

**ORDINANCE NO.\_\_\_\_\_, SERIES 2024**

**AN ORDINANCE AMENDING THE LOUISVILLE/JEFFERSON COUNTY  
METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER  
115 REGULATING POP UP PARTIES.**

**SPONSORED BY: COUNCIL MEMBERS BLACKWELL, KRAMER, FLOOD,  
PURVIS, AND BAKER**

**WHEREAS**, the proposed amendment to LMCO Chapter 115 seeks to regulate public entertainment gatherings within Louisville Metro, emphasizing the responsibility of individuals and or organizations conducting the gatherings to obtain a license and pay the annual fee pursuant to the fee schedule issued by the newly established Louisville Metro Alcohol Beverage Control; and

**WHEREAS**, under the new administration, public gatherings now fall under the purview of the Louisville Metro Alcohol Beverage Control; and

**WHEREAS**, recognizing the importance of public safety and adherence to regulatory standards, the amendment mandates that if alcoholic beverages are to be sold at a public entertainment gathering, the license holder must obtain the appropriate license from Louisville Metro Alcohol Beverage Control in accordance with KRS Chapter 243; and

**WHEREAS**, the existing ordinance was silent on the authority of law enforcement to promptly address and mitigate illegal behavior associated with unlicensed public gatherings and the proposed amendments recognizes the need to rectify this situation by explicitly addressing and empowering law enforcement to take immediate and decisive actions in response to unlicensed public gatherings; and

**WHEREAS**, the rise of local unlicensed public gatherings exemplifies the need for a robust and effective mechanism to address unlicensed public entertainment gatherings promptly.

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

**SECTION I:** The following section of LMCO Chapter 115 is amended as follows:

**§ 115.550 DEFINITIONS.**

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

**LAW ENFORCEMENT PERSONNEL.** Means either: (A) a person with prior commissioned law enforcement experience from any federal, state, or local jurisdiction occurring within five years of the date of application excluding constables; or (B) security guard. In order to qualify as a security guard, a person must meet the following minimal security qualifications: (1) be at least 18 years of age or older; (2) submit a set of fingerprints; (3) satisfy LMCO § 124.05(B)(4), (B)(5), and (B)(6); and (4) submit proof of satisfactory completion of training pursuant to KRS 15.334 or the armed security guard requirements set forth in LMCO Chapter 124.

**LICENSEE.** Any person licensed to operate a public entertainment gathering.

**PUBLIC ENTERTAINMENT GATHERING.** Any assembly that is open to the public for the purpose of dancing and/or listening to music; and (A) is conducted for a direct or indirect profit and (B) requires a monetary payment or contribution from the persons admitted. Public entertainment does not include a banquet, party, or celebration conducted for invited guests which is not open to the public and for which no fee or membership contribution is required; or any party held by a Kentucky Commonwealth and/or Louisville/Jefferson County Metro Government licensed liquor establishment, or at any location where alcoholic beverages are legally served, sold, dispensed or permitted on the premises in accordance with Kentucky and Louisville Metro alcoholic beverage laws.

**§ 115.551 LICENSE REQUIRED.**

(A) It is unlawful for any person to conduct a public entertainment gathering within Louisville Metro without first having obtained a license for such activity, unless the person or organization falls within the exemptions set forth in subsection (B) of this section. The person desiring to conduct a public entertainment gathering shall be responsible for obtaining a license, and paying the annual fee charged pursuant to the fee schedule

issued by the Louisville Metro Government, ~~Department of Codes and Regulations~~ Alcohol Beverage Control.

(B) A license is not required under this subchapter if the public entertainment gathering is conducted by:

(1) Commonwealth of Kentucky, Louisville Metro Government, or any suburban city in Jefferson County;

(2) Organizations holding valid charitable solicitation permit;

(3) Bona fide youth organizations or athletic teams registered with the state or national organization;

(4) Bona fide publicly recognized religious organization; or

(5) Any college, university, or school accredited by any state department of education.

