

ORDINANCE NO. **BG2013 - 42**
(As Amended)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 4
(ALCOHOLIC BEVERAGE CONTROL) OF THE
CITY OF BOWLING GREEN CODE OF
ORDINANCES TO MAKE AMENDMENTS
REQUIRED BY REVISIONS TO THE KENTUCKY
REVISED STATUTES

WHEREAS, the Kentucky General Assembly adopted significant changes to the Kentucky Revised Statutes (KRS) related to alcoholic beverage control during its 2013 session; and,

WHEREAS, these revisions require amendments to the City's Code of Ordinances; and,

WHEREAS, the Board of Commissioners also determined that it was in the best interests of the City to make additional amendments to the City's alcoholic beverage control ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 4 (Alcoholic Beverage Control) is hereby amended as follows:

4-1 GENERAL PROVISIONS.

The provisions of the State Alcoholic Beverage Control Act laws contained in Kentucky Revised Statutes (KRS) Chapters 241, 242, 243 and 244 pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein; as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control laws of the City, except as otherwise lawfully provided herein. The provisions contained herein shall not be construed to prohibit the continuation of alcoholic beverage licenses existing under the immediately preceding alcoholic beverage control ordinance of the City, but shall apply to all renewals thereof.

4-2 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

4-2.01 Office of Administrator held by Chief of Police.

The Chief of Police, or his investigators, shall perform the duties of the City Alcoholic

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Beverage Control Administrator imposed by State statutes and City ordinances as well as other such duties as may be assigned by the Board of Commissioners. ~~See KRS 241.190 for functions of the City Administrator.~~

4-2.02 Investigators, Inspection of Premises.

The City Administrator and his investigators shall have the full police powers of peace officers, and their jurisdiction shall be co-extensive with the boundaries of the City. They, along with any City of Bowling Green law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored, or otherwise trafficked, without first obtaining a search warrant. City law enforcement officers shall have full police powers while performing any such inspections.

4-2.03 Inspection of Licensee's Records.

The City Administrator, his investigators and City of Bowling Green law enforcement officers shall have available at all reasonable times for their inspection all books and records required to be maintained by licensees pursuant to State law and City ordinances, including audio and visual recordings, ~~under KRS 244.150~~ and the City Administrator shall receive copies of all reports submitted by licensees to the State Alcoholic Beverage Control Board.

4-2.04 Authority to Revoke or Suspend Licenses.

The City Administrator shall have the same powers and duties with respect to suspension and revocation for cause of City licenses as the State Alcoholic Beverage Control Board has with respect to State licenses ~~under KRS 241.060~~. The City Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this Chapter.

~~4-3 LIMITATION ON NUMBER OF LICENSES; DISTANCE REQUIREMENTS.~~

~~4-3.01 Retail Package, Drink, Beer and Wholesale Distributors.~~

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~~The number of retail package, retail drink, retail beer, wholesale beer distributors and wholesale distilled spirits distributors licenses issued in the City of Bowling Green shall not exceed the number and type as set forth in KRS Chapters 241, 242, 243 or 244 and all administrative regulations promulgated pursuant thereto, as may be amended from time to time.~~

~~4-3.02 — Distance Requirements.~~

~~A retail package liquor license shall not be granted or issued to any licensee who proposes to sell retail package liquor at a location within one thousand (1,000) feet of a location of any similar establishment in the City of Bowling Green. This distance shall be measured according to the provisions of KRS 241.075(3). This Section shall not prohibit the renewal or reissuance to the same premises of existing licenses which may be closer in proximity than the distance herein prohibited.~~

4-43 APPLICATION, ISSUANCE, FORM, DORMANT LICENSES.

4-43.01 Regulations Pursuant to Alcoholic Beverage Control Act Law.

No person shall sell or dispense at retail, or have in his possession for sale, any alcoholic or malt beverages, nor manufacture or transport the same in the City unless he shall first procure and have issued to him a license under the provisions of this Chapter and all State statutes of ~~Kentucky~~ and regulations adopted pursuant thereto, which Chapter ~~article~~, statutes and regulations shall be hereinafter singularly and collectively referred to as the Alcoholic Beverage Control Act Law.

4-43.02 Submittal of Application.

An applicant shall submit to the City Alcoholic Beverage Control Administrator an exact duplicate of his state license application form containing the information required by State law ~~KRS 243.380 and 243.390~~, and, as part of his application, shall sign and submit a consent providing that the City Administrator may inspect and search the licensed premises at any reasonable time, may confiscate articles found on the premises in violation of any ordinance or statute, and may order an emergency temporary closure of the premises if the public health, safety, morals and welfare is

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threatened by multiple violations of any ordinance or statute involving disturbance of the peace or public disorder reported to the City Administrator by his investigators or law enforcement officers the ~~Chief of Police~~ during the course of one day's operation of the premises. The temporary closure shall remain in effect until review of the alleged violations by the City Administrator within thirty-six (36) hours.

4-43.03 Approval or Denial of Application.

If upon review of the application, the City Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Law, as well as all regulatory provisions of this Chapter, that the location is one that can be approved so that a license may be issued within the quota limits fixed by the State Alcoholic Beverage Control Board, the Board of Commissioners and City Administrator, and that there are no other causes for denial of the license, the City Administrator shall approve the application.

4-43.04 Payment of Fees.

Upon approval of the application by the City Administrator, the applicant shall pay the amount of the license fee provided in this Chapter in the form of a certified check, money order, ~~or cash or credit card~~. Payment shall be held in deposit by the Finance Department ~~Treasury Division~~ pending state license approval and issuance of the City license by the City Administrator.

4-43.05 Posting of Licenses; Public Record.

Each City license in the same form prescribed by KRS 243.440 for State licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for State licenses. An exact duplicate or facsimile of each City license shall remain in the Finance Department ~~City Administrator's office~~ as part of the public record.

4-43.06 License to Become Void if Business Dormant; License Renewal.

a. Conditions for dormancy. Because under the provisions of the Kentucky Revised

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Statutes KRS, all administrative regulations promulgated pursuant thereto and this Chapter, as may be amended from time to time, a quota system may exist for the number of licenses to sell alcoholic beverages in the City, it is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Because a licensee, like any other business, may have his business interrupted by situations not under his control, various exceptions to this dormancy rule are included herein.

b. Surrender of license and exceptions. Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City Administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, ~~pursuant to 804 KAR 4:110, as amended from time to time,~~ to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the State Administrator to the licensee, said licensee shall immediately notify the City Administrator of same. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the City Administrator of same and a fee shall be due and payable to the City of Bowling Green ~~Administrator~~ for the period such license was in dormancy in the same amount as set forth herein had the license remained active for the same period.

c. Applications based on pending construction or development. Applications approved by the City Administrator and based on pending construction or development on the premises shall be null and void after ninety (90) days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. Extensions may be granted by the City Administrator as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.

d. Renewals, time for filing. All renewal of licenses with payment therefor must be on

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file with the City Administrator fifteen (15) days before the expiration of the licenses for the preceding license period, or the license shall be canceled, except that the licensee may file a written, verified statement fifteen (15) days prior to expiration date of the license, setting forth the facts justifying an extension, and the City Administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The above licensee shall pay the license fee from the expiration date of the former license or licenses. Said payment shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

4-54 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR SUSPENSION OR REVOCATION OF LICENSE.

4-54.01 State Law References.

Causes for refusal to issue or renew a license and for suspension or revocation of a City license shall be the same as provided for State licenses as set out in the Kentucky Revised Statutes according to KRS 243.450, 243.490 and 243.500, as well as violation of any City ordinance regarding alcohol beverage licensing, sales, or the administration thereof.

4-54.02 Delinquent Taxes or Fees.

No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the City. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The City Administrator may, in his discretion, approve a license to sell after receiving documentation that the applicant for the license has paid or has made satisfactory arrangements for taking care of the

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indebtedness represented by the unpaid and delinquent taxes or fees. This Section shall apply only to taxes and fees which are due and payable by the licensee.

4-54.03 Restrictions on Package Liquor License.

a. No retail package liquor license shall be issued for any premises unless the applicant certifies under oath that ~~eighty (80)~~ ninety (90) percent of the total projected gross receipts from sale made at the licensed premises during the twelve (12) month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages; and, no such license shall be renewed for any premises unless ~~eighty (80)~~ ninety (90) percent of its gross receipts from sales for the immediate past month and the immediate past twelve (12) months have been derived from the sale of alcoholic beverages.

b. A retail package liquor license shall not be granted or issued to any licensee who proposes to sell retail package liquor at a location within one thousand (1,000) feet of a location of any similar establishment in the City of Bowling Green. This distance shall be measured according to the provisions of KRS 241.075(3). This Section shall not prohibit the renewal or reissuance to the same premises of existing licenses which may be closer in proximity than the distance herein prohibited.

4-54.04 Appeals.

Appeals may be taken from decisions of the City Administrator to the State Alcoholic Beverage Control Board according to the provisions of KRS 241.200 and 243.550.

4-65 CLASSES OF LICENSES AND FEES.

4-65.01 License Fees Charged for Each Location.

The City may issue those ~~distilled spirits, wine, and malt beverage~~ licenses at the specified fees which are listed below; ~~authorized by Kentucky Revised Statutes, Kentucky Administrative Regulation, City Ordinance, and/or otherwise are allowed under state law, the fees for which may not exceed two times the state license fees enumerated by statute and/or Kentucky administrative~~

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regulations:

(1) Distiller's license, per annum five hundred (\$500.00) dollars;

(2) Rectifier's license, per annum three thousand (\$3,000.00) dollars;

(3) Wholesaler's Distiller's Spirit and Wine license, per annum three thousand (\$3,000.00) dollars;

(4) Quota Retail Package license, per annum one thousand (\$1,000.00) dollars;

(5) Quota Retail Drink license, per annum one thousand (\$1,000.00) dollars;

(6) Special Temporary license, per event:

(a) twenty-five (\$25.00) dollars for beer only;

(b) fifty (\$50.00) dollars for wine only; and,

(c) fifty (\$50.00) dollars for distilled spirits;

(7) Nonquota Type 1 Retail Drink license, per annum two thousand (\$2,000.00) dollars;

(8) Nonquota Type 2 Retail Drink license, per annum one thousand (\$1,000.00) dollars;

(9) Nonquota Type 3 Retail Drink license, per annum three hundred (\$300.00) dollars;

(10) Distilled Spirits and Wine Special Temporary Auction license, per event two hundred (\$200.00) dollars;

(11) Special Sunday Retail Drink license, per annum three hundred (\$300.00) dollars;

(12) Extended Hours Supplemental license, per annum two thousand (\$2,000.00) dollars;

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(13) Caterer's license, per annum eight hundred (\$800.00) dollars;

(14) Bottling House or Bottling House Storage license, per annum one thousand (\$1,000.00) dollars;

(15) Limited Golf Course license, per annum one thousand two hundred (\$1,200.00) dollars;

(16) Supplemental Bar license, per annum for the first five (5) Supplemental Bar licenses shall be the same as the fee for the primary drink license obtained with no charge for each Supplemental Bar license issued in excess of five (5) to the same licensee at the same premises;

(17) Brewer's license, per annum five hundred (\$500.00) dollars;

(18) Microbrewery license, per annum five hundred (\$500.00) dollars;

(19) Malt Beverage Distributor's license, per annum four hundred (\$400.00) dollars;

(20) Nonquota Retail Malt Beverage Package license, per annum two hundred (\$200.00) dollars;

(21) Nonquota Type 4 Retail Malt Beverage Drink license, per annum two hundred (\$200.00) dollars;

(22) Malt Beverage Brew-on-Premises license, per annum one hundred (\$100.00) dollar;

(23) Nonquota Type 4 Retail Malt Beverage Drink license, per annum for a licensee also holding a Nonquota Retail Malt Beverage Package license fifty (\$50.00) dollars; and,

(24) Nonquota Retail Malt Beverage Package license, per annum for a licensee also holding a Nonquota Type 4 Retail Malt Beverage Drink license fifty (\$50.00) dollars.

