will suffice in meeting this requirement.

~~(G) Where AC powered detectors have been installed and maintained in accordance with previous ordinances, they shall continue to be used in accordance with the manufacturers installation and maintenance guidelines. Such smoke detectors that are found to be non-operational, damaged, or missing shall be replaced with a hard wire AC powered smoke detector of similar or like type.~~

SECTION III: LMCO § 94.04 is hereby amended as follows:

§ 94.04 ENFORCEMENT.

(A) 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 this subchapter and the final determination concerning compliance herewith shall be the sole discretion of the Authority Having Jurisdiction (AHJ), as described in 815 KAR 10:060, of the Fire Department, or the Fire District, or Code Official. Upon the presentation of official credentials, an authorized inspector of the Fire Department, Fire District or Code Official, may enter with consent any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.

(B) The source of authority to issue orders as described in subsection (A) shall include, but not be limited to, any authority granted under KRS Ch. 227 and 815 KAR 10:060.

(C) Any designated representative, as identified in subsection (A), who discovers a failure to comply with § 94.02(A), may remediate the failure to comply by installing one suitable smoke ~~detector~~ alarm. Costs of remediation may be assessed to the owner of the dwelling or dwelling unit. Costs of remediation shall be capped at \$50, exclusive of any other fines, fees or penalties that may be assessed. In the event of a remediation in which one suitable smoke ~~detector~~ alarm is installed by a designated representative, the 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.

(D) Upon receiving the smoke ~~detector~~ alarm, the Chief of the Fire Department, Fire District, or Code Official will leave written notice to the property owner who resides in the property of the cost associated with purchasing and installing the smoke ~~detector~~ alarm; the letter shall also include instructions for voluntary reimbursement to the Fire Department.

SECTION IV: The subchapter "Fire Sprinkler Systems" and the following sections contained therein are repealed in their entirety: LMCO § 94.15, § 94.17, § 94.18, § 94.19, and § 94.20.

SECTION V: The definitions in LMCO § 94.30 are hereby amended as follows:

PERFORMANCE/EVENT. May or may not necessarily constitute one date, but may extend across a number of dates for which the permit is valid, so long as all of the circumstances relating to location, audience, placement of fireworks/pyrotechnics, flame effects, and the like, remain the same from performance/event to performance/event, as set forth in the initial application. The determination of what constitutes a single performance/event for purposes of permit issuance shall be made by the AHJ. Where applicable, reference in this subchapter to a PERFORMANCE/EVENT shall also include periods of assembly/disassembly.

SECTION VI: LMCO § 94.31 is hereby amended as follows:

§ 94.31 PERMIT ISSUANCE.

(A) Requirements.

(1) Valid permit. Public fireworks displays or the use of pyrotechnics or flame effects before a proximate audience shall not be conducted unless a permit is issued by the Fire Chief of the Fire Department or Fire District or designee with jurisdiction for fire response to the location at which the performance/event will be conducted. Any permit issued under this subchapter shall be posted in a prominent place that is visible to the public on the premises at which any performance/event is conducted. All additional permits required by local and/or state laws and regulations must be obtained prior to any performance/event.

(2) Fire protection equipment. Under no circumstances will a permit be issued for pyrotechnic displays or flame effects within occupied properties, unless the building or facility at which such display is to be conducted is protected with a complete automatic fire sprinkler system throughout the entire building or facility. If the facility's smoke detection or air-handling units are compromised for any reason, actions must be taken by owner to ensure that equipment is restored to normal operation immediately following the discharge of any pyrotechnic device, use of any flame effect, or the performance/event.

(3) Compliance with national standards.

(a) Owners, personnel, premises and all elements of the proposed public fireworks displays shall comply with all applicable provisions of NFPA ~~Pamphlet~~ 1123 "Code for Fireworks Display," and/or NFPA ~~Pamphlet~~ 1124 "Manufacture, Transportation and Storage of Fireworks and Pyrotechnic Articles."

(b) Owners, personnel, facilities, and the pyrotechnics or flame effects to be used within occupied properties shall comply with all applicable provisions of NFPA ~~Pamphlet~~

1126 "Pyrotechnics Before Proximate Audiences," and/or NFPA Pamphlet 160 "Flame Effects Before Audiences."

With regard to NFPA pamphlets, the most current version that is adopted under state laws and regulations at the time of application shall be applied under this subchapter.

(B) Application materials. The required application and filing instructions may be obtained from the Louisville Metro Department of ~~Inspections, Permits and Licenses (IPL)~~ Special Events. The application shall not be deemed complete until the following materials have been received, not less than 15 days in advance of the performance/event:

(1) Application for supervised public display of fireworks/pyrotechnics/special effects;

(2) Supporting documentation, pertaining to the professional qualifications and experience of each pyrotechnician, as stipulated in NFPA Pamphlets 1123, 1126;

(3) A valid Certificate of General Liability Insurance placed with a licensed or approved surplus lines insurer in Kentucky with a satisfactory A.M. Best solvency rating must be attached to the application. The Certificate shall clearly state that the coverage afforded thereunder will be in full force and effect for the duration of the performance/event. The amount of coverage afforded by said Certificate of General Liability Insurance shall be not less than ~~\$1,000,000~~ \$4,000,000 per occurrence. Louisville/Jefferson County Metro Government (Metro Government), its officials, executives, employees, and agents, along with the specific Fire Chiefs, Fire Departments, and/or Fire Districts (whichever of the three groups will be involved with fire protection for the performance/event in question), and their officials and personnel, must be clearly shown within the body or upon the face of the Certificate of General Liability Insurance, to which reference is made above, as additional insureds. Owner agrees to indemnify and save them, and each of them, fully harmless to the extent of any and all claims, damages, losses, expenses, attorneys' fees, or other costs, that may result, directly or indirectly, from owner's fireworks or pyrotechnic displays. The obligation of the owner/applicant to indemnify and fully save harmless Metro Government, and the persons and entities herein identified is not limited to the coverage afforded by the Certificate of Insurance, and the owner's/applicant's obligation to indemnify shall be signified by the filing of said application, fully executed. The stated minimum amount of insurance coverage, ~~\$1,000,000~~ \$4,000,000 per occurrence, may, in the sole discretion of Metro Government, be increased based upon the size, scope, and perceived hazards of the performance/event, once the application, in all its parts, and the premises where the performance/event is to be presented, have been reviewed. Nothing in this provision, or in this subchapter, should be deemed, or considered to be a waiver of any form of immunity enjoyed by Metro Government, its officials, executives, employees, and agents, the Fire Chiefs, Fire Departments, and/or Fire Districts (where applicable, as set forth herein), and their officials and personnel, such immunity being specifically reserved.