(C) ~~The Department of Codes and Regulations~~ Louisville Metro Alcohol Beverage Control may require any organization or individual claiming exemption to appear and present evidence to support said exemption.

(D) If a public gathering licensee intends to sell alcohol beverages, the licensee shall obtain the appropriate alcohol license from Louisville Metro Alcohol Beverage Control, as well as the Kentucky Department of Alcohol Beverage Control, pursuant to KRS Chapter 243.

#### **§ 115.552 SECURITY PERSONNEL REQUIRED.**

(A) The licensee shall have a minimum of two law enforcement personnel at a public entertainment gathering for up to the first 50 persons in attendance and then an additional law enforcement personnel for each additional 50 persons in attendance.

(B) All security persons are required to wear a uniform while on duty.

#### **§ 115.553 AGE RESTRICTIONS.**

(A) No person conducting a public entertainment gathering or maintaining a facility used for a public entertainment gathering shall knowingly allow persons under the age of 16 years to enter or remain without a parent or legal guardian present; provided, that the presence of a parent or legal guardian shall not be required if the public entertainment gathering is limited to persons 17 years of age or younger. In such case, no persons 18 years of age or older shall knowingly be allowed to enter or remain on the premises with the exception of parents or guardians of the patrons, employees of the entertainment hall or entertainers hired by the entertainment hall to perform.

(B) It is the sole responsibility of the licensee and any other person operating a public entertainment to require identification showing the age of each person admitted. A valid driver's license or photo identification card issued by a state department of licensing or school picture identification card bearing the current year's date shall be the only acceptable forms of proof of age.

#### **§ 115.554 HOURS OF OPERATION.**

To comply with curfew laws, public entertainment gatherings may not operate past midnight on Friday and Saturday and 10:00 p.m. Sunday through Monday.

#### **§ 115.555 INSPECTION ACCESS.**

All police, fire, ~~and~~ Department of Codes and Regulations officers and Alcohol Beverage Control officers, shall have free access to public entertainment gatherings when an event is being conducted, for the purpose of inspection and to enforce compliance with the provisions of this subchapter and other applicable city, county and state health, zoning, building, fire and safety ordinances and laws.

#### **§ 115.556 LICENSE TYPES AND APPLICATION.**

(A) Annual licenses are available for licensees who intend to regularly hold public entertainment gatherings at the same address. Applications for any license or renewal of any license pursuant to this subchapter should be submitted in writing on forms provided by ~~the Department of Codes and Regulations~~ Louisville Metro Alcohol Beverage Control at least 30 days prior to the first entertainment gathering or, in the case of renewals, at least 30 days prior to the expiration date of the existing license. Applications submitted less than 30 days prior to an event may be charged a processing fee in addition to the regular fee.

(B) A limited license for a single event may be issued under this subchapter by ~~the Department of Codes and Regulations~~ Louisville Metro Alcohol Beverage Control and licensee shall pay a single event fee pursuant to Louisville Metro fee schedule. No more than three limited licenses in any calendar month or more than six limited licenses in any calendar year will be issued by the ~~Department of Codes and Regulations~~ Louisville Metro Alcohol Beverage Control unless the full annual license fee has been paid.

(C) In addition to other information requested, applications must contain the names and addresses of the officers, directors or partners thereof; the address and description of the premises to be licensed, including the designated parking area; the time and date of the entertainment or entertainments to be held; a list of any and all criminal convictions or forfeitures within five years immediately preceding the date of the application, other than parking offenses or minor traffic infractions, including the dates of conviction, nature of the crime, name and location of court, and disposition for the applicant; any officers, directors, or partners; and all employers, employees or any other person involved in the operation of the entertainment hall, and the names of persons employed as security

persons, together with proof that the requirements for their security training have been met.