4-65.02 More Than one Classification on Any Location.

License fees in the amounts herein provided shall be charged for each location in which

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any person engages in any classification of business authorized pursuant to State law and this Chapter under this article, and if more than one classification of business is conducted at any location, a license fee shall be charged for each of the privileges exercised.

4-~~65~~.03 Duration.

Applications for renewals of licenses required by this Chapter shall be made for each fiscal year beginning the first day of July and extending through the last day of June of the succeeding year;
Applications for renewal are to be filed with the City Alcoholic Beverage Control Administrator fifteen (15) days prior to expiration.

4-~~65~~.04 Pro-ration; No Refund.

Pro-ration of fees shall be as provided for State licenses as set out in the Kentucky Revised Statutes in KRS 243.090. In the event any licensee shall cease doing business for any reasons, no refund of the City license fee shall be granted to him.

4-~~65~~.05 Assignability, Transferability.

Assignability/transferability; and/or pledging/hypothecation of City licenses shall be the same as provided for State licenses in the Kentucky Revised Statutes KRS 243.630, 243.650 and 243.660.

4-~~65~~.06 Location of Business Restricted.

Licenses under this Chapter shall not authorize the conducting of business in any other place than that specifically described in the original State application and license. Any additional buildings or rooms attached to licensed premises and requiring separate service bars shall require application for and purchase of a City Supplemental Bar license in like manner as required by the State Alcoholic Beverage Control Board.

4-~~65~~.07 Disposition of Fees, Fines.

All monies derived from license fees or from fines as herein provided; shall be paid to the

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~~treasury of the City of Bowling Green and become a part of the general funds of the City.~~

4-76 HOURS OF SALE.

4-76.01 Quota Retail Package Sales ~~Retail Sale of Distilled Spirits and Wine by the Package.~~

Premises for which there has been granted a Quota Retail Package license ~~for the sale at retail of distilled spirits and wine by the package~~ shall be permitted to remain open during the hours of 8:00 a.m. to 11:00 p.m. on each day ~~from Monday through Saturday and during the hours of 1:00 p.m. to 9:00 p.m. on Sunday,~~ but shall remain closed during the twenty four (24) hours of a Sunday and at any time when the polls are open for any primary or regular election in the precinct in which the licensee's business is located.

4-76.02 Retail Sale of Distilled Spirits and Wine by the Drink for Consumption on Licensed Premises.

Premises for which there has been granted a Quota Retail Drink license, a Nonquota Type 1 Retail Drink license, a Nonquota Type 2 Retail Drink license, a Nonquota Type 3 Retail Drink license or a Limited Golf Course license, and not holding a Special Sunday Retail Drink license ~~for the retail sales of distilled spirits and wine by the drink for consumption on the licensed premises,~~ shall be permitted to serve alcoholic beverages ~~remain open~~ Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. of the following weekday but shall not serve alcoholic beverages ~~be closed~~ during the remaining twenty-two (22) hours of each Sunday ~~and at any time when the polls are open for any primary or regular election in the precinct in which the license is granted.~~

4-76.03 Retail Sale of Malted Beverages.

a. Premises for which there has been granted a Nonquota Retail Malt Beverage Package license for the retail sales of package malt beverages shall be permitted to sell package malt beverages each day ~~remain open~~ between the hours of 6:00 a.m. and 2:00 a.m. of the following weekday, ~~but~~

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~~shall be closed during the remaining twenty two (22) hours on Sunday and at any time when the polls are open for a general or primary election in the precinct in which the license is granted.~~

b. Premises for which there has been granted a Nonquota Type 4 Retail Malt Beverage Drink license shall be permitted to serve malt beverages Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. of the following weekday and on Sunday from 10:00 a.m. until 2:00 a.m. on the following Monday.

4-76.04 Retail Sale of Distilled Spirits and Wine by the Drink for Consumption on Licensed Premises ~~Retail Sale of Alcoholic Beverages on Sunday.~~

Licenseses Hotels, motels, and restaurants which have been issued a Quota Retail Drink license, a Nonquota Type 1 Retail Drink license, a Nonquota Type 2 Retail Drink license, a Nonquota Type 3 Retail Drink license or a Limited Golf Course license ~~are licensed for the retail sale of distilled spirits and wine by the drink under Section 4-7.02 and/or malt beverages under Section 4-7.03 and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities by the sale of food~~ may apply for a Special Sunday sale Retail Drink license. Any premise granted a Special Sunday sale Retail Drink license under this Section shall be permitted to sell alcoholic beverages by the drink for consumption on the licensed premises on Sunday from ~~1:00~~ 10:00 a.m. until 2:00 a.m. of the following Monday.

4-76.05 Other Retail Sales on Licensesd Premises.

Premises licensed under Sections 4-76.02 and/or 4-76.03, whose primary business is not the sale of alcoholic beverages, may remain open for business during hours in which alcoholic beverages are not allowed to be sold for the purpose of conducting its primary business, so long as the licensee keeps all distilled spirits, wine, and iced and cooled malt beverages in a locked or closed off compartment.

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4-76.06 Control of Licensed Premises During Closing Hours.

Premises licensed under Sections 4-76.01, 4-76.02 and/or 4-76.03 whose primary business is the sale of alcoholic beverages by the drink or package must be, during the closing hours, closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages, during all closing hours, shall not be sold, given away, delivered or consumed by anyone and the premises shall not be loaned, rented or leased to anyone during closing hours.

4-76.07 Violations; Revocation or Suspension of License.

Any licensee for sales of alcoholic beverages by the drink or package who remains open for business or sells alcoholic beverages at any time except the hours permitted under this Chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this Code Chapter and his license shall be subject to revocation or suspension within the discretion of the City Alcoholic Beverage Control Administrator.

~~4-7.08 — Exception for Convention Centers.~~

~~The above restrictions do not apply to convention center licenses as provided under KRS 243.050(4).~~

4-87 PROHIBITIONS, RESTRICTIONS AND REGULATIONS.

All prohibitions, restrictions and regulations pertaining to alcoholic beverages found in the Kentucky Revised Statutes and the administrative regulations adopted by the Commonwealth of Kentucky at ~~KRS 244.010–244.990~~ shall apply to alcoholic beverage use in the City of Bowling Green.

4-98 ADDITIONAL LOCAL REGULATIONS.

4-98.01 Exception for Restaurant Hours of Sale, Requirements.

A premise that can demonstrate to the City Alcoholic Beverage Control Administrator that

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the gross sales of the restaurant from the sale of food for consumption on the premises is to be not less than fifty percent (50%) of the total gross sales of the licensee restaurant for the annual license period shall be allowed to remain open during hours when the sale of alcoholic beverages is prohibited for the sole purpose of providing food services to the public; provided however, that all stocks of alcoholic beverages shall be locked and closed off from the public during said time period.

~~4-98.02~~ Violation, Penalty, Confiscation.

If any alcoholic or malt beverages are found on the outside of the locked or closed-off department of any licensed premises at any hours during which the licensee is prohibited by the State Alcoholic Beverage Control Act or by this Chapter from selling alcoholic or malt beverages, a prima facie presumption shall arise that such alcoholic or malt beverages were kept outside the locked or closed off section for the purpose of sale in violation of this Chapter and the State Alcoholic Beverage Control Act and shall be grounds for revocation or suspension of the license; and in addition to other penalties provided for the violation of this Chapter, the City Alcoholic Beverage Control Administrator is hereby authorized to confiscate such alcoholic or malt beverages.

~~4-98.03~~ Entertainment Activity.

a. It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person performs or appears on premises licensed for the sale of alcoholic beverages in a manner or attire as to expose to view of the patrons of the establishment at any time the portion of the female breast below a horizontal line across the top of the areola at its highest point, human genitals, pubic region, anus, cleft of the buttocks, or male genitals in a discernible, turgid state, even if completely and opaquely covered, or employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, anus, cleft of the buttocks or female breast below a horizontal line across the top of the areola. The definition of breast shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the

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human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

b. No alcoholic beverage licensee, employee, or agent thereof shall permit any person to perform or appear on its premises in a manner or attire as to expose to view of the patrons of the establishment at any time the portion of the female breast below a horizontal line across the top of the areola at its highest point, human genitals, pubic region, anus, cleft of the buttocks, or human or simulated male genitals in a discernible, turgid state, even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, anus, cleft of the buttocks or female breast below a horizontal line across the top of the areola. The definition of breast shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

c. No alcoholic beverage licensee, employee, or agent thereof shall allow, encourage or permit any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus or genitals of any other person.

d. No alcoholic beverage licensee, employee, or agent thereof shall allow, encourage or permit any person on the licensed premises to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic region ~~hair~~ or any portion thereof.

e. No alcoholic beverage licensee, employee, or agent thereof shall allow, encourage or permit any person to perform acts of or acts which simulate or to show film, still pictures, electronic reproductions or other visual reproductions depicting:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;

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2. The touching, caressing or fondling of the breast, buttocks, anus or genitals;
3. The displaying of the pubic hair, anus, vulva or genitals; or,
4. Scenes wherein artificial devices or inanimate objects are employed to depict, or

drawings are employed to portray, any of the prohibited activities described above.

f. Subject to the provisions of this Section, any entertainer employed or used by the licensee or permitted to dance or to entertain at the licensed premises shall perform, dance or entertain only upon a stage at least twelve (12) inches above the immediate floor level and removed at least six (6) feet from the nearest patron. No spectator, patron or persons other than entertainers or dancers shall be present on the stage during the course of the entertaining or dancing. No entertainer or dancer shall be permitted to have any physical contact with any patron or spectator while that entertainer or dancer is performing.

g. Performing of acts prohibited by this Section is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes.

h. The second violation of this Section within a twelve (12) month period shall constitute a Class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

i. Three (3) or more violations of this Section within a twelve (12) month period shall constitute a Class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

j. In the event that a violation of this Section occurs, the City Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by this Section occurred, shall have his/~~her~~ or its license suspended or revoked.

k. In the event three or more violations of this Section occur at a business establishment within a twelve (12) month period, the City Administrator, after a hearing, shall revoke the said retail drink license or retail malt beverage ~~beer~~ license or both.