(4) Any other supporting documentation, as determined by the AHJ; and

(5) A permit fee of \$175, payable to Louisville/Jefferson County Metro Government. ~~The effective date for implementation of this fee shall be September 1, 2003; those~~

~~applicants who have submitted a completed application prior to that date shall not have a permit fee applied for the performance/event for which the application has been made.~~

~~PL~~ The Metro agency reviewing the permit application shall forward the completed application to the appropriate AHJ, who shall review the application, schedule and conduct necessary inspections, and upon determination of compliance with all requirements, shall issue the permit to the owner.

(C) Duration of issued permit. A separate application and corresponding fee must be submitted, and a permit subsequently issued, for each performance/event, as defined herein. Each permit shall be valid for a term to be determined by the AHJ, which shall be based upon individual circumstances relating to the performance/event, but shall not exceed one year in length. If a permit is issued, and the performance/event does not commence within one month of the scheduled date for said performance/event, the permit shall become invalid and a new application must be filed; however, the fee paid for the now-invalidated permit shall be credited against the fee for the new permit, less a \$25 charge for administrative expenses.

(D) Issuance of permit. Upon receipt of a completed application, including all required supporting documentation, the AHJ shall issue a permit or denial within five business days. All permits issued in accordance with this subchapter are non-renewable and non-transferable.

SECTION VII: LMCO § 94.32 is hereby amended as follows:

§ 94.32 INSPECTION OF PREMISES AND ATTENDANCE OF TRAINED PERSONNEL.

(A) Required inspections. The premises on which any performance/event is ~~permitted proposed~~ shall be allowed to be inspected by the AHJ both prior to issuance of the permit, and at some point after setup and within 24 hours of the performance/event.

(B) Fire watch personnel. Owner shall be responsible for providing acceptable fire watch personnel during performance/event and for a period of not less than one hour following the discharge of any pyrotechnic devices. The AHJ shall determine the number and type of personnel required for the fire watch. Qualifications for all proposed fire watch personnel provided by owner shall be submitted with the application for permit; said personnel shall comply with all NFPA guidelines with regard to their qualifications. All personnel to be utilized for the performance/event must be approved by the AHJ. If additional fire watch personnel are provided by the AHJ, the cost for such personnel may be charged to owner.

SECTION VIII: LMCO § 94.40 is hereby amended as follows:

§ 94.40 PURCHASE, POSSESSION AND RETAIL SALE OF FIREWORKS.

(A) Definition of terms.

CONSUMER FIREWORKS. Fireworks that are suitable for use by the public which are designed primarily to produce visible and audible effects by combustion, deflagration,

detonation or ignition, and contain 50 milligrams or less of explosive composition, and if an aerial device, contains 130 milligrams or less of explosive composition which comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission. Such fireworks include, but are not limited to the following:

(a1) Ground and hand-held sparkling devices.

1.(a) Dipped stick-sparkler or wire sparkler: Consists of a metal wire or wood dowel that has been coated with pyrotechnic composition, which upon ignition, produces a shower of sparks. Sparklers may contain up to 100 grams of pyrotechnic composition per item. Those devices containing any perchlorate or chlorate salts may not exceed five grams of pyrotechnic composition per item. Wire sparklers which contain no magnesium and which contain less than 100 grams of composition per item are not included in this category, in accordance with Department of Transportation regulations;

2.(b) Cylindrical fountain: Cylindrical tube containing not more than 75 grams of pyrotechnic composition, where upon ignition a shower of and sometimes a whistling or smoking effect, is produced. This device may be provided with a spike for insertion into the ground (spike fountain), a wood or plastic base for placing on the ground (base fountain), or a wood or cardboard handle, if intended to be hand-held (handle fountain). When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch;

3.(c) Cone fountain: Cardboard or heavy paper cone containing up to 50 grams of pyrotechnic composition. The effect is the same as that of a cylindrical fountain. When more than one cone is mounted on a common base, the total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch;

4.(d) Illuminating torch: Cylindrical tube containing up to 100 grams of pyrotechnic composition. Upon ignition, colored fire is produced. May be spike, base or hand-held. When more than one tube is mounted on a common base, total pyrotechnic composition may not exceed 200 grams, or 500 grams if the tubes are separated from each other on the base by a distance of at least one-half inch;

5.(e) Wheel: A pyrotechnic device attached to a post or tree by means of a nail or string. A wheel may have one or more drivers, each of which may contain not more than 60 grams of pyrotechnic composition. No wheel may contain more than 200 grams total pyrotechnic composition. Upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect;

6.(f) Ground spinner: Small device containing not more than 20 grams of pyrotechnic composition, similar in operation to a wheel but intended to be placed on the ground and ignited. A shower of sparks and color is produced by the rapidly spinning device;

7.(g) Flitter sparkler: Narrow paper tube attached to a stick or wire and filled with not more than 100 grams of pyrotechnic composition that produces color and sparks upon ignition. The paper at one end of the tube is ignited to make the device function; and

8.(h) Toy smoke device: Small plastic or paper item containing not more than 100 grams of pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

(b2) Aerial devices.

1.(a) Sky rockets and bottle rockets: Cylindrical tube containing not more than 20 grams of pyrotechnic composition. Sky rockets contain a wooden stick for guidance and stability and rise into the air upon ignition. A burst of color or noise or both is produced at the height of flight;

2.(b) Missile-type rocket: A device similar to a sky rocket in size, composition, and effect that uses fins rather than a stick for guidance and stability;

3.(c) Helicopter/aerial spinner: A tube containing up to 20 grams of pyrotechnic composition. A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight;

4.(d) Roman candles: Heavy paper or cardboard containing up to 20 grams of pyrotechnic composition. Upon ignition, up to ten "stars" (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals;

5.(e) Mine shell: Heavy cardboard or paper tube usually attached to a wood or plastic base and containing up to 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect). Upon ignition, "stars", components producing reports containing up to 130 milligrams of explosive composition per report, or other devices are propelled into the air. The term "mine" refers to a device with no internal components containing a bursting charge, and the term "shell" refers to a device that propels a component that subsequently bursts open in the air. A mine or shell device may contain more than one tube provided the tubes fire in sequence upon ignition of one external fuse. The term "cake" refers to a dense-packed collection of mine or shell tubes. Total chemical composition including lift charges of any multiple tube devices may not exceed 200 grams. The maximum quantity of lift charge in any one tube of a mine or shell device shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any component shall not exceed 25% of the total weight of chemical composition in the component. The tube remains on the ground; and

6.(f) Aerial shell kit/reloadable tube: A package kit containing a cardboard, high-density polyethylene (HDPE), or equivalent launching tube with multiple-shot aerial shells. Each aerial shell is limited to a maximum of 60 grams of total chemical composition (lift charge, burst charge, and visible or audible effect composition), and the maximum diameter of each shell shall not exceed 1-3/4 inches. In addition, the maximum quantity of lift charge in any shell shall not exceed 20 grams, and the maximum quantity of break or bursting charge in any shell shall not exceed 25% of the total weight of chemical

composition in the shell. The total chemical composition of all the shells in a kit, including lift charge, shall not exceed 400 grams. The user lowers a shell into the launching tube, at the time of firing, with the fuse extending out of the top of the tube. After the firing, the tube is then reloaded with another shell for the next firing. All launching tubes shall be capable of firing twice the number of shells in the kit without failure of the tube. Each package of multiple-shot aerial shells must comply with all warning label requirements of the Consumer Product Safety Commission.

