

ORDINANCE NO._____, SERIES 2024

**AN ORDINANCE AMENDING THE LOUISVILLE/JEFFERSON COUNTY
METRO GOVERNMENT CODE OF ORDINANCES (“LMCO”) CHAPTER
113 REGULATING ALCOHOLIC BEVERAGE CONTROL.**

**SPONSORED BY: COUNCIL MEMBERS BLACKWELL, RENO-WEBER, AND
BAKER**

WHEREAS, the Louisville Metro Government recognizes the need to maintain strict oversight and regulation of alcoholic beverage control within its jurisdiction; and

WHEREAS, Chapter 113 of the Louisville Metro Code of Ordinances represents a comprehensive regulatory framework aimed at preserving peace and ensuring the protection of the public within the jurisdiction; and

WHEREAS, any violation of the provisions outlined in Chapter 113 by a licensee warrants a prompt response by the Louisville Metro Government Alcohol Beverage Control Administrator; and

WHEREAS, the recent rise in local critical incidents on licensed premises has driven the need and urgency of more local regulations surrounding the sale of alcohol; and

WHEREAS, when the Kentucky State Alcohol Beverage Control denies the request for an emergency suspension, Louisville Metro Alcohol Board needs a local response to address the imminent risks and dangers posed by the licensee's continued operations; and

WHEREAS, the Kentucky State Alcohol Beverage Control does not have jurisdiction over any unlicensed premises in the Commonwealth.

**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 113 is amended as follows:

§ 113.24 REVOCATION OR SUSPENSION OF LICENSE.

(A) A violation of any of the provisions of this chapter, or any amendment thereof, by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. It shall be the duty of the Chief of Police of the Louisville Metro Government to make a written report to the Louisville Metro Government ABC Administrator of any violation of this chapter or any amendment thereof, or of any of rules or regulations of the Louisville Metro Government ABC Administrator, observed by any member of the Police of the Louisville Metro Government. Whenever any licensee shall violate any provision of this chapter or any ordinance relating to the subject of alcoholic beverage control or any of the rules or regulations of the Louisville Metro Government ABC Administrator, or any of the provisions of the Alcoholic Beverage Control Laws of the Commonwealth of Kentucky, or any amendments or supplements thereto, or any of the rules and regulations adopted by the Kentucky State Alcoholic Beverage Control Board, or any acts of Congress, or rule or regulation of any federal board, agency, or commission relative to the regulation and taxation of alcoholic beverages, proceedings for the revocation of the license shall be instituted in the manner and under the procedure established by the Kentucky State Alcoholic Beverage Control Law.

(B) For a violation of any section of this chapter or any amendment thereof or of any rule or regulation of the Louisville Metro Government ABC Administrator, or of any rule or regulation of the State Alcoholic Beverage Control Board, or any acts of Congress or rule or regulation of any federal board, agency, or commission relative to the regulation and taxation of alcoholic beverages, or on conviction by a court of competent jurisdiction for any such violation, the Louisville Metro Government ABC Administrator is authorized and empowered to order the revocation or suspension of any license issued under this chapter.

(C) Upon approval from the ABC Administrator, an emergency suspension may be ordered when it is reasonably believed that the health, welfare, safety, and/or security of the community is jeopardized by the continued operation of a licensee. In the instance of the immediate suspension of a license, licensees are entitled to an expedited hearing within three business (3) days with the ABC Administrator. The licensee may appeal the decision of the ABC Administrator to the Kentucky Department of Alcohol Beverage Control within ten (10) business days of the decision. An emergency suspension order will remain in effect until a final order is entered. A licensee may remain open during a suspension provided that alcohol is not being served and any alcohol inventory is secured.

(D) Emergency situations which support a finding that continued operation of the license holder pending a hearing would constitute a threat to the public health, safety, or welfare sufficient for emergency action are:

1) Violations of the alcoholic beverage control laws that directly led, or contributed to, the death or serious physical injury of a person, regardless if the death or serious injury occurred on the licensed premises;

2) Violations of KRS 244.080(1) in which five (5) or more different minors were sold or served alcohol by the licensee within a twenty-four (24) hour time period;

3) Violations of KRS 244.125 wherein a firearm was discharged on the licensed premises;

4) Excessive complaints against a licensee requiring local law enforcement to expend an inordinate amount of resources in a six (6) month period; and

5) Any other manmade or natural event which causes a reasonable person to believe the continued operation of the licensed premises would pose a serious threat to public health, safety or welfare.

113.99 PENALTY.

(A) The penalties for violations of this chapter that pertain to alcoholic beverage laws that are set forth in KRS Chapters 241 through 244 shall be the same as provided by such chapters.

(B) Any person under the age of 18 years who violates any provisions of §§ 113.02 through 113.23, 113.40, and 113.41 shall be dealt with in accordance with the procedure prescribed by statute for minors charged with the commission of a public offense.

~~(C) (Repealed by implication, Lou. Metro Ord. No. 2002-2013, approved 10-31-2013)~~

~~(D)~~ (C) The fines imposed under subsections (A) ~~through (C)~~ and (B) shall be in addition to and independent of any action which may be taken by the Louisville Metro Government Alcoholic Beverage Administrator, in accordance with the provisions of the State of Kentucky Alcoholic Beverage Control laws and Administrative Rules and Regulations.

~~(E)~~ (D) In addition to any criminal penalties that may be prescribed, any person or entity that violates the provisions of §§ 113.54 through 113.82 shall appear before the Louisville Metro Government ABC Administrator or the Louisville Metro Government Alcoholic Beverage Control Board hearing officer for a civil hearing, and is subject to a civil penalty of not less than \$200 and not more than \$500 for each violation if convicted. This section shall not apply to obligations imposed upon the Louisville Metro Government ABC Administrator or his or her employees under those sections.

~~(F)~~ (E) Any person or entity that violates the provisions of §§ 113.49 shall initially be issued a Cease and Desist letter and be given the opportunity to appear before the Louisville Metro Government ABC Administrator for opportunity to cure the violations.

Upon sufficient showing that the violation is ongoing, the Louisville Metro Government ABC Administrator may seek an Injunction from Jefferson County Circuit to close to the premises.

SECTION II: 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: _____

O-022-24 Alcohol Beverage Control Amendments LR