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1. If any provision of this Section, or the application thereof, is held invalid, such invalidity shall not affect other provisions or other applications of this Section which can be given effect without the invalid provisions or applications, and to this end, the provisions of the Section are declared to be severable.

4-98.04 Persons Under Age Twenty-One (21) Not Allowed on Licensed Premises.

a. Licensee. No person holding any license for on-premises consumption of distilled spirits, wine or malt beverages, or any of his clerks, servants, agents or employees shall permit any person under the age of twenty-one (21) years on the licensed premises and shall post notice of this restriction at all entrances, unless such premises is a restaurant, grocery store, drug store, hotel, private club, park, fair, bowling alley, racquetball complex, tennis complex, pool-hall complex, place where live sports or athletic events are scheduled, or upon premises for a temporary licensed event, including plays or bona fide concerts; ~~in such exempted premises, persons under twenty-one (21) years of age shall not enter the barroom area.~~ For the purposes of this Section, a A “pool-hall complex” is defined as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables. No person holding a retail package license, or any of his clerks, servants, agents or employees shall permit any person under the age of twenty-one (21) unless accompanied by parent or legal guardian to enter his facility, structure, building; or other area wherein the retail sale of distilled spirits, wine; or malt beverages are either sold or stored and shall be required to post notice of this restriction on all facility, structure, building; or other area entrances wherein the public is granted access.

b. Minor. No person under the age of twenty-one (21) years ~~of age~~ shall enter premises licensed for on-premise consumption of distilled spirits, wine or malt beverages, unless such premises is a restaurant, grocery store, drug store, hotel, private club, park, fair, bowling alley, racquetball complex, tennis complex, pool-hall complex, place where live sports or athletic events are scheduled,

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or upon premises for a temporary licensed event, including plays or bona fide concerts.—~~In such exempted premises, persons under twenty one (21) years of age shall not enter the barroom area. A “pool-hall complex” is defined hereinabove as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables. No person under the age of twenty-one (21) unless accompanied by parent or legal guardian shall enter a facility, structure, building, or other area of a premises licensed for retail package sales wherein the retail sale of distilled spirits, wine, or malt beverages are either sold or stored.~~

c. Minors do not remain in barroom or dance area of restaurants. Minors not accompanied by parent or legal guardian shall not remain on a licensed premises classified herein as a restaurant after the local hour of 10:00 p.m. unless the minor remains only in the designated restaurant area which is clearly separated from both the barroom area and area provided for dancing. The term “restaurant” for the purpose of this Subsection means an establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and/or other food items shall not render any licensed premises a “restaurant” within the meaning of this Subsection. The restaurant shall be required to display in a conspicuous place a notice informing minors of the provisions of this Subsection pertaining to remaining in the barroom or dance area of the restaurant after the local hour of 10:00 p.m.

d. The prohibitions set forth in Subsections (a), (b) and (c) above shall not apply to persons under the age of twenty-one (21) who are working on the premises, either as an employee or an independent contractor, which persons may enter and remain on said premises while they are working, and at no other time.

e. Violation of this Section shall be a misdemeanor and, upon conviction, shall result in the following penalties:

1. For the first offense a fine of up to one hundred (\$100.00) dollars.

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2. For each subsequent offense a fine of up to two hundred fifty (\$250.00) dollars or confinement in jail for up to one hundred twenty (120) days, or both.

4-98.05 Unlawful for Persons Under Twenty-One (21) Years of Age to Possess or Consume Alcohol on Licensed Premises.

a. A licensee or any of his clerks, servants, agents or employees is guilty of permitting the unlawful possession or consumption of alcoholic beverages on a licensed premises when he:

1. Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and permits any person under the age of twenty-one (21) years to possess or consume any alcoholic beverage on the premises; or,

2. Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and allows or permits any person under the age of twenty-one (21) years to remain on the premises while that person possesses or consumes any alcoholic beverage.

b. Conviction of permitting unlawful possession or consumption of alcoholic beverages on the premises is a misdemeanor and is punishable by a fine of up to five hundred (\$500.00) dollars or confinement in jail for up to twelve (12) months, or both.

4-98.06 Administrator to Conduct Hearing in Event of Violation of 4-98.04 and 4-98.05.

a. In the event a violation of Sections 4-98.04 and/or 4-98.05 occurs, the City Administrator shall forthwith conduct a hearing pursuant to applicable state law ~~KRS 243.520 (in conjunction with 241.160 and 241.190)~~, to determine whether the licensee, at whose business establishment the activity prohibited by the aforementioned Sections occurred, may have his license suspended or revoked.

b. In the event three (3) or more violations of Sections 4-98.04 and/or 4-98.05 above

(Ordinance No. BG2013 - 42)

occur at a business establishment within a twelve (12) month period, the City Administrator, after a hearing, shall suspend or revoke said license.

4-98.07 Keg Registration.

a. As used in this Section, “keg” is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.

b. All retail licensees (herein after referred to as “licensee”) operating within the City of Bowling Green who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a numbered identification tag or other device as provided by the City to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:

1. The purchaser is of legal age to purchase, possess and use the malt beverage;
2. The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;
3. The purchaser will not remove, obliterate or allow to be removed or obliterated the identification tag;
4. The purchaser will state the property address where the keg will be consumed and physically located and will notify the licensee in writing of a change of the property address where the keg will be physically located and consumed; and,
5. The purchaser is aware of his~~her~~ duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

c. The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver’s license number and, if that is not available, to produce at least one (1) other valid form of identification.

d. The licensee shall retain copies of the keg registration forms for a period of one (1)

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year and shall make the keg registration form available for inspection by State and City local alcoholic beverage control officers and other enforcement officers.

e. The keg registration form shall be forwarded to the City Administrator within five (5) working days in all situations when the keg is not returned or is returned with the identification tag removed or obliterated.

f. The City Administrator is authorized to develop appropriate rules and regulations and to develop and make available forms for the identification tags and keg registration forms.

g. All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the City concerning the provisions of this Section.

h. It shall be unlawful for any licensee to sell or offer for sale kegs without the identification tags attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification tag or to fail to have the declaration form visible and readily accessible from the location of the keg. It shall also be unlawful for the purchaser of the keg to file a false registration form or fail to comply with all of the requirements set out in the registration form. The penalties for violation of this Section shall be the penalties as set out in Subchapter 4-10 hereinbelow. In addition, licensees violating this Section shall be subject to appropriate alcoholic beverage control administrative remedies.

4-98.08 Mandatory Server Training.

a. "Server" for purposes of this Section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages where alcoholic beverages are sold or dispensed by the drink or where malt beverages are sold for consumption on the premises and whose job duties include the sale, dispensing or service of alcoholic beverages or the management of the licensed premises.

b. Continued employment by a person employed by a licensed premise as a server

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requires the server to ~~No person shall be employed by a licensed premise as a server unless the server has successfully completed a server training course provided by the Kentucky Department of Alcoholic Beverages Control or other City-approved alcoholic beverage server training program.~~ This training program shall be completed for all newly hired servers within thirty (30) days of the first date of employment. Servers successfully completing the training shall receive a server certification from the server training program. Each server shall successfully complete a new server training program to be recertified not less than once every three (3) years.

c. No licensed premise in which alcoholic beverages are sold by the drink or malt beverages are sold for consumption on the premises shall allow any server employed over thirty (30) days to sell, dispense or service any alcoholic beverage or malt beverage or to manage any such licensed premises unless that server is the holder of a current server certification. Each such licensed premise shall maintain a file at the licensed premise for each server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this Section. This information shall be available at any reasonable time to any alcoholic beverage control officer or any police officer.

d. Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this Section.

4-9 SPECIAL TEMPORARY LICENSES.

A Special Temporary license may be issued as provided by the Kentucky Revised Statutes. This license shall authorize the licensee to exercise the privileges of a Quota Retail Drink license and a Nonquote Type 4 Retail Malt Beverage license for a specified and limited time. Any for profit company seeking a Special Temporary license to benefit a nonprofit cause shall provide the required information to the City Administrator in a timely fashion in order that the Mayor can determine whether the Special Temporary license application constitutes a civic event as required by State law.

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Any determination by the Mayor that the application does not constitute a civic event may be appealed to the Board of Commissioners with written notice being delivered to the Office of City Clerk.

4-10 PENALTIES.

Any person who violates any provision of this Chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than one hundred (\$100.00) dollars and not more than two hundred (\$200.00) dollars, or be imprisoned in the county jail for not more than six (6) months or both; and for the second and each subsequent violation, shall be fined not less than two hundred (\$200.00) dollars and not ~~or~~ more than five hundred (\$500.00) dollars, or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this ~~article~~ Chapter is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principal officer or partner responsible for such violations may be punished by imprisonment as authorized by this Section.

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on November 19, 2013, and given final reading on December 3, 2013, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

(Ordinance No. BG2013 - 42)

ADOPTED: December 3, 2013

APPROVED: Bruce Wilkinson
Mayor, Chairman of Board of Commissioners

ATTEST: Kathy Stroh
City Clerk

SPONSORED BY: Commissioner Melinda Hill, Commissioner Bill Waltrip and Commissioner Joe W. Denning, 11/14/2013, 12:15 p.m.
First Reading of Ordinance No. BG2013-42 was amended from the floor at the November 19, 2013 Board of Commissioners meeting.

[Print](#)

Bowling Green, Kentucky Code of Ordinances

**CHAPTER IV
ALCOHOLIC BEVERAGE CONTROL***

* State law reference: Alcoholic Beverage Control Law, KRS Chs. 241-244.