(e3) Audible ground devices.

4-(a) Firecrackers/salutes: Small paper-wrapped or cardboard tube containing not more than 50 milligrams of pyrotechnic composition. Those used in aerial devices may contain not more than 130 milligrams of explosive composition per report. Upon ignition, noise and a flash of light is produced; and

2-(b) Chaser: Small paper or cardboard tube that travels along the ground upon ignition. A whistling effect, or other noise, is often produced. The explosive composition used to create the noise may not exceed 50 milligrams.

DISPLAY FIREWORKS. Large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, detonation or ignition. This term includes, but is not limited to, firecrackers containing more than two grains (130 milligrams) of explosive composition, aerial shells containing more than 40 grams of pyrotechnic composition, and other display pieces which exceed the limits for classification as "Consumer Fireworks". Such definition meets the United States Department of Transportation classification for display fireworks in UN0333, UN0334, UN033516 at 49 C.F.R. 172.101. This term also includes fused set pieces containing components which together exceed 50 milligrams of salute power.

FIREWORKS. Any composition or device for the purpose of producing a visible or an audible effect by combustion, deflagration, detonation or ignition.

SMOKE DEVICES. Tube or sphere containing pyrotechnic composition that, upon ignition, produces white or colored smoke as the primary effect.

SNAKES/GLOW WORMS. Pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. Such devices may not contain mercuric thiocyanate.

TRICK NOISEMAKERS. Item that produces a small report intended to surprise the user. These devices include:

(a1) Party popper: Small plastic or paper item containing not more than 16 milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

(b2) Booby trap: Small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

(c3) Snapper: Small, paper-wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes producing a small report.

(d4) Trick match: Kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match a small report or a shower of sparks is produced.

(e5) Cigarette load: Small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one of the pegs, a small report is produced.

(f6) Auto burglar alarm: Tube which contains pyrotechnic composition that produces a loud whistle or smoke, or both, when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

WIRE SPARKLER. Wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. These items may not contain magnesium and must not exceed 100 grams of pyrotechnic composition per item. Devices containing any chlorate or perchlorate salts may not exceed five grams of pyrotechnic composition per item.

(B) General provisions.

(1) It shall be unlawful for any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer to offer for sale, expose for sale, sell at retail, keep with the intent to sell, possess with the intent to sell, any fireworks or display fireworks within the jurisdiction of Louisville Metro.

(2) It shall also be unlawful for any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer to use, explode or ignite any fireworks or display fireworks, within the consolidated city limits of Louisville Metro, unless such devices falls within one of the exceptions listed in § 94.40. Exceptions:

(a) Pyrotechnic devices and distress signals for marine, aviation and highway use in emergency situations.

(b) Blank cartridges used in a show or theatre or for use as a signal or ceremonial purpose in athletics or sports.

(c) Pyrotechnic devices authorized for use under the supervision of a military organization.

(d) Pyrotechnic devices for use in training by fire service, law enforcement, or similar governmental agencies.

(e) Fireworks for agricultural purposed under the direct supervision of the United States Department of the Interior or any equivalent or local agency.

(3) No person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer shall offer for sale, expose for sale, sell at retail, keep with the intent to sell, possess with the intent to sell, any consumer fireworks, unless such devices falls within one of the exceptions listed in § 94.40. Exceptions:

(a) Novelties and trick noisemakers which are not classified as consumer fireworks under § 94.40 or by the United States Department of Transportation.

(b) Snakes/glow worms.

(c) Smoke devices.

(d) Wire sparklers.

(e) Cylindrical fountain.

(f) Cone fountain.

(g) Wheel.

(h) Ground spinner.

(4) Consumer fireworks may not be offered for sale, exposed for sale, sold at retail, kept with the intent to sell, nor possessed with the intent to sell, if it has as part of its device any wings, fins, or other mechanisms designed to cause the device to fly, or is an aerial device. Consumer fireworks also may not be offered for sale, exposed for sale, sold at retail, kept with the intent to sell, nor possessed with the intent to sell, if it carries a cautionary label which includes in its description any of the following terms: "explosive", "emits flaming pellets", "flaming balls", "firecracker", "report" or "rocket".

(5) Consumer fireworks may be used or ignited by persons, as long as such devices falls within one of the permitted consumer fireworks exceptions as provided for in subsections (B)(2)(a) through (B)(2)(e) and (B)(3)(a) through (B)(3)(h) and such device does not have as part of its device any wings, fins, or other mechanisms designed to cause the device to fly, is not an aerial device, nor does it carry a cautionary label which includes in its description any of the following terms: "explosive", "emits flaming pellets", "flaming balls", "firecracker", "report" or "rocket". In addition, the use or ignition of consumer fireworks must not present a hazard to property, other persons, vehicles or animals.

(6) A person may not use or ignite consumer fireworks, within the consolidated city limits of Louisville Metro, unless he or she is at least 18 years of age, and such devices falls within one of the permitted consumer fireworks exceptions as provided for in subsections (B)(2)(a) through (B)(2)(e) and (B)(3)(a) through (B)(3)(h) and such consumer fireworks does not have as part of its device any wings, fins, or other mechanisms designed to cause the device to fly, is not an aerial device, nor does it carry a cautionary label which includes in its description any of the following terms: "explosive", "emits flaming pellets", "flaming balls", "firecracker", "report" or "rocket".

(7) Persons under the age of 18 may not sell or possess with the intent to sell, fireworks, consumer fireworks or display fireworks.

(8) No person under the age of 18 shall be employed by any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer that offers for sell fireworks, consumer fireworks or display fireworks, within the consolidated city limits of Louisville Metro.

(9) No person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer shall give, offer for sale, or sell any fireworks, consumer fireworks or display fireworks to any person who is under 18 years of age, within the consolidated city limits of Louisville Metro.

