

## CHAPTER 112: ALCOHOLIC BEVERAGES

## Section

*General Provisions*

- 112.01 Definitions
- 112.02 Adoption of Alcoholic Beverage Control Law
- 112.03 Alcoholic Beverage Control Administrator; establishment

*Licenses*

- 112.15 License fees for sale of distilled spirits or wine
- 112.16 Temporary license for sale of wine
- 112.17 License for sale of distilled spirits nontransferable
- 112.18 License fees for sale of malt beverages
- 112.19 Temporary license for sale of malt beverages
- 112.20 Transfer of unexpired term of retail malt beverage license
- 112.21 Payment of license tax by applicant required
- 112.22 Order of court; approval of City Council required for issuance of license
- 112.23 Conditions for grant of license
- 112.24 Term of license
- 112.25 Authority of City Clerk to approve and issue license; collect fees
- 112.26 Disposition of funds
- 112.27 Delinquent payment
- 112.28 Duplicate license
- 112.29 Violation by licensee; revocation of license
- 112.30 License fees in addition to other taxes
- 112.31 Actions limited to those authorized by license
- 112.32 Temporary license for sale of distilled spirits

*Sale of Alcoholic Beverages*

- 112.45 Dispensing of alcoholic beverages from private residences prohibited
- 112.46 Prima facie evidence of illegal sale of distilled spirits
- 112.47 Special Sunday retail drink license
- 112.48 Hours of operation restricted; special hours license
- 112.49 Compliance required
- 112.99 Penalty

**GENERAL PROVISIONS****' 112.01 DEFINITIONS.**

Words, phrases or terms not specifically defined herein, whenever used in this chapter, unless the context requires otherwise, shall have the same meaning as set out in KRS 243.010.  
(Ord. 87-10, passed 6-23-87)

**' 112.02 ADOPTION OF ALCOHOLIC BEVERAGE CONTROL LAW.**

The provisions of the Alcohol Beverage Control law (KRS Chapter 243) are adopted as far as applicable as a portion of this chapter except as otherwise lawfully provided.  
(Ord. 87-10, passed 6-23-87)

**' 112.03 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; ESTABLISHMENT.**

The Office of Alcoholic Beverage Control Administrator shall be established to carry out the following functions:

(A) To issue city licenses and regulations as the State Alcoholic Beverage Control Board mandates. (KRS 241.190)

(B) To collect license fees as authorized by the City Council pursuant to KRS 243.030, 243.040 and 243.070.

(C) To administer the regulatory license fee upon the gross receipts to every establishment selling alcoholic beverages established by the legislative body of the city.  
(Ord. 84-2, passed 5-29-84)

### **LICENSES**

#### **' 112.15 LICENSE FEES FOR SALE OF DISTILLED SPIRITS OR WINE.**

Every person, firm, or corporation who sells distilled spirits or wine at retail by the package for consumption off the premises shall pay in advance to the city an annual license fee as set out below:

(A) Private clubs, \$300.

(B) Establishments open to the public selling distilled spirits and wine, \$1600.

(C) A restaurant open to the public, serving wine, that receives 50% or more of its gross annual income from the sale of food, and has a minimum seating capacity of 50 at tables, for wine, but not distilled spirits, \$600 for new applicants and \$400 each annual renewal.

(D) A caterer, which license shall be supplemental to any existing retail package liquor license for distilled spirits and wine by the drink license, who transports, sells serves and delivers alcoholic beverages by the drink at locations in wet territory away from the licensed premises in conjunction with the catering of food and beverages for a customer and his guests, \$800.  
(Ord. 87-10, passed 6-23-87; Am. Ord. 95-14, passed 7-10-95)

#### **' 112.16 TEMPORARY LICENSE FOR SALE OF WINE.**

The City Council may in its discretion grant a temporary license for the sale of wine the fee for which shall be one-sixth of the taxes for a full year's license for each month or part of month for which the temporary license is issued. The City Council may in its discretion waive the fee for the issuance of a temporary license not to exceed two days to a nonprofit or charitable organization.  
(Ord. 87-10, passed 6-23-87)

#### **' 112.17 LICENSE FOR SALE OF DISTILLED SPIRITS NONTRANSFERABLE.**

No license to sell distilled spirits under this chapter shall be transferable either as to licensee or location except as provided in KRS Chapter 243 and not then until a payment of \$1 shall be made by the applicant to the city as a fee for the transfer.  
(Ord. 87-10, passed 6-23-87) Penalty, see ' 112.99

#### **' 112.18 LICENSE FEES FOR SALE OF MALT BEVERAGES.**

(A) Every person, firm, or corporation who sells at retail any malt beverage within the city limits for consumption off the licensed premises shall pay to the city an initial license fee of \$200, and \$150 for each annual renewal thereof.