Sections:**4-1 GENERAL PROVISIONS****4-2 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR****4-2.01 Office of Administrator Held by Chief of Police****4-2.02 Investigators, Inspection of Premises****4-2.03 Inspection of Licensee's Records****4-2.04 Authority to Revoke or Suspend Licenses****4-3 APPLICATION, ISSUANCE, FORM, DORMANT LICENSES****4-3.01 Regulations Pursuant to Alcoholic Beverage Control Act****4-3.02 Submittal of Application****4-3.03 Approval or Denial of Application****4-3.04 Payment of Fees****4-3.05 Posting of Licenses, Public Record****4-3.06 License to Become Void if Business Dormant; License Renewal****4-4 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR
SUSPENSION OR REVOCATION OF LICENSE****4-4.01 State Law References****4-4.02 Delinquent Taxes or Fees****4-4.03 Restrictions on Package Liquor License****4-4.04 Appeals****4-5 CLASSES OF LICENSES AND FEES****4-5.01 License Fees Charged for Each Location****4-5.02 More Than One Classification on Any Location****4-5.03 Duration****4-5.04 Pro-ration; No Refund**

4-5.05 Assignability, Transferability**4-5.06 Location of Business Restricted****4-5.07 Disposition of Fees, Fines****4-6 HOURS OF SALE****4-6.01 Quota Retail Package Sales****4-6.02 Retail Sale of Distilled Spirits and Wine by the Drink for Consumption on Licensed Premises****4-6.03 Retail Sale of Malted Beverages****4-6.04 Retail Sale of Distilled Spirits and Wine by the Drink for Consumption on Licensed Premises on Sunday****4-6.05 Other Retail Sales on Licensed Premises****4-6.06 Control of Licensed Premises During Closing Hours****4-6.07 Violations; Revocation or Suspension of License****4-7 PROHIBITIONS, RESTRICTIONS AND REGULATIONS****4-8 ADDITIONAL LOCAL REGULATIONS****4-8.01 Exception for Restaurant Hours of Sale, Requirements****4-8.02 Violation, Penalty, Confiscation****4-8.03 Entertainment Activity****4-8.04 Persons Under Age Twenty-One (21) Not Allowed on Licensed Premises****4-8.05 Unlawful for Persons Under Twenty-One (21) Years of Age to Possess or Consume Alcohol on Licensed Premises****4-8.06 Administrator to Conduct Hearing in Event of Violation of 4-8.04 and 4-8.05****4-8.07 Keg Registration****4-8.08 Mandatory Server Training****4-9 SPECIAL TEMPORARY LICENSES****4-10 PENALTIES****4-1 GENERAL PROVISIONS.**

The provisions of the State Alcoholic Beverage Control Act contained in Kentucky Revised Statutes (KRS) Chapters 241, 242, 243 and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control laws of the City, except as otherwise lawfully provided herein. The provisions contained herein shall not be construed to prohibit the continuation of alcoholic beverage licenses existing under the immediately preceding alcoholic beverage control ordinance of the City, but shall apply to all renewals thereof.

(Ord. BG86-41, 7/19/86; Ord. BG2013-42, 12/3/2013)

4-2 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.*

* State law reference: Office of City Alcoholic Beverage Control Administrator, KRS 241.160 et. seq.

4-2.01 Office of Administrator held by Chief of Police.

The Chief of Police, or his investigators, shall perform the duties of the City Alcoholic Beverage Control Administrator imposed by State statutes and City ordinances as well as other such duties as may be assigned by the Board of Commissioners.

(Ord. BG98-21, 5/5/98; Ord. BG2006-20, 6/26/2006; Ord. BG2013-42, 12/3/2013)

4-2.02 Investigators, Inspection of Premises.

The City Administrator and his investigators shall have the full police powers of peace officers, and their jurisdiction shall be co-extensive with the boundaries of the City. They, along with any City of Bowling Green law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored or otherwise trafficked without first obtaining a search warrant. City law enforcement officers shall have full police powers while performing any such inspections.

(Ord. BG98-21, 5/5/98; Ord. BG2013-42, 12/3/2013)

4-2.03 Inspection of Licensee's Records.

The City Administrator, his investigators and City of Bowling Green law enforcement officers shall have available at all reasonable times for their inspection all books and records required to be maintained by licensees pursuant to State law and City ordinances, including audio and visual recordings, and the City Administrator shall receive copies of all reports submitted by licensees to the State Alcoholic Beverage Control Board.

(Ord. BG98-21, 5/5/98; Ord. BG2013-42, 12/3/2013)

4-2.04 Authority to Revoke or Suspend Licenses.

The City Administrator shall have the same powers and duties with respect to suspension and revocation for cause of City licenses as the State Alcoholic Beverage Control Board has with respect to State licenses. The City Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this Chapter.

(Ord. BG86-41, 7/19/86; Ord. BG2013-42, 12/3/2013)

4-3 APPLICATION, ISSUANCE, FORM, DORMANT LICENSES.

4-3.01 Regulations Pursuant to Alcoholic Beverage Control Act.

No person shall sell or dispense at retail, or have in his possession for sale, any alcoholic or malt beverages, nor manufacture or transport the same in the City unless he shall first procure and have issued to him a license under the provisions of this Chapter and all State statutes and regulations adopted pursuant thereto, which Chapter, statutes and regulations shall be hereinafter singularly and collectively referred to as the Alcoholic Beverage Control Act.

(Ord. BG2013-42, 12/3/2013)

4-3.02 Submittal of Application.

An applicant shall submit to the City Alcoholic Beverage Control Administrator an exact duplicate of his state license application form containing the information required by State law, and as part of his application, shall sign and submit a consent providing that the City Administrator may inspect and search the licensed premises at any reasonable time, may confiscate articles found on the premises in violation of any ordinance or statute, and may order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by multiple violations of any ordinance or statute involving disturbance of the peace or public disorder reported to the City Administrator by his investigators or law enforcement officers during the course of one day's operation of the premises. The temporary closure shall remain in effect until review of the alleged violations by the City Administrator within thirty-six (36) hours.

(Ord. BG2013-42, 12/3/2013)

4-3.03 Approval or Denial of Application.

If upon review of the application, the City Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Act, as well as all regulatory provisions of this Chapter, that the location is one that can be approved so that a license may be issued within the quota limits fixed by the State Alcoholic Beverage Control Board, the Board of Commissioners and City Administrator, and that there are no other causes for denial of the license, the City Administrator shall approve the application.

(Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013)

4-3.04 Payment of Fees.

Upon approval of the application by the City Administrator, the applicant shall pay the amount of the license fee provided in this Chapter in the form of a certified check, money order, cash or credit card. Payment shall be held in deposit by the Finance Department pending State license approval and issuance of the City license by the City Administrator.

(Ord. BG2013-42, 12/3/2013)

4-3.05 Posting of Licenses; Public Record.

Each City license in the same form prescribed by KRS 243.440 for State licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for State licenses. An exact duplicate or facsimile of each City license shall remain in the Finance Department as part of the public record.

(Ord. BG2013-42, 12/3/2013)

4-3.06 License to Become Void if Business Dormant; License Renewal.

a. Conditions for dormancy. Because under the provisions of the Kentucky Revised Statutes, all administrative regulations promulgated pursuant thereto and this Chapter, as may be amended from time to time, a quota system may exist for the number of licenses to sell alcoholic beverages in the City, it is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Because a licensee, like any other business, may have his business interrupted by situations not under his control, various exceptions to this dormancy rule are included herein.

b. Surrender of license and exceptions. Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City Administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the State Administrator to the licensee, said licensee shall immediately notify the City Administrator of same. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the City Administrator of same and a fee shall be due and payable to the City of Bowling Green

for the period such license was in dormancy in the same amount as set forth herein had the license remained active for the same period.

c. Applications based on pending construction or development. Applications approved by the City Administrator and based on pending construction or development on the premises shall be null and void after ninety (90) days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. Extensions may be granted by the City Administrator as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.

d. Renewals, time for filing. All renewal of licenses with payment therefore must be on file with the City Administrator fifteen (15) days before the expiration of the licenses for the preceding license period, or the license shall be canceled, except that the licensee may file a written, verified statement fifteen (15) days prior to expiration date of the license, setting forth the facts justifying an extension, and the City Administrator may then extend the time for filing a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The above licensee shall pay the license fee from the expiration date of the former license or licenses. Said payment shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

(Ord. BG86-41, 7/19/86; Ord. BG87-12, 3/17/87; Ord. BG2013-42, 12/3/2013)

4-4 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR SUSPENSION OR REVOCATION OF LICENSE.*

* State law reference: Grounds for refusal of State license, KRS 243.450

4-4.01 State Law References.

Causes for refusal to issue or renew a license and for suspension or revocation of a City license shall be the same as provided for State licenses as set out in the Kentucky Revised Statutes, as well as violation of any City ordinance regarding alcohol beverage licensing, sales or the administration thereof.

(Ord. BG2013-42, 12/3/2013)

4-4.02 Delinquent Taxes or Fees.

No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the City. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The City Administrator may, in his discretion, approve a license to sell after receiving documentation that the applicant for the license has paid or has made satisfactory arrangements for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This Section shall apply only to taxes and fees which are due and payable by the licensee.

(Ord. BG2006-20, 6/26/2006; Ord. BG2013-42, 12/3/2013)

4-4.03 Restrictions on Package Liquor License.

a. No retail package liquor license shall be issued for any premises unless the applicant certifies under oath that ninety (90) percent of the total projected gross receipts from sale made at the licensed premises during the twelve (12) month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages; and, no such license shall be renewed for any premises

unless ninety (90) percent of its gross receipts from sales for the immediate past month and the immediate past twelve (12) months have been derived from the sale of alcoholic beverages.

b. A retail package liquor license shall not be granted or issued to any licensee who proposes to sell retail package liquor at a location within one thousand (1,000) feet of a location of any similar establishment in the City of Bowling Green. This distance shall be measured according to the provisions of KRS 241.075(3). This Section shall not prohibit the renewal or reissuance to the same premises of existing licenses which may be closer in proximity than the distance herein prohibited.

(Ord. BG2013-42, 12/3/2013)

4-4.04 Appeals.

Appeals may be taken from decisions of the City Administrator to the State Alcoholic Beverage Control Board according to the provisions of KRS 241.200 and 243.550.

(Ord. BG86-41, 7/19/86; Ord. BG2013-42, 12/3/2013)

4-5 CLASSES OF LICENSES AND FEES.

4-5.01 License Fees Charged for Each Location.