(10) If a person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer is accused of using, igniting, exploding, offering for sale, exposing for sale, selling at retail, keeping with the intent to sell, or possessing with the intent to sell any fireworks, display fireworks or consumer fireworks in violation of any provision of § 94.40, the appropriate enforcement authority shall immediately confiscate any such devices that are believed to be in violation of § 94.40.

(11) It shall not be a violation of § 94.40 for any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC") or corporation to transport fireworks, display fireworks or consumer fireworks that are not legally permitted within the boundaries of Louisville Metro, as long as such banned items are being transported through Louisville Metro to an otherwise legal location where such items can be sold, stored or used. Commercial transportation of firework, display fireworks or consumer fireworks must be done in accordance with state and Federal regulations regarding explosive materials.

(12) Nothing in § 94.40 shall prevent public fireworks displays or the use of pyrotechnics before an audience as long as such events or performances are conducted pursuant to the permit requirements under §§ 94.31 et seq.

~~(C) Penalties and fines.~~

~~— (1) Any person found to be in violation of subsection (B)(1) or (B)(2) shall receive a fine not to exceed \$250.~~

~~— (2) Any person found to be in violation of subsection (B)(3) shall receive a fine not to exceed \$250.~~

~~— (3) Any person found to be in violation of subsection (B)(4) shall receive a fine not to exceed \$250.~~

~~— (4) Any firm, co-partnership, sole proprietor, business entity, not for profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal~~

~~retailer found to be in violation of subsection (B)(1) or (B)(2) shall receive a fine not to exceed \$500.~~

~~—(5) Any firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC") or corporation, retail facility or seasonal retailer found to be in violation of subsection (B)(3) shall receive a fine not to exceed \$500.~~

~~—(6) Any firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer found to be in violation of subsection (B)(4) shall receive a fine not to exceed \$500.~~

~~—(7) Any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, business, retail facility or seasonal retailer that gives, offers for sale, or sells any fireworks, consumer fireworks or display fireworks to any person who is under 18 years of age, within the consolidated city limits of Louisville Metro, shall receive a fine not to exceed \$500.~~

~~—(8) After any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC") or corporation is found to be in violation of any part of § 94.40 after a proper hearing, any fireworks, display fireworks or consumer fireworks that have been confiscated under § 94.40, shall be destroyed by the appropriate enforcement authority.~~

SECTION IX: LMCO § 94.45 is hereby amended as follows:

§ 94.45 ADOPTION OF FIRE PREVENTION CODE.

~~(A) Pursuant to KRS 227.320, the Kentucky Standards of Safety (Fire Prevention Code), as promulgated in Chapter 10, Title 815 of the Kentucky Administrative Regulations by the State Commissioner of the Department of Housing, Buildings and Construction, on the advice and recommendation of the State Fire Marshal, is adopted as part of the Fire Prevention Code of Louisville/Jefferson County Metro Government (Louisville Metro Government). Copies of the Code book are available through the Department of Housing, Buildings, and Construction, 101 Sea Hero Road, Suite 100, Frankfort KY 40601-5405. A copy shall be kept available for public inspection in the office of the Chief of the Division of Fire and Rescue, the Department of Inspections, Permits and Licenses, as well as each suburban Fire District location.~~

~~(B) (1)—The Louisville Division of Fire and Rescue, along with the suburban Fire Districts located within Jefferson County that have adopted Ordinance No. 75-2004, are designated as Louisville Metro Government's primary enforcement agencies for the Kentucky Standards of Safety (Fire Prevention Code), dependent upon the jurisdiction in which any subject property is located. The Fire Chief, or designee, ("Fire Chief") of the department/district shall be the enforcement authority for each jurisdiction.~~

~~—(2) By executing individual agreements, in the form of Attachment A, attached to Ordinance No. 75-2004, which shall be filed in the office of the Louisville Metro Cabinet~~

~~Secretary for Public Protection, as well as the Department of Inspections, Permits and Licenses, the suburban Fire Districts stipulate that they fall within the guidelines set forth in this section with regard to primary jurisdiction within the boundaries of Louisville Metro, and their individual taxing districts for purposes of fire protection, that are located within Jefferson County, and will abide by the appeals procedures set forth within the Fire Prevention ordinances for Louisville Metro Government; provided, however: each Fire Department/District has executed a Primary Jurisdiction Agreement with the State Fire Marshal, allowing them to assume such duties from the state's jurisdiction.~~

~~— (3) Such agreement(s), as referenced in subsection (B)(2) herein, when executed, shall subject the jurisdiction to governance under the provisions of this section, without further legislative action. The agreement(s) shall be effective from date of execution until June 30 of the current fiscal year of Louisville Metro Government, and shall automatically renew, unless written notice of intent not to renew is filed within 30 days of the expiration of said agreement by either party. Notice shall be filed with the Louisville Metro Cabinet Secretary for Public Protection, and copied to the Louisville Metro Mayor.~~

(C) (1) The Fire Chief is hereby authorized to enter into agreements with the Commonwealth of Kentucky, Department of Building, Housing and Construction, pursuant to KRS 15.605 through 15.630 to establish jurisdictional parameters and to avoid duplicative standards.

(2) Subject to any modification by agreement as described in subsection (C)(1) above, the Fire Chief shall assume primary jurisdiction for the inspection and enforcement of the Kentucky Fire Prevention Code for all property located within the geographical boundaries of the urban services district, or suburban fire protection district, whichever is applicable, with the following exceptions:

(a) ~~All facilities required to be licensed by the Kentucky Department of Human Resources property inspected by the Kentucky State Fire Marshal's Office;~~

(b) All state-owned property;

(c) Jails or other penal institutions regulated by the Kentucky Corrections Cabinet pursuant to KRS 441.005 and 441.055;

~~(d) Property owned by the Jefferson County Public Schools;~~

~~— (e) All non-public (i.e., private or parochial) school facilities;~~

~~(f) Provisions of the Kentucky Standards of Safety (Fire Prevention Code) relating to elevators;~~

~~(g) Such other property jurisdictions of which may be transferred in writing from or to the jurisdiction of the State Fire Marshal.~~

(3) The State Fire Marshal shall have primary enforcement jurisdiction of all property excepted from primary jurisdiction for the urban services district and fire protection districts, as set forth in this section.

(D) Pursuant to KRS 227.230, the Fire Chief, and such other members of the fire departments and suburban fire protection districts as are necessary, may be deemed deputy state fire marshals by the State Fire Marshal, as set forth within the statute.

(E) Saving clause. Nothing in this subchapter or the Kentucky Standards of Safety (Fire Prevention Code) hereby adopted shall be construed to affect any suit or proceeding pending in any court or before any administrative agency, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any ordinance hereby repealed; nor shall any just or legal remedy of any character be lost, impaired or affected by this section.

