

ORDINANCE NO. _____, SERIES 2026

AN ORDINANCE AMENDING CHAPTER 112 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) REGARDING THE POSTING OF HANDBILLS OR SIGNS ON PUBLIC PROPERTY (AS AMENDED).

SPONSORED BY: COUNCIL MEMBERS REED, WINKLER AND PIAGENTINI

WHEREAS, Louisville Metro Code of Ordinances Chapter 112 currently treats violations of the prohibition of posting handbills or signs on public property as a criminal violation, with the person doing the actual posting being the individual committing the violation; and

WHEREAS, from an enforcement perspective, it is difficult to enforce this provision as written, because the person essentially has to be caught in the act of posting the sign, and

WHEREAS, the civil process appears better suited to deterring businesses and individuals from posting, or causing to be posted, handbills or signs on public property, and

WHEREAS, for-profit entities are less likely to be deterred by mere removal of the signs, as they typically budget for periodic replacement of the signs, and

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government (the “Council”) wishes to amend Chapter 112 to have such violations classified as civil, rather than criminal, violations and to make clarifications to the existing language.

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

SECTION I: Section 112.01 of the LMCO is hereby amended as follows:

§ 112.01 POSTING HANDBILLS OR SIGNS ON PUBLIC PROPERTY PROHIBITED.

No person shall cause, directly or indirectly, to paint, mark or write on, or post or otherwise affix any handbill or sign ~~for commercial purpose~~ in a public right-of-way, or to or upon any public sidewalk, crosswalk, curb, curbstone, street lamp post, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone pole, or wire appurtenance thereof, or upon any fixture of the fire alarm system, or upon any lighting system, public bridge, street sign, traffic sign, or other official sign of governmental or safety purpose. **PERSON** may extend, and be applied to, bodies politic, corporations and corporate societies, communities, the public generally, individuals, partnerships and joint stock companies. For purposes of this section, **NON-PROFIT ORGANIZATION** shall mean a non-profit organization incorporated under the law of any state and exempt from federal taxation under either Section 501 or Section 527 of the federal Internal Revenue Code, as amended.

SECTION II: Section 112.02 of the LMCO is hereby amended as follows

§ 112.02 REMOVAL BY METRO GOVERNMENT.

Any handbill or sign found posted or otherwise affixed upon any public property contrary to the provisions of this subchapter may be removed by the Louisville Metro Department of Public Works or any other agency of Louisville/Jefferson County Metro Government, who may immediately dispose of said removed materials.

SECTION III: Section 112.99 of the LMCO is hereby amended as follows

§ 112.99 PENALTY.

(A) Except for §§ 112.30 and 112.31, any person who violates any provision of this chapter for which no other specific penalty is provided shall be subject to the provisions of § 10.99.

(B) ~~Any person found guilty of violating § 112.01 of this chapter shall be fined not less than \$10 nor more than \$50 per violation, and also shall be liable for any cost incurred by the Metro Government or any agency thereof as a result of such violation. But in no event shall such cost exceed \$100 per violation. Any violation of § 112.01 of this chapter shall be classified as a civil offense and shall be enforced through the Code Enforcement Board as provided in LMCO §§ 32.275 et seq. or as it may be amended. In lieu of immediately issuing a citation~~ Before issuing a citation for a first offense pursuant to §112.01 of this chapter, the Code Enforcement Officer may shall issue a Notice of Violation allowing the violator a specified period of time to remedy the violation without incurring a fine. If the alleged violator fails or refuses to remedy the violation within the time specified, the Code Enforcement Officer is authorized to issue a citation and is further authorized to issue a citation for any additional offenses pursuant to §112.01 of this chapter without first issuing a notice of violation. For a citation issued pursuant to § 112.01 of this chapter:

(1) For persons other than non-profit organizations, the fine shall be not less than \$250 and no more than \$500, and the violator also shall be liable for any cost incurred by the Metro Government or any agency thereof as a result of such violation.

(2) For non-profit organizations, the fine shall be not less than \$10 and no more than \$50 per violation.

Each day that a violation continues unabated after a citation has been issued or notice has been served shall be deemed a separate violation.

(C) (1) Any person who violates any of the provisions of §§ 112.04 or 112.05 shall be fined not less than \$25 nor more than \$100 for each offense. Each day's continued violation shall constitute a separate offense.

(2) Any employer who hires a professional replacement or any professional replacement who is hired shall be fined \$100 per each offense. Each work day during a labor dispute shall constitute a separate offense.

(D) (1) Any employee who is paid less than the minimum wage established under the provisions of § 112.10 may bring a civil cause of action, authorized in KRS 337.020, against his or her employer for the full amount of wages due from the employer.

(2) In addition to the civil remedy provided in subsection (D)(1) directly above, any employer found to have violated any of the provisions of § 112.10 shall be subject to a civil penalty not to exceed \$100 per day, per employee who fails to receive the minimum wage as set forth in this chapter. If a civil penalty is imposed pursuant to this section, a citation shall be issued which describes the violation which has occurred and states the penalty for the violation. If, within 15 working days from the receipt of the citation, the affected party fails to pay the penalty imposed, Louisville Metro Government shall initiate a civil action to collect the penalty. The civil action shall be taken in the court which has jurisdiction over the location in which the violation occurred.

SECTION IV: Section II of this Ordinance shall take effect upon its passage and approval, or otherwise becoming law. Sections I and III or this Ordinance shall take effect on December 1, 2026.

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-043-26 Amend LMCO Chapter 112 Re Posting of Handbills or Signs (as amended) 6-12-26 (lf)