The City may issue those licenses at the specified fees which are listed below:

- (1) Distiller's license, per annum five hundred (\$500.00) dollars;
- (2) Rectifier's license:
 - (a) Class A, per annum three thousand (\$3,000.00) dollars; and
 - (b) Class B (craft rectifier), per annum nine hundred and sixty (\$960.00) dollars;
- (3) Wholesaler's Distilled Spirits and Wine license, per annum three thousand (\$3,000.00) dollars;
- (4) Quota Retail Package license, per annum one thousand (\$1,000.00) dollars;
- (5) Quota Retail Drink license, per annum one thousand (\$1,000.00) dollars;
- (6) Special Temporary license, per event:
 - (a) twenty-five (\$25.00) dollars for beer only;
 - (b) fifty (\$50.00) dollars for wine only; and,
 - (c) fifty (\$50.00) dollars for distilled spirits;
- (7) Nonquota Type 1 Retail Drink license, per annum two thousand (\$2,000.00) dollars;
- (8) Nonquota Type 2 Retail Drink license, per annum one thousand (\$1,000.00) dollars;
- (9) Nonquota Type 3 Retail Drink license, per annum three hundred (\$300.00) dollars;
- (10) Special Temporary Alcoholic Beverage Auction license, per event two hundred (\$200.00) dollars;
- (11) Special Sunday Retail Drink license, per annum three hundred (\$300.00) dollars;
- (12) Extended Hours Supplemental license, per annum two thousand (\$2,000.00) dollars;
- (13) Caterer's license, per annum eight hundred (\$800.00) dollars;
- (14) Bottling House or Bottling House Storage license, per annum one thousand (\$1,000.00) dollars;

- (15) Limited Golf Course license, per annum one thousand two hundred (\$1,200.00) dollars;
- (16) Supplemental Bar license, per annum for the first five (5) Supplemental Bar licenses shall be the same as the fee for the primary drink license obtained with no charge for each Supplemental Bar license issued in excess of five (5) to the same licensee at the same premises;
- (17) Brewer's license, per annum five hundred (\$500.00) dollars;
- (18) Microbrewery license, per annum five hundred (\$500.00) dollars;
- (19) Malt Beverage Distributor's license, per annum four hundred (\$400.00) dollars;
- (20) Nonquota Retail Malt Beverage Package license, per annum two hundred (\$200.00) dollars;
- (21) Nonquota Type 4 Retail Malt Beverage Drink license, per annum two hundred (\$200.00) dollars;
- (22) Malt Beverage Brew-on-Premises license, per annum one hundred (\$100.00) dollars;
- (23) Nonquota Type 4 Retail Malt Beverage Drink license, per annum for a licensee also holding a Nonquota Retail Malt Beverage Package license fifty (\$50.00) dollars; and,
- (24) Nonquota Retail Malt Beverage Package license, per annum for a licensee also holding a Nonquota Type 4 Retail Malt Beverage Drink license fifty (\$50.00) dollars.

(Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013; Ord. BG2016-41, 12/20/2016)

4-5.02 More Than One Classification on Any Location.

License fees in the amounts herein provided shall be charged for each location in which any person engages in any classification of business authorized pursuant to State law and this Chapter, and if more than one (1) classification of business is conducted at any location, a license fee shall be charged for each of the privileges exercised.

(Ord. BG2013-42, 12/3/2013; Ord. BG2016-41, 12/20/2016)

4-5.03 Duration.

Applications for renewals of licenses required by this Chapter shall be made for each fiscal year upon the date established by the State Alcoholic Beverage Control Board for the expiration of State licenses issued in the City. Applications for renewal are to be filed with the City Alcoholic Beverage Control Administrator fifteen (15) days prior to expiration.

(Ord. BG2013-42, 12/3/2013; Ord. BG2016-41, 12/20/2016)

4-5.04 Pro-ration; No Refund.

Pro-ration of fees shall be as provided for State licenses as set out in the Kentucky Revised Statutes. In the event any licensee shall cease doing business for any reason, no refund of the City license fee shall be granted.

(Ord. BG2013-42, 12/3/2013; Ord. BG2016-41, 12/20/2016)

4-5.05 Assignability, Transferability.

Assignability/transferability and/or pledging/hypothecation of City licenses shall be the same as provided for State licenses in the Kentucky Revised Statutes.

(Ord. BG2013-42, 12/3/2013)

4-5.06 Location of Business Restricted.

Licenses under this Chapter shall not authorize the conducting of business in any other place than that specifically described in the original State application and license. Any additional buildings or rooms attached to licensed premises and requiring separate service bars shall require application for and purchase of a City Supplemental Bar license in like manner as required by the State Alcoholic Beverage Control Board.

(Ord. BG2013-42, 12/3/2013)

4-5.07 Disposition of Fees, Fines.

All monies derived from license fees or from fines as herein provided shall be paid to the City of Bowling Green.

(Ord. BG86-41, 7/19/86; Ord. BG2013-42, 12/3/2013)

4-6 HOURS OF SALE.

4-6.01 Quota Retail Package Sales.

Premises for which there has been granted a Quota Retail Package license shall be permitted to remain open during the hours of 8:00 a.m. to 11:00 p.m. on each day.

(Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013)

4-6.02 Retail Sale of Distilled Spirits and Wine by the Drink for Consumption on Licensed Premises.

Premises for which there has been granted a Quota Retail Drink license, a Nonquota Type 1 Retail Drink license, a Nonquota Type 2 Retail Drink license, a Nonquota Type 3 Retail Drink license or a Limited Golf Course license, and not holding a Special Sunday Retail Drink license shall be permitted serve alcoholic beverages Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. of the following weekday but shall not serve alcoholic beverages during the remaining twenty-two (22) hours of each Sunday.

(Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013)

4-6.03 Retail Sale of Malted Beverages.

a. Premises for which there has been granted a Nonquota Retail Malt Beverage Package license for the retail sales of package malt beverages shall be permitted to sell package malt beverages each day between the hours of 6:00 a.m. and 2:00 a.m. of the following weekday.

b. Premises for which there has been granted a Nonquota Type 4 Retail Malt Beverage Drink license shall be permitted to serve malt beverages Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. of the following weekday and on Sunday from 10:00 a.m. until 2:00 a.m. on the following Monday.

(Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013)

4-6.04 Retail Sale of Distilled Spirits and Wine by the Drink for Consumption on Licensed Premises on Sunday.

Licenses which have been issued a Quota Retail Drink license, a Nonquota Type 1 Retail Drink license, a Nonquota Type 2 Retail Drink license, a Nonquota Type 3 Retail Drink license or a Limited Golf Course license may apply for a Special Sunday Retail Drink license. Any premise granted a Special Sunday Retail Drink license under this Section shall be permitted to sell alcoholic beverages by the drink for consumption on the licensed premises on Sunday from 10:00 a.m. until 2:00 a.m. of the following Monday.

(Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013)

4-6.05 Other Retail Sales on Licensed Premises.

Premises licensed under Sections 4-6.02 and/or 4-6.03, whose primary business is not the sale of alcoholic beverages, may remain open for business during hours in which alcoholic beverages are not allowed to be sold for the purpose of conducting its primary business, so long as the licensee keeps all distilled spirits, wine, and iced and cooled malt beverages in a locked or closed off compartment.

(Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013)

4-6.06 Control of Licensed Premises During Closing Hours.

Premises licensed under Sections 4-6.01, 4-6.02 and/or 4-6.03 whose primary business is the sale of alcoholic beverages by the drink or package must be, during the closing hours, closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages, during all closing hours, shall not be sold, given away, delivered or consumed by anyone and the premises shall not be loaned, rented or leased to anyone during closing hours.

(Ord. BG87-12, 3/17/87; Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013)

4-6.07 Violations; Revocation or Suspension of License.

Any licensee for sales of alcoholic beverages by the drink or package who remains open for business or sells alcoholic beverages at any time except the hours permitted under this Chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this Chapter and his license shall be subject to revocation or suspension within the discretion of the City Alcoholic Beverage Control Administrator.

(Ord. BG94-35, 9/26/94; Ord. BG2013-42, 12/3/2013)

4-7 PROHIBITIONS, RESTRICTIONS AND REGULATIONS.

All prohibitions, restrictions and regulations pertaining to alcoholic beverages found in the Kentucky Revised Statutes and the administrative regulations adopted by the Commonwealth of Kentucky shall apply to alcoholic beverage use in the City of Bowling Green.

(Ord. BG86-41, 7/19/86; Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013)

4-8 ADDITIONAL LOCAL REGULATIONS.

4-8.01 Exception for Restaurant Hours of Sale, Requirements.

A premise that can demonstrate to the City Alcoholic Beverage Control Administrator that the gross sales of the restaurant from the sale of food for consumption on the premises is to be not less than fifty percent (50%) of the total gross sales of the licensee restaurant for the annual license period shall be allowed to remain open during hours when the sale of alcoholic beverages is prohibited for the sole purpose of providing food services to the public; provided however, that all stocks of alcoholic beverages shall be locked and closed off from the public during said time period.

(Ord. BG2013-42, 12/3/2013)

4-8.02 Violation, Penalty, Confiscation.

If any alcoholic or malt beverages are found on the outside of the locked or closed-off department of any licensed premises at any hours during which the licensee is prohibited by the State Alcoholic Beverage

Control Act or by this Chapter from selling alcoholic or malt beverages, a prima facie presumption shall arise that such alcoholic or malt beverages were kept outside the locked or closed off section for the purpose of sale in violation of this Chapter and the State Alcoholic Beverage Control Act and shall be grounds for revocation or suspension of the license; and in addition to other penalties provided for the violation of this Chapter, the City Alcoholic Beverage Control Administrator is hereby authorized to confiscate such alcoholic or malt beverages.

(Ord. BG2013-42, 12/3/2013)

4-8.03 Entertainment Activity.

a. It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person performs or appears on premises licensed for the sale of alcoholic beverages in a manner or attire as to expose to view of the patrons of the establishment at any time the portion of the female breast below a horizontal line across the top of the areola at its highest point, human genitals, pubic region, anus, cleft of the buttocks, or male genitals in a discernible, turgid state, even if completely and opaquely covered, or employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, anus, cleft of the buttocks or female breast below a horizontal line across the top of the areola.

The definition of breast shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

b. No alcoholic beverage licensee, employee or agent thereof shall permit any person to perform or appear on its premises in a manner or attire as to expose to view of the patrons of the establishment at any time the portion of the female breast below a horizontal line across the top of the areola at its highest point, human genitals, pubic region, anus, cleft of the buttocks, or human or simulated male genitals in a discernible, turgid state, even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, anus, cleft of the buttocks or female breast below a horizontal line across the top of the areola. The definition of breast shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not exposed in whole or in part.

c. No alcoholic beverage licensee, employee or agent thereof shall allow, encourage or permit any person on the licensed premises to touch, caress or fondle the breast, buttocks, anus or genitals of any other person.

d. No alcoholic beverage licensee, employee or agent thereof shall allow, encourage or permit any person on the licensed premises to wear or use any device or covering, exposed to view, which simulates the breast, genitals, anus, pubic region or any portion thereof.

e. No alcoholic beverage licensee, employee or agent thereof shall allow, encourage or permit any person to perform acts of or acts which simulate or to show film, still pictures, electronic reproductions or other visual reproductions depicting:

1. Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or any sexual acts which are prohibited by law;
2. The touching, caressing or fondling of the breast, buttocks, anus or genitals;
3. The displaying of the pubic hair, anus, vulva or genitals; or,
4. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

f. Subject to the provisions of this Section, any entertainer employed or used by the licensee or permitted to dance or to entertain at the licensed premises shall perform, dance or entertain only upon a stage at least twelve (12) inches above the immediate floor level and removed at least six (6) feet from the nearest patron. No spectator, patron or persons other than entertainers or dancers shall be present on the stage during the course of the entertaining or dancing. No entertainer or dancer shall be permitted to have any physical contact with any patron or spectator while that entertainer or dancer is performing.

g. Performing of acts prohibited by this Section is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes.

h. The second violation of this Section within a twelve (12) month period shall constitute a Class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

i. Three (3) or more violations of this Section within a twelve (12) month period shall constitute a Class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

j. In the event that a violation of this Section occurs, the City Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by this Section occurred, shall have his or its license suspended or revoked.

k. In the event three (3) or more violations of this Section occur at a business establishment within a twelve (12) month period, the City Administrator, after a hearing, shall revoke the said retail drink license or retail malt beverage license or both.

l. If any provision of this Section, or the application thereof, is held invalid, such invalidity shall not affect other provisions or other applications of this Section which can be given effect without the invalid provisions or applications, and to this end, the provisions of the Section are declared to be severable.

