



## **Late Night Entertainment Establishment (LNE) Ordinance & Permit Overview**

### **Background:**

**Late Night Establishment** (LNE) means:

Any bar, restaurant, venue, or commercial establishment, that currently allows on-premises consumption of beer, wine, or alcohol, and **remains open after midnight** located within the city. This includes hotel accommodations.

The ability of a LNE to sell, offer for sale, deliver, or permit to be consumed upon the premises any alcoholic beverage after midnight on any day of the week is a privilege. To maintain that privilege, LNEs are provided a framework (LNE Permit Application) to establish minimum actions and steps necessary to promote a safe community.

- **Beginning December 13, 2022**, any **new business** must apply for an LNE permit under the new LNE ordinance.
- **Existing LNEs** must come into compliance with the new ordinance and reapply for an LNE permit by **February 13, 2023**.
- LNE permits must be renewed every 2 years.

### **Security & Safety Requirements:**

All LNEs must provide adequate security staffing to ensure public safety. LNEs should consider their occupancy, day of the week, events, and holidays during planning.

**Security staff** means: Any individual selected by the LNE who has appropriate training in safety management and can facilitate safe practices in line with the LNE's safety plan. This can be employees (i.e. managers, bar staff) or contracted security personnel.

#### **Minimum ratio of staff assigned to security:**

| <b>Actual Occupancy Load Ratio to Security Staff</b> |                                 |
|--|---------------------------------|
| <b>Actual Occupant Load At Any Time</b>              | <b>Number of Security Staff</b> |
| 50 people  | 1                               |
| 51 - 150 people                                      | 2                               |
| 151 – 250 people                                     | 3                               |
| 251 – 350 people                                     | 4                               |
| Each additional 100 people                           | (+)1 per 100                    |

*Note: Actual occupant load is not the same as maximum occupant load (MOL). MOL is the maximum number of people allowed in an establishment based on Certificate of Occupancy.*

All LNEs are required to submit a Security & Safety Plan outlining how they will meet these requirements, [as outlined in this template.](#)

### **Preventing Underage Drinking:**

ID checks must be conducted starting at 10:00pm to verify patrons are 21 years of age or older, with the addition of LNE's serving food past 10:00pm who allow patrons under 21 years of age into the facility. ID scanners are encouraged but not required.

### **Other Requirements:**

- LNEs shall be held to the requirements by the city's noise ordinance.
- LNEs must comply with city code regarding waste management, litter, and property maintenance.



## **Violations, Suspensions, & Revocations:**

Prior to suspension or revocation, the city has elected to use progressive remediation. All violations of this ordinance may result in the issuance of a municipal summons. The following administrative remedies may be taken:

- **1<sup>st</sup> Issuance of Summons (within 2-year permit period):** Mandatory remediation meeting between LNE and City staff to review the LNE permit, the violation, and discuss strategies to prevent future violations.
- **2<sup>nd</sup> Issuance of Summons (within 2-year permit period):** Mandatory remediation meeting between LNE and City staff to review the LNE permit, the violation, and discuss strategies to prevent future violations. Director of Revenue Collections may issue a written notice of intent to suspend the LNE permit for a period of time up to (90) days.
- **3<sup>rd</sup> Issuance of Summons (within 2-year permit period):** Director of Revenue Collections, under their discretion, can issue a written notice of intent to suspend LNE permit for a period of time up to (1) year.

An emergency suspension may be invoked if a situation arises that is determined by a Fire Marshal, Police Officer, or Code Enforcement Officer to require immediate action to eliminate a situation that poses imminent threat to persons or property.

The Director of Revenue Collections reserves the right to immediately suspend or revoke an LNE permit in cases where the action that is the basis for the revocation: 1. Resulted in great bodily harm or loss of life; or 2. Resulted the damage or loss of property in an aggregate amount of \$100,000 or more.

## **Appeals:**

A written notice of intent to deny, suspend, or revoke an LNE permit will be issued to the applicant or the appellant by personal delivery or certified mail. The appellant shall have 10 days after the delivery of the written notice to submit a written request for a hearing. If the appellant does not request a hearing within the said 10 days, the written notice shall become a final denial or revocation.

If the appellant makes a written request for a hearing within the said 10 days, then a hearing will be held in accordance with the processes of the business license committee.

Any person aggrieved by a final decision of the business license committee may appeal the decision to the circuit court in and for the county by filing a petition with the clerk of court within 30 days after receiving official notice of the decision by the business license committee.

The Director of Revenue Collections reserves the right to immediately suspend or revoke an LNE permit in cases where the action that is the basis for the revocation: 1. Resulted in great bodily harm or loss of life; or 2. Resulted the damage or loss of property in an aggregate amount of \$100,000 or more.

## **Contact:**

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