(F) No liability. Nothing in this subchapter is intended to create any duties on behalf of Louisville Metro Government, or its officers, agents, or employees, to any third party; nor is there any intent, implied or otherwise, to expand or create any causes of action against Louisville Metro Government, its officers, agents, or employees, for liability as a result of a violation of this section.

SECTION X: The subchapter “Fire Prevention Appeals Board” and the following sections contained therein are repealed in their entirety: LMCO § 94.60, § 94.61, § 94.62, § 94.63, and § 94.64.

SECTION XI: The definitions in LMCO § 94.80(A) are hereby amended as follows:

§ 94.80 GUIDELINES.

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

ASSEMBLY, BUSINESS, EDUCATIONAL, HIGH HAZARD, INDUSTRIAL, INSTITUTIONAL, MERCANTILE, RESIDENTIAL, STORAGE, AND MISCELLANEOUS USES. Have the same meanings as defined in the currently-adopted edition of the Kentucky Building Code.

BUILDING OFFICIAL. The person or persons designated by the Director of the Louisville Metro Department of ~~Inspections, Permits and Licenses~~ Codes and Regulations to administer and enforce provisions of the Kentucky Building Code within the Louisville/Jefferson County Metro Government.

CITY ROAD. Any public roadway (or portion thereof) within a second- to sixth-class city that said city is legally responsible for maintaining, or any private roadway (or portion thereof) within said city limits.

FIRE CHIEF. The head of a Fire Department or Fire District (or a designee of such person) who is appointed or empowered, in accordance with KRS Chapters 75, 95, 227 and/or KRS 67C.105, to carry out the expressed or implied statutory authority granted to the applicable Fire Department(s) or Fire District(s).

FIRE HAZARD. Any thing, or act, which increases, or will cause an increase, of the hazard or menace of fire to a greater degree than customarily recognized by persons in the public service who are regularly engaged in preventing, suppressing or extinguishing fire, or that which will obstruct, delay, hinder or interfere with the operation of fire protection personnel, or with the egress of occupants in the event of fire.

FIRE LANE. A permanent passageway developed to allow the passage of fire apparatus through congested areas (both developed and undeveloped land).

HARD SURFACE ROAD. A permanent roadway, surfaced with concrete, asphalt, or gravel, that complies with all the requirements for construction set forth in the Land Development Code, and approved by the Department of Public Works.

MULTI-FAMILY DWELLING. Buildings containing more than two complete independent living facilities (such as apartment buildings, or some types of condominiums).

ROADWAY. Any public or private way for vehicular traffic used as a primary means of access for emergency vehicles to lots abutting thereon (does not include driveways). Roadways must meet all of the following minimum standards:

(1) Width of at least ~~18~~ 20 feet, unless:

(a) The roadway serves five or fewer lots, each of which are at least two acres in area, and containing no more than two dwelling units per lot; in which case, the width of the roadway may be 12 feet, with a three-foot earthen shoulder on each side of the roadway;

(b) The roadway serves a lot or lots that were platted prior to the effective date of this subchapter (October 10, 2003), if a roadway-width requirement of less than 18 feet previously was approved by the Planning Commission, which is indicated on the plan/plat, or in Planning Commission minutes, in which case, that requirement shall control.

(2) Overhead clearance of all obstructions of at least 13 feet, six inches for the length of such roadway as may be used to measure the distance requirement for fire hydrant placement;

(3) Capable of supporting a 30-ton fire apparatus;

(4) Properly maintained, as determined by the Fire Chief.

...

SECTION XII: LMCO § 94.81 is hereby amended as follows:

§ 94.81 CONSTRUCTION-PHASE REQUIREMENTS.

(A) Building Plans. Building Plans submitted for fire protection review shall include the location and placement of any fire hydrants (proposed, and/or previously-existing), fire lanes and access roads on both public and private property as previously- approved by the Building Official, in cooperation with the recommendations of the Fire Chief, before any actual construction has begun.

(B) Temporary access road requirements during construction. No person, firm, or corporation shall start the combustible stage of the construction of any type of building, other than one single-family dwelling in each phase of a new subdivision development, which shall be used for display purposes only, until an all-weather temporary access road is provided and available for the use and operation of fire protection apparatus. Such temporary access road shall be approved by the Department of Public Works, in cooperation with the Fire Chief. The temporary access road shall be maintained throughout the combustible phase of construction; if it will be utilized beyond that point, it must be converted to a hard surface road (as defined herein), and comply with all applicable laws and regulations for such.

(C) Provision of adequate water supply. After a building permit is issued, the combustible phase of construction shall not begin until an adequate water supply is provided for firefighting purposes, and is approved by the Fire Chief, with the only exception being the construction of one single-family dwelling in each phase of a new subdivision development, which shall be used for display purposes only, on condition that no utilities are connected to the structure before an adequate water supply is provided for firefighting purposes.

(D) Building permits.

(1) The Building Official, in cooperation with the recommendations of the Fire Chief, may issue a building permit for the construction, or addition to any building covered under this subchapter, with said permit being fully conditional and contingent upon strict compliance with all provisions of this subchapter. Any failure to comply with the provisions of this subchapter shall result in the revocation of the building permit, and such permit will be held to be void ab initio. The building official shall cooperate with the fire code official by allowing the fire code official to inspect all buildings during construction. Recommendations made by the fire code official relating to fire safety in construction of a building shall be considered by the building official, and if a certificate of occupancy is issued contrary to the written recommendations, the building official shall give written notification of the decision to the fire code official immediately. Upon final approval of a building, the building official shall notify the fire chief or his designee of the issuance of the Certificate of Occupancy.

(2) Changes in occupancy use group, as defined in the Kentucky Building Code at the time of the change will require the owner to comply with the provisions of this subchapter.

~~—(3) Appeals of decisions. Any party claiming to be aggrieved by any decision made pursuant to the provisions of this subchapter, as amended, may appeal said decision to the Louisville Metro Fire Prevention Appeals Board, as set forth in §§ 94.60 et seq.~~

SECTION XIII: LMCO § 94.82 is hereby amended as follows:

§ 94.82 FIRE HYDRANTS, WATER MAINS AND WATER SUPPLY.

...

(B) Location of hydrants.

(1) Single-family and two-family dwellings.

(a) 1. Fire hydrants shall be spaced not farther than 800 feet apart, measured over roadways or driveways, and easily accessible to fire protection apparatus.

2. The property line must be within 400 feet of a fire hydrant, as measured from its nearest point, over roadways or driveways, to the hydrant. The hydrant must be easily accessible to fire protection apparatus.