(Ord. BG87-3, 1/20/87; Ord. BG90-9, 2/20/90; Ord. BG2000-13, 5/16/2000; Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013)

4-8.04 Persons Under Age Twenty-One (21) Not Allowed on Licensed Premises.*

a. Licensee. No person holding any license for on-premises consumption of distilled spirits, wine or malt beverages, or any of his clerks, servants, agents or employees shall permit any person under the age of twenty-one (21) years on the licensed premises and shall post notice of this restriction at all entrances, unless such premises is a restaurant, convention center, convention hotel complex, racetrack, golf course, grocery store, convenience store, drug store, hotel, motel, private club, park, fair, church, school, theater, bowling alley, racquetball complex, tennis complex, pool-hall complex, athletic complex, athletic arena, place where live sports or athletic events are scheduled, small farm winery, distillery or brewery or winery tour, upon premises for a temporary licensed event, including plays or bona fide concerts or similar establishments as authorized by State law. For the purpose of this Section, a "pool-hall complex" is defined as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables. No person holding a retail package license, or any of his clerks, servants, agents or employees shall permit any person under the age of twenty-one (21) unless accompanied by parent or legal guardian to enter his facility, structure, building or other area wherein the retail sale of distilled spirits, wine or malt beverages are either sold or stored unless the licensed premise's usual and customary business is a convenience store, grocery store, drugstore or similar establishment and shall be required to post notice of this restriction on all facility, structure, building or other area entrances wherein the public is granted access.

b. Minor. No person under the age of twenty-one (21) years shall enter premises licensed for on-premise consumption of distilled spirits, wine or malt beverages, unless such premises is a restaurant, convention center, convention hotel complex, racetrack, golf course, grocery store, convenience store, drug store, hotel, motel, private club, park, fair, church, school, theater, bowling alley, racquetball complex, tennis complex, pool-hall complex, athletic complex, athletic arena, place where live sports or athletic

events are scheduled, small farm winery, distillery or brewery or winery tour, upon premises for a temporary licensed event, including plays or bona fide concerts or similar establishments as authorized by State law. A "pool-hall complex" is defined hereinabove. No person under the age of twenty-one (21) unless accompanied by parent or legal guardian shall enter a facility, structure, building or other area of a premises licensed for retail package sales wherein the retail sale of distilled spirits, wine or malt beverages are either sold or stored unless the licensed premise's usual and customary business is a convenience store, grocery store, drugstore or similar establishment.

c. Minors do not remain in barroom or dance area of restaurants. Minors not accompanied by parent or legal guardian shall not remain on a licensed premises classified herein as a restaurant after the local hour of 10:00 p.m. unless the minor remains only in the designated restaurant area which is clearly separated from both the barroom area and area provided for dancing. The term "restaurant" for the purpose of this Subsection means an establishment the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and/or other food items shall not render any licensed premises a "restaurant" within the meaning of this Subsection. The restaurant shall be required to display in a conspicuous place a notice informing minors of the provisions of this Subsection pertaining to remaining in the barroom or dance area of the restaurant after the local hour of 10:00 p.m.

d. The prohibitions set forth in Subsections (a), (b) and (c) above shall not apply to persons under the age of twenty-one (21) who are working on the premises, either as an employee or an independent contractor, which persons may enter and remain on said premises while they are working, and at no other time.

e. Violation of this Section shall be subject to penalties authorized by State law.

(Ord. 88-9, 1/20/88; Ord. 89-40, 10/3/89; Ord. BG91-39, 8/6/91; Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013; Ord. BG2016-41, 12/20/2016)

* Editor's Note: Sec. 4-8.04 renumbered by Ord. BG2013-42 (formerly 4-9.05 adopted by Ord. BG88-9) was identified therein as Sec. 4-7.08 and renumbered at the discretion of the Codifier.

4-8.05 Unlawful for Persons Under Twenty-One (21) Years of Age to Possess or Consume Alcohol on Licensed Premises.*

a. A licensee or any of his clerks, servants, agents or employees is guilty of permitting the unlawful possession or consumption of alcoholic beverages on a licensed premises when he:

1. Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and permits any person under the age of twenty-one (21) years to possess or consume any alcoholic beverage on the premises; or,

2. Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and allows or permits any person under the age of twenty-one (21) years to remain on the premises while that person possesses or consumes any alcoholic beverage.

b. Conviction of permitting unlawful possession or consumption of alcoholic beverages on the premises is a misdemeanor and is punishable by a fine of up to five hundred (\$500.00) dollars or confinement in jail for up to twelve (12) months, or both.

(Ord. BG88-9, 1/20/88; Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013)

* Editor's Note: Ord. BG88-9 identified Sec. 4-8.05 renumbered by Ord. BG2013-42 (formerly 4-9.06) as Sec. 4-7.09 and renumbered at the discretion of the Codifier.

4-8.06 Administrator to Conduct Hearing in Event of Violation of 4-8.04 and 4-8.05.**

a. In the event a violation of Sections 4-8.04 and/or 4-8.05 occurs, the City Administrator shall forthwith conduct a hearing pursuant to applicable state law to determine whether the licensee, at whose business establishment the activity prohibited by the aforementioned Sections occurred, may have his license suspended or revoked.

b. In the event three (3) or more violations of Sections 4-8.04 and/or 4-8.05 above occur at a business establishment within a twelve (12) month period, the City Administrator, after a hearing, shall suspend or revoke said license.

(Ord. BG88-9, 1/20/88; Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013)

** Editor's Note: Ord. BG88-9 identified Sec. 4-8.06 renumbered by Ord. BG2013-42 (formerly 4-9.07) as Sec. 4-7.10 and renumbered at the discretion of the Codifier.

4-8.07 Keg Registration.

a. As used in this Section, "keg" is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.

b. All retail licensees (herein after referred to as "licensee") operating within the City of Bowling Green who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a numbered identification tag or other device as provided by the City to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:

1. The purchaser is of legal age to purchase, possess and use the malt beverage;
2. The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;
3. The purchaser will not remove, obliterate or allow to be removed or obliterated the identification tag;
4. The purchaser will state the property address where the keg will be consumed and physically located and will notify the licensee in writing of a change of the property address where the keg will be physically located and consumed; and,
5. The purchaser is aware of his duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

c. The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one (1) other valid form of identification.

d. The licensee shall retain copies of the keg registration forms for a period of one (1) year and shall make the keg registration form available for inspection by State and City alcoholic beverage control officers and other enforcement officers.

e. The keg registration form shall be forwarded to the City Administrator within five (5) working days in all situations when the keg is not returned or is returned with the identification tag removed or obliterated.

f. The City Administrator is authorized to develop appropriate rules and regulations and to develop and make available forms for the identification tags and keg registration forms.

g. All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the City concerning the provisions of this Section.

h. It shall be unlawful for any licensee to sell or offer for sale kegs without the identification tags attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification tag or to fail to have the declaration form visible and readily accessible from the location of the keg. It shall also be unlawful for the purchaser of the keg to file a false registration form or fail to comply with all of the requirements set out in the registration form. The penalties for violation of this Section shall be the penalties as set out in Subchapter 4-10 hereinbelow. In addition, licensees violating this Section shall be subject to appropriate alcoholic beverage control administrative remedies.

(Ord. BG98-43, 9/1/98; Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013)

4-8.08 Mandatory Server Training.*

a. "Server" for purposes of this Section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages where alcoholic beverages are sold or dispensed by the drink or where malt beverages are sold for consumption on the premises and whose job duties include the sale, dispensing or service of alcoholic beverages or the management of the licensed premises.

b. Continued employment by a person employed by a licensed premise as a server requires the server to successfully complete a server training course provided by the Kentucky Department of Alcoholic Beverages Control or other City-approved alcoholic beverage server training program. This training program shall be completed for all newly hired servers within thirty (30) days of the first date of employment. Servers successfully completing the training shall receive a server certification from the server training program. Each server shall successfully complete a new server training program to be recertified not less than once every three (3) years.

c. No licensed premise in which alcoholic beverages are sold by the drink or malt beverages are sold for consumption on the premises shall allow any server employed over thirty (30) days to sell, dispense or service any alcoholic beverage or malt beverage or to manage any such licensed premises unless that server is the holder of a current server certification. Each such licensed premise shall maintain a file at the licensed premise for each server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this Section. This information shall be available at any reasonable time to any alcoholic beverage control officer or any police officer.

d. Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this Section.

(Ord. BG2002-73, 1/7/2003; Ord. BG2011-14, 4/5/2011; Ord. BG2013-42, 12/3/2013)

* Editor's Note: Sec. 4-8.08 (renumbered by Ord. BG2013-42; formerly 4-9.09) effective April 1, 2003.

4-9 SPECIAL TEMPORARY LICENSES.

A Special Temporary license may be issued as provided by the Kentucky Revised Statutes. This license shall authorize the licensee to exercise the privileges of a Quota Retail Drink license and a Nonquote Type 4 Retail Malt Beverage license for a specified and limited time. Any for profit company seeking a Special Temporary license to benefit a nonprofit cause shall provide the required information to the City Administrator in a timely fashion in order that the Mayor can determine whether the Special Temporary license application constitutes a civic event as required by State law. Any determination by the Mayor that the application does not constitute a civic event may be appealed to the Board of Commissioners with written notice being delivered to the Office of City Clerk.

(Ord. BG2013-42, 12/3/2013)

4-10 PENALTIES

Any person who violates any provision of this Chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall for the first offense be fined not less than one hundred (\$100.00) dollars and not more than two hundred (\$200.00) dollars, or be imprisoned in the county jail for not more than six (6) months or both; and for the second and each subsequent violation shall be fined not less than two hundred (\$200.00) dollars and not more than five hundred (\$500.00) dollars, or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this Chapter is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principal officer or partner responsible for such violations may be punished by imprisonment as authorized by this Section.