(B) Every person, firm, or corporation who sells at retail any malt beverage within the city limits for consumption on the licensed premises shall pay to the city an initial license fee of \$200, and \$150 for each annual renewal thereof.  
(Ord. 87-10, passed 6-23-87; Am. Ord. 95-14, passed 7-10-95)

#### **' 112.19 TEMPORARY LICENSE FOR SALE OF MALT BEVERAGES.**

The City Council may in its discretion grant a temporary license for the sale of malt beverages the fee for which shall be \$25 for each month or part of month for which the license is issued. The City

Council may in its discretion waive the fee for the issuance of a temporary license, not to exceed two days to a nonprofit or charitable organization.

(Ord. 87-10, passed 6-23-87)

**' 112.20 TRANSFER OF UNEXPIRED TERM OF RETAIL MALT BEVERAGE LICENSE.**

The unexpired term of any of the license of any retail dealer in malt beverages may be transferred with the assent and permission of the City Council, which permission shall be endorsed upon the license by the Mayor. A payment of 5% of the original cost of the license shall be made by the applicant to the city plus a \$1 permit fee as a fee for the transfer.

(Ord. 87-10, passed 6-23-87)

**' 112.21 PAYMENT OF LICENSE TAX BY APPLICANT REQUIRED.**

The license tax for every license issued under this chapter shall be payable by the person making such application for the license and to whom the license is issued, and no other person, firm, or corporation shall pay for any license issued under this chapter. In addition to all other penalties provided in this chapter, a violation of this section shall authorize and require the revocation of the license, the tax of which was paid by another, and also the revocation of the license, if any, of the person, firm, or corporation paying for the license of another.

(Ord. 87-10, passed 6-23-87)

**' 112.22 ORDER OF COURT; APPROVAL OF CITY COUNCIL REQUIRED FOR ISSUANCE OF LICENSE.**

No assignment of any license issued under this chapter shall be made except by order of any Court of competent jurisdiction and with the approval of the City Council.

(Ord. 87-10, passed 6-23-87) Penalty, see ' 112.99

**' 112.23 CONDITIONS FOR GRANT OF LICENSE.**

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of other applicable ordinances and regulations of the city:

(A) Every applicant procuring a license consents to the entry of the Chief of Police or any member of the City Council, or Alcohol Beverage Control Administrator, at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles which are had in violation of the ordinances of the city and state or federal law and consents to the introduction of these things and articles in any hearing or prosecution that may be brought for the offense.

(B) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted or maintained.

(C) No violation of any state or federal law shall be permitted in any form upon the licensed premises.

(D) (1) No retail by the package liquor license shall be granted or issued to any licensee for any location within 2,000 feet of any existing premises licensed for these sales. All distances shall be measured along the right-of-way of existing public vehicular roadways from a point on any right-of-way line nearest the entrance of any existing premises licensed for these sales to a point on any right-of-way line nearest the entrance of the proposed licensed premises.

(2) The distance limitation prescribed shall not affect any existing license location nor the right of the owner to renew or transfer the license for that location. The location of any existing license shall not be transferred to a new location in violation of this section. (Ord. 87-10, passed 6-23-87) Penalty, see ' 112.99

**' 112.24 TERM OF LICENSE.**

All licenses issued under this chapter shall expire on June 30, of each year and fees shall be due and payable on July 1, annually.  
(Ord. 87-10, passed 6-23-87)

**' 112.25 AUTHORITY OF CITY CLERK TO APPROVE AND ISSUE LICENSE; COLLECT FEES.**

All licenses granted under this chapter shall be approved by the City Council and issued by the City Clerk. All license fees from any license issued under this chapter shall be collected by the Clerk who shall make a monthly report to the City Council of all license fees collected.  
(Ord. 87-10, passed 6-23-87)

**' 112.26 DISPOSITION OF FUNDS.**

All money received by the Clerk shall be transferred to the general fund of the city and be used as other general funds of the city are used.  
(Ord. 87-10, passed 6-23-87)

**' 112.27 DELINQUENT PAYMENT.**

No license to sell distilled spirits, wine, or malt beverages, shall be granted to any person, firm, or corporation who or which is delinquent in the payment of any taxes due the city at the time of issuing the license. No license shall be granted to sell upon any premises or property owned and occupied, or rented and occupied by the licensee, upon which there are any delinquent taxes due the city.  
(Ord. 87-10, passed 6-23-87) Penalty, see ' 112.99

**' 112.28 DUPLICATE LICENSE.**

When a license is lost or destroyed without fault on the part of the holder of the license or his agent or employee a duplicate in lieu of the original license may be issued by the City Clerk after the City Council is satisfied as to the facts. The person

applying for the duplicate license shall pay a fee of \$1 for the duplicate.

(Ord. 87-10, passed 6-23-87)

**' 112.29 VIOLATION BY LICENSEE; REVOCATION OF LICENSE.**

(A) Any license issued under this chapter may be revoked by the City Council for violation of any provisions of the Kentucky Alcoholic Beverage Control law and may be revoked for violation of the provisions of this chapter.