3. Closer spacing may be required where special circumstances, as determined by the Fire Chief requires such closer spacing, and documents the potential safety hazard that would exist without such closer spacing.

(b) For new construction on lots with no more than two dwelling units, the closest exterior portion of a dwelling structure must be no further than 800 or 1,000 feet from a hydrant (as determined by the capabilities of local fire protection district with jurisdiction); otherwise, a domestic sprinkler system as set forth in NFPA Pamphlet 13D, 2002, or an alternate source of water supply, such as a dry hydrant or other approved system as set forth in NFPA Pamphlet 1142, 2001, must be provided.

(c) For new construction on lots with more than two single-family dwellings, or with more than one two-family dwelling, the closest exterior portion of a dwelling structure must be within 500 feet of a hydrant.

(2) Multi-family dwellings that are sprinklered according to NFPA Pamphlet 13 - Standard For the Installation of Sprinkler Systems, or in accordance with NFPA Pamphlet 13-R - Standard for the Installation of Sprinkler Systems in Residential Occupancies Up to Four Stories in Height, must comply with the following requirements:

(a) Fire hydrants shall be spaced not further than 1,000 feet apart.

(b) No exterior portion of a building is to be more than 500 feet from a hydrant measured over roadways or driveways, and easily accessible to fire protection apparatus.

(c) Residential buildings that are required to be sprinklered by the Kentucky Building Code shall comply with NFPA Pamphlet 24 - Standard for the Installation of Private Fire Service Mains and their Appurtenances.

(3) For all other uses as defined herein.

(a) Fire hydrants shall be located so that there will be at least one fire hydrant within 500 feet of each building, and one additional fire hydrant within 1,000 feet of each building. The distances shall be measured over roadways or driveways, and easily accessible to fire-protection apparatus.

(b) No exterior portion of a building shall be farther than 500 feet, from a fire hydrant, as measured over roadways or driveways, and easily accessible to fire-protection apparatus.

(c) Closer spacing may be required where special circumstances, as determined by the Fire Chief require such closer spacing, and documents the potential safety hazard that would exist without such closer spacing.

(d) All hydrants must be located at least 25 feet from any exterior wall of a masonry building and at least 50 feet from any exterior wall of a frame building or a building of equivalent construction, including brick or stone veneer.

(e) Notwithstanding the provisions of this subsection, no exterior portion of any non-sprinklered building (excluding single- and two-family dwellings), and/or non-residential occupancy of more than 1,000 square feet in total area located within the urban water supply system is to be more than 500 feet from a single fire hydrant, with one additional fire hydrant within 1,000 feet, as measured over roadways or driveways, and easily accessible to fire-protection apparatus.

(4) All hydrants shall be located not more than 15 feet from the edge of a roadway or driveway, and easily accessible to fire-protection apparatus. The center of the hydrant nozzle shall be not less than 18 inches, nor more than 30 inches, above ground level (final grade).

(5) Where fire hydrants are installed along a roadway, parking within ten feet from a fire hydrant is prohibited. Where fire hydrants are installed in parking areas, parking shall be designed and maintained to allow ten feet of clear access to the hose-connection side of the hydrant, and a four-foot minimum clear radius around the hydrant itself.

(6) All hydrants shall be kept clear of weeds, rubbish and all other obstructions, by the abutting property owner. Landscaping or decorations shall not be used to obstruct or hide the fire hydrant from clear view, nor prohibit access to the hydrant for use or maintenance. Hydrants shall not be permitted to supply irrigation systems. Damage caused to landscaping within a 15-foot radius of the hydrant due to periodic maintenance, use, or testing of a fire hydrant, shall be the responsibility of the owner of the landscaping. Any use of a fire hydrant for a purpose other than fire protection or authorized periodic inspection must utilize a temporary water meter with appropriate backflow protection. The temporary meter must be requested from the local water utility.

(C) Water supply.

(1) Required delivery. Delivery standards shall include all provisions set forth within this ordinance, including those set forth below. The standards set forth in National Fire Protection Association ("NFPA") ~~Pamphlet~~ 1142 - Standard on Water Supplies for Suburban and Rural Fire Fighting, is hereby adopted by reference, as modified by the provisions of this subsection, as set forth herein:

(a) The total water supply, shall be achieved within 20 minutes, by flowing all fire hydrants within 1,000 feet of the building. Fire hydrants in non-residential areas shall deliver a minimum of 1,000 gallons per minute, regardless of the total water supply.

(b) Where there are no water mains within the required distances set forth herein, provisions for other water supply sources may be permitted by the enforcing authorities, using NFPA ~~Pamphlet~~ 1142, as a reference.

1. In determining minimum requirements for water supplies for structural firefighting purposes, in accordance with the NFPA standards, the Fire Chief shall consider all pertinent conditions, including the following:

- a. Limited fire department/ district resources;
- b. Extended fire department/ district response time;
- c. Delayed alarms;
- d. Limited access;
- e. Hazardous vegetation;
- f. Structural attachments, such as decks and porches;
- g. Unusual terrain; and
- h. Special uses

(c) Private hydrant systems for buildings not sprinklered shall be designed to provide the minimum required fire flow, in accordance with recognized standards, from the point of connection to the public water system.

(d) Private hydrant systems shall not be permitted for areas containing new single- or two-family subdivisions, nor for single-family, two-family, or multi-family condominium developments located on a single parcel of land, other than those that are sprinklered in accordance with the Kentucky Building Code.

...

SECTION XIV: LMCO § 94.84 is hereby amended as follows:

§ 94.84 ENFORCEMENT.

The Building Official, the Fire Chief, duly-certified Fire Prevention Inspectors, or other duly-authorized officials of the Louisville/Jefferson County Metro Government, are hereby authorized and directed to enforce §§ 94.81 through 94.83. Upon the presentation of official credentials, these officials may enter any premises covered by these regulations to perform the duties imposed upon him by these regulations, in accordance with all applicable state and local laws and regulations. Final determination concerning compliance with the provisions of this subchapter shall be the sole discretion of the Director of the Louisville Metro Department of ~~Inspections, Permits and Licenses~~ Codes and Regulations.

SECTION XV: LMCO § 94.85 is repealed in its entirety.

SECTION XVI: LMCO § 94.99 is hereby amended as follows:

§ 94.99 PENALTY.

(A) Any person who violates any provisions of this chapter for which no other specific penalty is provided shall be subject to the provisions of § 10.99.

(B) (1) Any person, firm or corporation violating any of the provisions of §§ 94.01 through 94.04, or §§ 94.65 and 94.66, or neglecting to comply with any order issued pursuant to §§ 94.01 through 94.04, or §§ 94.65 and 94.66, shall be guilty of a misdemeanor and shall be fined not less than \$25 nor more than ~~\$1,000~~ \$500, or be imprisoned for not more than 60 days, or both. Each day's violation shall constitute a separate offense.