(Ord. BG86-41, 7/19/86; Ord. BG2013-42, 12/3/2013)

ORDINANCE NO. BG98 - 43
(AS AMENDED)
ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CODE OF ORDINANCES
CHAPTER 4 (ALCOHOLIC BEVERAGE CONTROL) TO
ADD A SECTION RELATING TO KEG REGISTRATION

WHEREAS, Kentucky Revised Statute 241.190 authorizes the city administrator to propose rules and regulations to regulate the alcoholic beverage industry in the City; and,

WHEREAS, in order to control the use and availability of alcoholic beverages by minors, the Mayor requested that the city administrator look into the possibility of registering kegs of malt beverages sold in the City and the city administrator has proposed that the City of Bowling Green Code of Ordinances be amended to require that kegs of malt beverages be registered by each retail establishment that sells such kegs; and,

WHEREAS, the Board of Commissioners hereby determines that it is in the best interests of the City to amend the Code of Ordinances by adopting this recommendation.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky, as follows:

1. Chapter 4 (Alcoholic Beverage Control) is amended by adding a new section as follows:

4-9.08 Keg Registration.

a. As used in this section, “keg” is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.

b. All retail licensees (herein after referred to as “licensee”) operating within the City of Bowling Green who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a numbered identification tag or other device as provided by the City to each keg at the time of sale and shall require the

purchaser to complete and sign a keg registration form for the keg stating the following:

1. The purchaser is of legal age to purchase, possess and use the malt beverage,
2. The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage,
3. The purchaser will not remove, obliterate or allow to be removed or obliterated the identification tag,
4. The purchaser will state the property address where the keg will be consumed and physically located; and,
5. The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

c. The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one other valid form of identification.

d. The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic beverage control officers and other enforcement officers.

e. ~~The licensee shall collect from the purchaser a deposit of twenty-five dollars (\$25.00) in addition to any deposit already imposed by the licensee. The licensee shall refund the deposit to the purchaser upon return of the keg with the identification tag intact and attached to the keg. The licensee shall not return the twenty-five dollar (\$25.00) deposit if the identification has been removed or obliterated. If a deposit is not returned to the purchaser, the licensee may retain ten dollars (\$10.00) and shall remit the remainder of the deposit, along with a~~

(Ordinance No. BG98 - 43)

~~copy of the keg registration form, to the city administrator within five (5) working days of the forfeiture of the deposit.~~ The keg registration form shall be forwarded to the city administrator within five (5) working days in all situations when the keg is not returned or is returned with the identification tag removed or obliterated.

f. The city administrator is authorized to develop appropriate rules and regulations and to develop and make available forms for the identification tags and keg registration forms. ~~Any funds paid to the city administrator from forfeited deposits shall be used to administer the keg registration program and related city alcoholic beverage control programs.~~

g. All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the City concerning the provisions of this Section.

h. It shall be unlawful for any licensee to sell or offer for sale kegs without the identification tags attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification tag or to fail to have the declaration form visible and readily accessible from the location of the keg. The penalties for violation of this section shall be the penalties as set out in Subchapter 4-10 hereinbelow. In addition, licensees violating this section shall be subject to appropriate alcoholic beverage control administrative remedies.

2. The provisions of this Ordinance are hereby declared to be severable and, if any section, phrase or provision shall, for any reason, be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

(Ordinance No. BG98 - 43)

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on _____, 1998, and given final reading on _____, 1998, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: _____

APPROVED: _____
Mayor, Chairman of Board of Commissioners

ATTEST: _____
City Clerk

SPONSORED BY: Eldon J. Renaud, Mayor, 08/04/98, 11:00 a.m.
AMENDED at City Commission meeting on August 18, 1998, by unanimous vote.

CERTIFIED TRUE COPY

ATTEST: *Kimberly Taylor Leigh*
CITY CLERK, BOWLING GREEN, KY.

ORDINANCE NO. BG94 - 35
(As amended)

ORDINANCE AMENDING CHAPTER 4 (ALCOHOLIC BEVERAGE CONTROL) OF THE CODE OF ORDINANCES OF THE CITY OF BOWLING GREEN RELATING TO THE HOURS IN WHICH ALCOHOLIC BEVERAGES BY THE DRINK MAY BE SOLD AND TO AUTHORIZE SUNDAY SALES; AMENDING CHAPTER 9 (CRIMES AND OFFENSES) TO AUTHORIZE TEMPORARY ALCOHOLIC BEVERAGE LICENSES FOR CITY PROPERTY, EXCLUDING PARKS AND PLAYGROUNDS CLARIFY THE DEFINITION OF PLAYGROUNDS, PARKS, ETC.; AND MAKING VARIOUS OTHER CHANGES TO COMPLY WITH THE KENTUCKY REVISED STATUTES

WHEREAS, Section 4-7.02 of the Code of Ordinances of the City of Bowling Green currently authorizes premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink to remain open from 6:00 a.m. until 1:00 a.m. the following weekday but to close during the entire 24 hours of each Sunday; and,

WHEREAS, the Kentucky Revised Statutes authorizes the City Commission to establish the times in which malt beverages may be sold within the City of Bowling Green; and,

WHEREAS, the Kentucky Revised Statutes also authorizes the City Commission of the City of Bowling Green to permit the sale of alcoholic beverages by the drink on Sunday from 1:00 p.m. until a closing hour to be established by the City Commission by hotels, motels, and restaurants which are licensed for the retail sale of alcoholic beverages 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; and,

(Ordinance No. BG94 - 35)

WHEREAS, the City Commission hereby determines that it is in the best interest of the City to extend the time under which alcoholic beverages by the drink may be sold until 2:00 a.m. of each day and to authorize the sale of alcoholic beverages by the drink from 1:00 p.m. until 2:00 a.m. on the following Monday in hotels, motels and restaurants which meet the criteria set out in the Kentucky Revised Statutes; and,

WHEREAS, Section 9-1.20 of the Code of Ordinances prohibits the drinking or consuming of any alcoholic beverage in various public properties, and this needs to be amended to clarify that such locations, excluding parks and playgrounds, obtaining a valid temporary license to sell alcoholic beverages by the drink are not to be included; and,

WHEREAS, various sections of Chapter 4 (Alcoholic Beverage Control) need to be amended to comply with the Kentucky Revised Statutes.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners and the City of Bowling Green, Kentucky, as follows:

1. Chapter 4 (Alcoholic Beverage Control) is amended as follows:

...

4-6 CLASSES OF LICENSES AND FEES.

4-6.01 License Fees Charged for Each Location.

(Ordinance No. BG94 - 35)

The City may issue those distilled spirits, wine, and malt beverage licenses which are authorized by Kentucky Revised Statutes, Kentucky Administrative Regulation, City Ordinance, and/or otherwise are allowed under state law, the fees for which may not exceed two times the state license fees enumerated by statute and/or Kentucky administrative regulations. ~~This section shall not be construed to authorize city special-Sunday-sale-retail drink-licenses.~~

...

4-7 HOURS OF SALE.

4-7.01 Retail Sale of Distilled Spirits and Wine
By the Package. Sales.

Premises for which there has been granted a license for the sale at retail of distilled spirits and wine by the package shall be permitted to remain open during the hours of 8:00 a.m. to 11:00 p.m. on each day, but shall remain closed during the twenty-four (24) hours of a Sunday and at any time when the polls are open ~~or any special-election-is-held~~ for any primary or regular election in the precinct in which the licensee's business is located.

4-7.02 Retail Sale of Distilled Spirits and Wine By
the Drink for Consumption on Licensed Premises.

(Ordinance No. BG94 - 35)

Premises for which there has been granted a license for the retail sales of distilled spirits and wine ~~alcoholic beverages~~ by the drink for consumption on the licensed premises, shall be permitted to remain open Monday through Saturday between the hours of 6:00 a.m. and ~~1:00~~ 2:00 a.m. of the following weekday but shall be closed during the remaining twenty four two (24) (22) hours of each Sunday and at any time when the polls are open for any primary or regular election in the precinct in which the license is granted. ~~---provided,---however,---that---if---the---license provides---a---separate---department---within---his---licensed---premises---capable of---being---locked---and---closed---off,---within---which---is---kept---all---stocks---of alcoholic---beverages---and---iced---or---cooled---malt---beverages---and---said department---is---kept---locked---during---the---foregoing---time---he---is---not permitted---to---remain---open---to---sell---alcoholic---beverages,---he---shall---be deemed---to---have---complied---with---this---subsection---~~

4-7.03 Retail Sales of Malted Beverages.

Premises for which there has been granted a license for the retail sales of malt beverages (beer) shall be permitted to remain open between the hours of 6:00 a.m. and ~~12:00~~ 2:00 a.m. ~~on---each---weekday~~ of the following weekday, but shall be closed during the remaining twenty-four two (24) (22) hours on Sunday and at any time when the polls are open for an general or

(Ordinance No. BG94 - 35)

primary election in the precinct in which the license is granted.
~~,- provided, - however, - that - - if - the - malt - beverage - licensee - keeps~~
~~locked - up - iced - or - cooled - beer - during - the - times - that - he - is - not~~
~~permitted - to - remain - open - for - business, - he - shall - be - deemed - to - have~~
~~complied - with - this - section, - for - he - is - not - required - to - keep - his - bulk~~
~~stock - of - malt - beverages - locked - up - as - some - would - be - prohibitive.~~

4-7.04 Retail Sale of Alcoholic Beverages on Sunday

Hotels, motels, and restaurants which are licensed for the
retail sale of distilled spirits and wine by the drink under
Section 4-7.02 and/or malt beverages under Section 4-7.03 and which
have dining facilities with a minimum seating capacity of one
hundred (100) people at tables and which receive at least fifty
percent (50%) or more of their gross annual income from their
dining facilities by the sale of food may apply for a special
Sunday sale retail drink license. Any premise granted a special
Sunday sale retail drink license under this section shall be
permitted to sell alcoholic beverages by the drink for consumption
on the licensed premises on Sunday from 1:00 p.m. until 2:00 a.m.
of the following Monday.

4-7.05 Other Retail Sales on Licensed Premises.

(Ordinance No. BG94 - 35)

Premises licensed under Section 4-7.02 and/or 4-7.03, whose primary business is not the sale of alcoholic beverages, may remain open for business during hours in which alcoholic beverages are not allowed to be sold for the purpose of conducting its primary business, so long as the licensee keeps all distilled spirits, wine, and iced and cooled malt beverages in a locked or closed off compartment.

4-7.056 Control of Licensed Premises During Closing Hours.

~~During the closing hours, the~~ Premises ~~of any~~ licensee ~~for~~ under Sections 4-7.01, 4-7.02 and/or 4-7.03 ~~whose primary business is the sale of alcoholic beverages by the~~ drink or package must be, during the closing hours, closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages, during all closing hours, shall not be sold, given away, delivered or consumed by anyone ~~in any room of the premises during the closing hours and no parties, private or public, shall be held thereon. The said~~ and the premises shall not be loaned, rented or leased to anyone during closing hours. ~~for a party or for any other purposes.~~

(Ordinance No. BG94 - 35)

4-7.047 Violations; Revocation or Suspension of Licenses.