(D) The Louisville Metro ~~Department of Codes and Regulations~~ Alcohol Beverage Control must be notified within ten days of any changes in the information required in this section.

#### **§ 115.557 POLICE AND FIRE INVESTIGATION.**

(A) Applications for a license under this subchapter may be referred to the Louisville Metro Police Department for investigation of information contained therein. The Louisville Metro Police Department is to provide the results of such investigation to the ~~Department of Codes and Regulations~~ Louisville Metro Alcohol Beverage Control.

(B) Upon notification of the application for a license under this subchapter, a Fire Marshal will inspect the premises to be used for a public entertainment gathering to ensure it complies with the Fire Code. The Fire Marshal is to report the results of said inspection to the ~~Department of Codes and Regulations~~ Louisville Metro Alcohol Beverage Control.

#### **§ 115.558 CRITERIA FOR APPROVAL OR RENEWAL.**

(A) The ~~Department of Codes and Regulations~~ Louisville Metro Alcohol Beverage Control may issue a license under this subchapter so long as the following conditions are met:

(1) The building, structure, equipment or location for the place of public entertainment gathering complies with the requirements or meets the standards of the health, zoning, building, fire safety or other applicable laws and ordinances of the state, county and the city, or the requirements of this subchapter.

(2) The location of the public entertainment gathering is not an unreasonable or inappropriate interference with surrounding land uses or is otherwise unreasonably detrimental to the public welfare.

(3) The applicant or any of the applicant's employers, officers, directors, partners, operators, employees or any other person involved in the operation or business of the public entertainment gathering has not been convicted within the last five years of:

- (a) Any crime involving prostitution or sexual offenses under KRS Chapter 510;
- (b) Any crime involving possession or trafficking of narcotics;
- (c) Any felony assault or unlawful possession of a firearm; or
- (d) Business or commercial fraud, extortion, or receiving stolen property.

(4) The applicant or any of the applicant's employers, officers, directors, partners, operators, employees or any other person involved in the operation or business of the public entertainment gatherings has not committed any act which, if committed by a licensee, would be grounds for the suspension or revocation of a license pursuant to this title.

(5) The applicant has submitted proof of insurance policy in the amount of \$100,000 property damages, \$1,000,000 for injury of death of one person, and \$3,000,000 for injury of death of more than one person per incident arising out of a premise used to operate a public entertainment gathering.

(B) Any applicant denied a license may reapply and be granted a license if the applicant can prove the basis for such denial no longer exists. Denied applicants may appeal pursuant to this subchapter.

(C) Applications for renewal of a license issued shall be processed and considered according to the criteria for the initial issuance of the license.

#### **§ 115.559 UNLAWFUL ACTIVITY AT PUBLIC ENTERTAINMENT GATHERINGS.**

(A) The licensee or his or her employee, agent, partner, employer, director, officer or manager may not knowingly allow or permit:

(1) A felony to occur in or upon the premises of public entertainment gathering;

(2) A crime involving prostitution, promoting prostitution, lewd conduct or assault on to occur in or upon the entertainment hall premises;

(3) Any unlawful act of or solicitations for sexual intercourse, sodomy, indecent exposure or masturbation to be committed in or upon the premises of public entertainment gathering;

(4) The possession or consumption of alcohol by persons under the age of 21 years in or upon the premises of public entertainment gathering;

(5) The giving or supplying of alcohol to any person under the age of 21 years;

(6) The use by any person in or upon the public entertainment hall premises of marijuana, cocaine or any other controlled substance as defined in KRS Chapter 218A, not prescribed by a licensed physician for use by the person possessing or using the substance;

(7) Violation of any provision of this subchapter, or of any other applicable law or ordinance, which the ~~Director of the Department of Codes and Regulations~~ Alcohol Beverage Control Administrator finds constitutes an unreasonable interference with surrounding land uses or is otherwise unreasonably detrimental to the public welfare;

(8) Failure to timely file and pay any occupational license tax, property taxes, or other fees owed to Louisville Metro; or

(9) Allowing any person under the influence of intoxicants or drugs into or to remain on the premises of public entertainment gathering; or

(10) Giving away or permitting any patron to bring their own alcohol beverage.