(2) Any person, firm or corporation, who shall violate any provision of §§ 94.01 through 94.04 shall also be subject to a civil penalty of not less than \$100 nor more than \$1,000. Each day that a violation continues after notice has been served shall be deemed a separate offense.

(C) (1) ~~Criminal Penalties.~~ Any person violating any of the provisions of §§ 94.30 through 94.34 or neglecting to comply with any order issued pursuant to §§ 94.30 through 94.34, shall be guilty of a misdemeanor and shall be fined not less than \$25, nor more than ~~\$1,000~~ \$500, or be imprisoned for not more than 30 days, or both in accordance with KRS 227.990(4). Each day's violation shall constitute a separate offense.

(2) ~~Civil Penalties.~~ Any person, firm, corporation, or other legal entity violating any of the provisions of §§ 94.30 through 94.34 shall also be subject to a civil penalty of not less than \$100, nor more than \$1,000. Each day that a violation continues after notice of the order has been served shall be deemed a separate offense.

(D) (1) Any person violating the provisions of § 94.40(B)(1) or (B)(2) shall be guilty of a violation and shall be fined not more than \$250.

(2) Any person violating the provisions of § 94.40(B)(3) shall be guilty of a violation and shall be fined not more than \$250.

(3) Any person violating the provisions of § 94.40(B)(4) shall be guilty of a violation and shall be fined not more than \$250.

(4) Any firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer violating the provisions of § 94.40(B)(1) or (B)(2) shall be guilty of a misdemeanor and shall be fined not more than \$500.

(5) Any firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC") or corporation, retail facility or seasonal retailer violating the provisions of § 94.40(B)(3) shall be guilty of a misdemeanor and shall be fined not more than \$500.

(6) Any firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, retail facility or seasonal retailer violating the provisions of § 94.40(B)(4) shall be guilty of a misdemeanor and shall be fined not more than \$500.

(7) Any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC"), corporation, business, retail facility or seasonal retailer that gives, offers for sale, or sells any fireworks, consumer fireworks or display fireworks to any person who is under 18 years of age, within the consolidated city limits of Louisville Metro, shall be guilty of a misdemeanor and shall be fined not more than \$500.

(8) After any person, firm, co-partnership, sole proprietor, business entity, not-for-profit organization, limited liability company ("LLC") or corporation is found to be in violation of any part of § 94.40 after a proper hearing, any fireworks, display fireworks or consumer fireworks that have been confiscated under § 94.40, shall be destroyed by the appropriate enforcement authority.

~~(D)~~ Any person, firm, or corporation violating any of the provisions of § 94.50, or neglecting to comply with any order issued to any section hereof, shall be guilty of a misdemeanor, and shall be fined not less than \$25 nor more than \$500, or shall be imprisoned for not more than 30 days, or both. Each day's violation shall constitute a separate offense.

(F) (1) Any person, firm or corporation violating any of the provisions of LMCO 94.80 through 94.83, or neglecting to comply with any order issued pursuant to those sections, shall be guilty of a misdemeanor, and shall be fined not less than \$25 nor more than \$500, or shall be imprisoned for not more than 60 days, or both. Each day's violation shall constitute a separate offense.

(2) Civil penalties. Any person, firm or corporation violating any of the provisions of this subchapter, shall be subject to a civil penalty of not less than \$100, nor more than \$1,000. Each day's violation shall constitute a separate offense.

~~(E)~~ The imposition of the penalties herein shall not prevent the Chief, on behalf of Metro Government, from pursuing other administrative and legal measures to enforce the provisions of Chapter 94. Such measures may include, but not be limited to, actions to prevent unlawful construction, or to restrain, correct, or abate a violation; or to prevent illegal occupancy of a building, structure, or premises; or to stop an illegal act, conduct of business, or use of a building or structure on or about any premises; or to otherwise protect the lives and property of the residents of Louisville Metro.

SECTION XVII: LMCO § 115.520 is hereby amended as follows:

§ 115.520 DUTIES OF A HOST.

It shall be the duty of a Host under this subchapter to ensure that:

(A) The short term rental meets the smoke ~~detector~~ alarm requirements set forth in LMCO § 94.02; has at least one functional carbon monoxide detector installed in an appropriate location as set forth in Kentucky Residential Code; has at least one properly maintained and charged fire extinguisher on each habitable floor; every sleeping room shall have at least one operable emergency and rescue opening as set forth in the Kentucky Residential Code; and that a clearly marked evacuation plan is posted on the premises;

- (B) There shall be no more than one contract per short term rental at a time;
- (C) There is no signage on the premises of the short term rental advertising or identifying the short term rental in residential zoning districts.
- (D) The name and telephone number of the Host and any emergency contact shall be conspicuously posted within the short term rental.
- (E) Any Host using a Hosting Platform shall include the valid, Louisville Metro-issued registration number for the short term rental in the Short Term Rental Advertisement.

SECTION XVIII: LMCO § 156.103 is hereby amended as follows:

. . .

(D) Bedroom requirements. Every bedroom shall comply with the following requirements:

(1) Area for sleeping. Every bedroom occupied by one person shall contain at least 70 square feet (6.5 mm) of floor area, and every bedroom occupied by more than one person shall contain at least 50 square feet (4.6 mm) of floor area for each occupant thereof.

(2) Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not-serve as the only means of egress from other habitable spaces except in units that contain fewer than two bedrooms.

(3) Water closet accessibility. Every bedroom shall have access to at least one water closet and one lavatory without passing through another bedroom. Every bedroom in a dwelling unit shall have access to at least one water closet and lavatory located in the same story as the bedroom or an adjacent story.

(4) Prohibited occupancy. No person shall use any kitchen, nonhabitable or public space for sleeping purposes, nor shall food be prepared or cooked in any room used for sleeping purposes, except in an efficiency apartment. In an efficiency apartment, that portion of the room designated for sleeping purposes shall not be within ten feet of that portion of the room designated for cooking purposes. The ten feet shall be calculated as the shortest straight line distance between the sleeping area and the stove. The ten feet requirement shall not be a violation when the ten feet distance is separated by a permanent divider wall of a height of at least 50% of the height of the room.

(5) Other requirements. Bedrooms shall comply with the applicable provisions of this chapter including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this section, the plumbing facilities and water-heating facilities requirements of this chapter; the heating facilities and electrical receptacle requirements of this chapter; and the smoke ~~detector~~ alarm and emergency escape requirements of this chapter.

SECTION XIX: LMCO § 156.201 is hereby amended as follows:

. . .