(B) A violation of any of the provisions of this chapter or any supplementary or amendatory ordinance, by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. Whenever any licensee violates any provisions of any statute or ordinance relating to alcoholic beverage control, a proceeding for the revocation of the licenses may be instituted in the manner and under the procedure established by state law and the City Council is empowered to revoke or suspend any license issued under this chapter upon the conviction of the licensee of any violation of this chapter, or any law, rule, or regulation set out in KRS Chapter 243.  
(Ord. 87-10, passed 6-23-87)

**' 112.30 LICENSE FEES IN ADDITION TO OTHER TAXES.**

All license fees herein provided are in addition to ad valorem taxes and all other taxes provided for by law or ordinance.  
(Ord. 87-10, passed 6-23-87)

**' 112.31 ACTIONS LIMITED TO THOSE AUTHORIZED BY LICENSE.**

No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages in the city unless they hold the kind of license that authorizes such act issued by the Alcohol Beverage Control Administrator or the City Clerk.  
(Ord. 87-10, passed 6-23-87) Penalty, see ' 112.99

**' 112.32 TEMPORARY LICENSE FOR SALE  
OF DISTILLED SPIRITS.**

The City Council may in its discretion grant a temporary license for the sale of distilled spirits, the fee for which shall be 1/6 of the license fee for a full year's license for each month or part of month for which the temporary license is issued. The City Council may in its discretion waive the fee for the issuance of a temporary license not to exceed two days to a non-profit or charitable organization.

(Ord. 96-12, passed 8-28-96)

14B

**Anchorage - Business Regulations**

**SALE OF ALCOHOLIC BEVERAGES****' 112.45 DISPENSING OF ALCOHOLIC BEVERAGES FROM PRIVATE RESIDENCES PROHIBITED.**

The City Council shall not authorize the issuance, and the City Clerk shall not issue any permit or licenses to dispense alcoholic beverages or liquors from any home or residence.

(Ord. 87-10, passed 6-23-87)

**' 112.46 PRIMA FACIE EVIDENCE OF ILLEGAL SALE OF DISTILLED SPIRITS.**

If any distilled spirits are found on the outside of a locked or closed off department of any premises licensed to sell distilled spirits at retail during any hours when the licensee is prohibited by state law from selling distilled spirits, a prima facie presumption shall arise that the distilled spirits were kept on the outside of the locked or closed off department for the purpose of sale in violation of this chapter and state law. This violation shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for the violation of this section the Chief of Police or the City Council shall be authorized to confiscate and destroy any and all distilled spirits.

(Ord. 87-10, passed 6-23-87) Penalty, see ' 115.99

**' 112.47 SPECIAL SUNDAY RETAIL DRINK LICENSE.**

The City Alcohol Beverage Control Administrator is authorized to issue a special Sunday retail drink license to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, on payment in advance to the City Clerk or City Alcohol Beverage Control Administrator of the sum of \$300.

(A) Sales of alcoholic beverages on Sunday pursuant to the license granted hereunder shall permit the sale of distilled spirits and wine by hotels, motels, restaurants which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of 100 people at tables and which receive at least 50% or more of their gross annual income from their dining facilities by the sale of food in accordance with KRS 244.290.

(B) Fees for all licenses issued hereunder shall be due and payable on July 1 of each year. All licenses shall expire on June 30, next following date of issuance. The license fee may, in the reasonable discretion of the Alcohol Beverage Control Administrator or the City Clerk, be prorated for periods less than one year.

(Ord. 87-10, passed 6-23-87)

**' 112.48 HOURS OF OPERATION RESTRICTED; SPECIAL HOURS LICENSE.**

(A) No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 12:00 a.m. and 8:00 a.m., or at any time during the 24 hours of a Sunday, except as otherwise permitted herein, or during the hours the polls are open on any regular, primary, school or special election day, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

(B) Any licensee for the sale of distilled spirits or wine at retail who should desire to remain open for any purpose other than the hours specified above shall make application to the City Council for a special hours license. Upon the approval of the City Council the special hours license may be issued by the City Clerk or Alcohol Beverage Control Administrator upon the payment by the applicant of the special hours license fee of \$500.

(Ord. 87-10, passed 6-23-87) Penalty, see ' 112.99

**' 112.49 COMPLIANCE REQUIRED.**

Nothing in this chapter shall excuse or relieve the owner, proprietor, employee, or person in charge, of any licensed premises in the city where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of state law relating to violations pertaining to alcoholic beverages.

(Ord. 87-10, passed 6-23-87)

**' 112.99 PENALTY.**

Whoever violates this chapter shall be deemed guilty of a misdemeanor and shall be fined not more than \$500. Each day's violation shall constitute a separate offense. A violation of this chapter by duly authorized agent or employee of the licensee shall constitute a violation of the licensee.

(Ord. 87-10, passed 6-23-87)