(B) Sound from the entertainment gathering may not be audible from a distance greater than 50 feet away from the entertainment hall.

### **§ 115.560 REVOCATION OR SUSPENSION OF LICENSE.**

(A) A license issued pursuant to this subchapter may be suspended or revoked by ~~Director of the Department of Codes and Regulation~~ Louisville Metro Alcohol Beverage Control Administrator subject to appeal pursuant to this section. A license may be suspended or revoked for the following reasons:

(1) Fraud, misrepresentation or false statement contained in the application for a license.

(2) Fraud, misrepresentation or false statement made in connection with operation.

(3) Any facts of conditions which would justify the denial of the original application.

(4) Any felony or misdemeanor conviction for offenses listed in § 115.558(A)(3).

(5) Selling alcoholic beverages without a Louisville Metro Alcohol Beverage Control License.

(6) Any violation listed in section § 115.559.

(B) This section shall be self-executing and the suspension or revocation shall be effective immediately. The ~~Director of the Department of Codes and Regulation~~ Alcohol Beverage Control Administrator shall give notice of the suspension or revocation of the license. Notice is sufficient if either hand-delivered or mailed to the licensee at the address as listed on the licensee's application.

(C) It is unlawful for any person whose license has been suspended or revoked to continue operating a public entertainment gathering.

### **§ 115.561 EMERGENCY CLOSURE FOR UNLICENSED PUBLIC ENTERTAINMENT GATHERINGS.**

In the course of any operation of an unlicensed public entertainment gathering, the ABC Administrator may in the interest of public health, and safety direct the local law

enforcement to close the violating premises by securing the premises after dispersing the patrons.

**§ 115.561 115.562 APPEAL.**

(A) Any person whose application is denied or whose license is suspended or revoked, ~~aggrieved by the denial of an application for a license or by suspension or revocation of a license as provided for in this subchapter~~ shall have the right to appeal to the Director of the Department of Codes and Regulations Alcohol Beverage Control Administrator such denial, suspension or revocation. The person affected thereby has ten business days from the date of receipt of said notice of denial, suspension or revocation to appeal the Department's decision by notifying ~~the Director of the Department of Codes and Regulations~~ Alcohol Beverage Control Administrator in writing of the basis for said appeal. The notice of appeal may be hand delivered to the ~~Director~~ Administrator or sent certified mail, return receipt requested. Unless a timely notice of appeal is received, the decision of the ~~Director of the Department of Codes and Regulations~~ Alcohol Beverage Control Administrator shall be final.

(B) Upon receipt of an appeal, the ~~Director of the Department of Codes and Regulations~~ Alcohol Beverage Control Administrator shall schedule a time and date for the appeal to be heard before the ~~Code Enforcement Board~~ Louisville Metro Alcohol Control Board pursuant to LMCO §§ 32.275 et seq. The ~~Director~~ Administrator shall notify the appellant in writing of the hearing date via first class mail. The appellant may request an alternate hearing date that should be no more than 30 days after the originally scheduled date.

**§ 115.562 115.563 SEVERABILITY.**

Each section and provision of this subchapter is hereby declared to be independent sections and provisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of said subchapter, or the application thereof to any person or business, is held to be invalid, the remaining sections or provisions and the application of such sections or provisions to any person or business other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so known to be invalid. Additionally, should any license or permit procedure in this subchapter be deemed invalid, the substantive regulations, restrictions, and standards contained herein shall not be affected thereby.

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



\_\_\_\_\_  
Sonya Harward  
Metro Council Clerk

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Markus Winkler  
President of the Council

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Craig Greenberg  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

O-023-24 Pop Up Party Amendments LR