(D) Emergency escape openings. Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with the Kentucky Building Code or the Kentucky Residential Code and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates, or similar devices are installed in existing buildings, smoke ~~detectors~~ alarms shall be installed in accordance with § 156.203.

SECTION XX: LMCO § 156.203 is hereby amended as follows:

§ 156.203 FIRE PROTECTION SYSTEMS.

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

CHIEF. Any person appointed or empowered in accordance with KRS Chapters 227, 75, 95 or 67C.105 to carry out the expressed or implied statutory authority granted under the specific chapter for which their authority is derived within their fire department or fire district.

CODE OFFICIAL. The official who is charged with the administration and enforcement of the Property Maintenance Code established by Chapter 156 of the Louisville/Jefferson County Metro Government Code of Ordinances, or any duly authorized representative.

DWELLING. Any building which contains one or more dwelling units or any rooming units, rooms, or area designated or used for sleeping purposes either as a primary use or use on casual occasions. This term shall include single-family dwellings, duplexes, rooming houses, hotels, motels, tourist homes, school dormitories, apartment and/or condominium buildings.

DWELLING UNIT. Any group of rooms located within a building and forming a single housekeeping unit with facilities, which are used or designed to be used for living, sleeping, cooking, or eating.

OWNER. Any person who alone, jointly, or severally with others:

(1) Shall have all or part of the legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or shall have all or part of the beneficial ownership of any dwelling or dwelling unit and a right to present use and enjoyment thereof, including a mortgage in possession; or

(2) Shall have charge, care, or control of any dwelling or dwelling unit as owner, or as executor, administrator, trustee, guardian of the estate, or duly authorized agent of the owner. Any such person thus representing the actual owner shall be bound to comply with the owner's obligations under this section.

ROOMING UNIT. Any room, which is designed or used for sleeping purposes. This term may include a room in a rooming house, a hotel, a motel, a tourist home, a school

dormitory, or an apartment building, which may or may not have some additional facilities for eating or cooking contained therein.

(B) ~~Smoke detectors~~ alarms required; type and placement.

(1) In all dwelling units, smoke ~~detectors~~ alarms 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 section. ~~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.~~

(2) In order to comply with this section, only ionization or photoelectric type ~~detectors~~ alarms listed by a nationally recognized testing laboratory shall be installed.

(3) Smoke ~~detectors~~ alarms shall be installed in accordance with applicable NFPA Standards and the manufacturer's recommendations. ~~Detectors~~ Alarms may be ceiling or wall mounted, provided that they shall be mounted at a minimum of four inches and a maximum of 12 inches from the ceiling, and not closer than four inches from the point at which the ceiling and wall meet requirements as referenced in NFPA 72.

(4) In a dwelling unit, which contains a well-defined sleeping room separated from the other activity areas of the same unit, the ~~detector~~ alarm shall be located in the corridor within the unit or interior area giving access to the rooms used for sleeping purposes. Where sleeping areas are separated and/or where a single smoke ~~detector~~ alarm will not adequately service all sleeping areas, there shall be a smoke ~~detector~~ alarm installed adjacent to each sleeping area. In a rooming unit the ~~detector~~ alarm shall be centrally located.

(5) In a dwelling containing two or more dwelling units or any rooming unit, in addition to the requirements for individual smoke ~~detectors~~ alarms in each dwelling unit or rooming unit, ~~detectors~~ alarms shall be placed in centrally located common areas so that smoke ~~detectors~~ alarms will adequately service all sleeping areas.

(C) Installation and maintenance.

(1) The owner of a dwelling shall be responsible for supplying and installing in an operable condition, the required ~~detectors~~ alarms and for providing the manufacturer's maintenance and testing instructions to the tenant.

(2) The owner of a dwelling shall be responsible for maintenance and testing of ~~detectors~~ alarms, in accordance with manufacturer's instructions, which are located in common areas and/or ~~detectors~~ alarms in rooming units where the tenant usually has periods of occupancy, (less than 30 continuous days, such as, hotels, motels, tourist homes).

(3) The tenant shall be responsible for maintaining and testing the ~~detectors~~ alarms, in accordance with the manufacturer' instructions, which are within his or her exclusive

control during the life of the tenancy. The tenant shall be responsible for notifying the owner in writing when ~~detectors~~ alarms become inoperable, and the owner shall have ten days after receipt of such written notice in which to replace or repair the ~~detectors~~ alarms in an operable condition. ~~In the existing single station, battery-operated types of detectors, battery replacement will not be allowed. In the event existing detectors with standard batteries are found inoperable, the units shall be replaced with at least smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal ten-year lithium battery.~~

(4) At every change of tenancy in all multi-family residential units and dormitories, it shall be the duty of the owner to test and ascertain that those ~~detectors~~ alarms contained in the unit are in operable condition, and if not, the owner shall be responsible for placing them in operable condition. ~~Further, in the event existing detectors with standard batteries are found inoperable, the owner shall be responsible for replacing such detectors with at least smoke detectors powered by a hardwire AC primary power source or a self-monitored, non-removal ten-year lithium battery.~~

(5) In all hotels, motels, rooming houses or tourist homes it shall be the duty of the owner to test such ~~detectors~~ alarms on a regular basis in accordance with manufacturer's instructions, and the owner shall be responsible for maintaining such units in an operable condition. A log of smoke detector alarm inspections and findings shall be maintained by the owner, and shall be made available to fire inspectors upon request.

(6) It shall be the responsibility of the property owner to install at least smoke ~~detectors~~ alarms powered by a hardwire AC primary power source or a self-monitored, non-removal ten year lithium battery before transfer of the property to a new party. A signed affidavit of the property owner, given to purchaser, seller, and real estate agent before transfer will suffice in meeting this requirement.

~~— (7) Where AC powered detectors have been installed and maintained in accordance with previous ordinances, they shall continue to be used in accordance with the manufacturers installation and maintenance guidelines. Such smoke detectors that are found to be non-operational, damaged, or missing shall be replaced with a hard wire AC powered smoke detector of similar or like type.~~

(D) Enforcement.

(1) 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 this section and the final determination concerning compliance herewith shall be the sole discretion of the Authority Having Jurisdiction (AHJ), as described in 815 KAR 10:060, of the Fire Department, or the Fire District, or Code Official. Upon the presentation of official credentials, an authorized inspector of the Fire Department, Fire District or Code Official, may enter with consent any premises covered by these regulations to perform the duties imposed upon him or her by these regulations.

(2) The source of authority to issue orders as described in subsection (A) shall include, but not be limited to, any authority granted under KRS Ch. 227 and 815 KAR 10:060.

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

Sonya Harward
Metro Council Clerk

Markus Winkler
President of the Council

Craig Greenberg
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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