Any licensee for sales of alcoholic beverages by the drink or package who remains open for business or sells alcoholic beverages at any time except the hours permitted under this chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this Code and his license shall be subject to revocation or suspension within the discretion of the Alcoholic Beverage Control Administrator.

~~4-7.06----Wholesale-Deliveries-on-Sundays-Prohibited-~~

~~-----There-shall-be-no-delivery-by-wholesalers-of-alcoholic-or-malt-beverages-on-Sunday-~~

4-7.078 Exception for Convention Centers.

The above restrictions do not apply to convention center licenses as provided under KRS 243.050(4).

2. Chapter 9 (Crimes and Offenses) is amended to read as follows:

(Ordinance No. BG94 - 35)

...

9-1.20 Consumption of Alcoholic Beverages Prohibited in or on Playgrounds, Parks, Etc.

a. Except as provided in subsections b. /and/c./ below, no person shall drink or consume any beer or any other alcoholic beverage in or on any playground, park, golf course, cemetery or any other area or ground maintained or owned by the City of Bowling Green, Commonwealth of Kentucky, United States of America, or any agency or instrumentality of any of the three (3) City, State, or Federal governments.

b. Temporary alcoholic beverage licenses permitted under KRS Chapter 243 may be issued on property and grounds owned or maintained by the City of Bowling Green, ~~including~~ parks and ~~golf courses~~ playgrounds, if the Board of Commissioners authorizes a lease of such property.

c. ~~Alcoholic beverage licenses permitted under KRS Chapter 243 may be issued at the Hartland Municipal Golf Course effective with the opening of the Convention Center facility adjacent to the golf course. All licenses so issued shall be issued on an annual basis.~~

b- d/ c. Any person who violates this subsection shall be fined no less than ten (\$10.00) dollars and no more than

(Ordinance No. BG94 - 35)

five hundred (\$500.00) dollars or imprisoned for a period not to exceed six (6) months, or both.

*This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on September 20, 1994, and given final reading on September 26, 1994, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: September 26, 1994

APPROVED: July P. Wehl
Mayor, Chairman of Board of Commissioners

ATTEST: Grinda Taylor Leigh CMC
City Clerk

SPONSORED BY: Robbie E. Bond, Commissioner, 9/1/94, 3:35 p.m.

*(First reading approved by 4 - 1 vote at 9/6/94 Commission meeting; then at 9/20/94 Commission meeting, Ordinance BG94 - 35 was amended by 5 - 0 vote; those amendments are indicated by (/) overstrike for deletions and by bold underlined print for additions. First reading of Ordinance BG94 - 35 as Amended was approved by 4 - 1 vote, and a special call meeting is planned for Monday, September 26, 1994, at 7:00 p.m. for second reading and adoption of Ordinance BG94 - 35 as Amended).

RECEIVED

JAN 26 10 28 AM '88

ORDINANCE NO. 88 - 9

ORDINANCE AMENDING CHAPTER 4-7 BY ADDING THREE SUBSECTIONS WHICH MAKE IT UNLAWFUL FOR PERSONS UNDER THE AGE OF TWENTY-ONE TO POSSESS OR CONSUME ALCOHOL ON LICENSED PREMISES, UNLAWFUL FOR PERSONS UNDER THE AGE OF TWENTY-ONE TO ENTER CERTAIN LICENSED PREMISES, AND FOR THE PROVISION OF PENALTIES AND SUSPENSION AND REVOCATION OF LICENSES FOR THE VIOLATION THEREOF. (AS AMENDED)

WHEREAS, certain licensed premises are attractive to persons from the age of eighteen (18) to twenty-one (21), and

WHEREAS, it is unlawful for persons under the age of twenty-one (21) to drink or possess alcohol, and

WHEREAS, it is difficult to enforce the prohibition against drinking alcoholic beverages by persons under the age of twenty-one (21) when persons of that age are allowed to enter licensed premises, and

WHEREAS, the Board of Commissioners of the City of Bowling Green wishes to take action to help prevent the consumption of alcoholic beverages by persons under the age of twenty-one (21),

BE IT ORDAINED BY THE CITY OF BOWLING GREEN, KENTUCKY, AS FOLLOWS:

(1) That Chapter 4-7 be amended by adding the following new Sections:

4-7.08 PERSONS UNDER AGE TWENTY-ONE NOT ALLOWED ON LICENSED PREMISES

(a) LICENSEE - No person holding any license for on-premises consumption of distilled spirits, wine or malt beverages, or any of his clerks, servants, agents or employees shall permit any person

under the age of twenty-one (21) years on the licensed premises unless such premises is a restaurant, grocery store, drug store, hotel, private club, park, fair, bowling alley, racquetball complex, tennis complex, pool-hall complex, place where live sports or athletic events are scheduled, or upon premises for a temporary licensed event, including plays or bona fide concerts; in such exempted premises, persons under twenty-one (21) years of age shall not enter the barroom area. A "pool-hall complex" is defined as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables.

(b) MINOR - No person under the age of twenty-one (21) years of age shall enter premises licensed for on-premise consumption of distilled spirits, wine or malt beverage, unless such premises is a restaurant, grocery store, drug store, hotel, private club, park, fair, bowling alley, racquetball complex, tennis complex, pool-hall complex; place where live sports or athletic events are scheduled, or upon premises for a temporary licensed event, including plays or bona fide concerts; in such exempted premises, persons under twenty-one (21) years of age shall not enter the barroom area. A "pool-hall complex" is defined as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables.

(c) The prohibitions set forth in Subsections (a) and (b)

shall not apply to persons under the age of twenty-one (21) who are working on the premises, either as an employee or an independent contractor, which persons may enter and remain on said premises while they are working, and at no other time.

(d) Violation of this Section shall, upon conviction, result in the following penalties:

(1) For the first offense a fine of up to One Hundred Dollars (\$100.00).

(2) For each subsequent offense a fine of up to Two Hundred Fifty Dollars (\$250.00) or confinement in jail for up to one hundred twenty (120) days, or both.

4-7.09 UNLAWFUL FOR PERSONS UNDER TWENTY-ONE YEARS OF AGE TO POSSESS OR CONSUME ALCOHOL ON LICENSED PREMISES

(a) A licensee or any of his clerks, servants, agents or employees is guilty of permitting the unlawful possession or consumption of alcoholic beverages on a licensed premises when he:

(1) Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and permits any person under the age of twenty-one (21) years to possess or consume any alcoholic beverage on the premises; or

(2) Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and allows or permits any person under the age of twenty-one (21) years

to remain on the premises while that person possesses or consumes any alcoholic beverage.

(b) Conviction of permitting unlawful possession or consumption of alcoholic beverages on the premises is punishable by a fine of up to Five Hundred Dollars (\$500.00) or confinement in jail for up to twelve (12) months, or both.

4-7.10 ADMINISTRATOR TO CONDUCT HEARING IN EVENT OF VIOLATION OF 4-7.08 AND 4-7.09

(a) In the event a violation of Sections 4-7.08 and/or 4-7.09 occurs, the city administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by the aforementioned sections occurred, may have his license suspended or revoked.

(b) In the event three or more violations of Section 4-7.08 and 4-7.09 above occur at a business establishment within a twelve (12) month period, the City Administrator, after a hearing, shall suspend or revoke said license.

(2) The codifier of ordinances is hereby directed to codify the amendment enacted herein.

(3) This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on January 19, 1988, and given final reading on January 20, 1988, and said Ordinance shall be in full force and effect upon signature, recordation, publication in full pursuant to

KRS Chapter 424.

ADOPTED: January 20, 1988

APPROVED: Patsy J. Sloan
Mayor, Chairman of Board of Commissioners

ATTEST: Orpha E. Davis, CMC
City Clerk

SPONSORED ~~BY~~ AND FILED BY: Carol McIvor, Commissioner, 1/14/88, 10:15 a.m.
CO-SPONSORED BY: Patsy T. Sloan, Mayor and Alan Palmer, B. L. Steen and
Charles Wilson, Commissioners

CERTIFIED TRUE COPY
January 20, 1988
ATTEST: Orpha E. Davis, CMC
CITY CLERK, DOWLING GREEN, KY.

CITY OF BOWLING GREEN
CODE OF ORDINANCES, CHAPTER IV
ALCOHOLIC BEVERAGE CONTROL

ORDINANCE HISTORY

Ordinance No. BG86-41 Repealing Chapter 4 of the Code of Ordinances Enacting a New Chapter 4 Relating to Alcohol Beverage Licenses, Control and Administration Thereof. Enacted July 19, 1986.

Ordinance No. BG87-3 Chapter 4-9 of the Code or Ordinances for the City of Bowling Green, Kentucky Prohibiting Nude or Nearly Nude Activities. Enacted January 20, 1987.

Ordinance No. BG87-12 Amending Chapter 4 of the Code of Ordinances relating to Alcohol Beverage Licenses, Control and Administration Thereof. Enacted March 17, 1987.

Ordinance No. BG88-9 Amending Chapter 4-7 by Adding Three Subsections Which Make It Unlawful for Persons Under the Age of Twenty-one to Possess or Consume Alcohol on Licensed Premises, Unlawful for Persons Under the Age of Twenty-one to Enter Certain Licensed Premises, and for the Provision of Penalties and Suspension and Revocation of Licenses for the Violation Thereof. Enacted January 20, 1988.

CHAPTER IV

ALCOHOLIC BEVERAGE CONTROL

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4-1 GENERAL PROVISIONS.

The provisions of the state alcoholic beverage control laws contained in KRS Chapters 241, 242, 243 and 244, pertaining to licenses and regulations of the state alcoholic beverage control board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein. The provisions contained herein shall not be construed to prohibit the continuation of alcoholic beverage licenses existing under the immediately preceding alcoholic beverage control ordinance of the city, but shall apply to all renewals thereof.

4-2 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

4-2.01 The city finance director, or his investigators, shall perform the duties of the city alcoholic beverage control administrator imposed by state statutes and city ordinances as well as other such duties as may be assigned by the board of commissioners. See KRS 241.190 for functions of the city administrator.

4-2.02 The city administrator, and his investigators, shall have the full police powers of peace officers, and their jurisdiction shall be co-extensive with the boundaries of the city. They may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

4-2.03 The city administrator shall have available at all reasonable times for his inspection all books and records required to be maintained by licensees under KRS 244.150 and shall receive copies of

all reports submitted by licensees to the state alcoholic beverage control board.

4-2.04 The city administrator shall have the same powers and duties with respect to suspension and revocation for cause of city licenses as the state alcoholic beverage control board has with respect to state licenses under KRS 241.060. The city administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this chapter.

4-3 LIMITATION ON NUMBER OF LICENSES; DISTANCE REQUIREMENTS.

4-3.01 The number of retail package, retail drink, retail beer, wholesale beer distributors and wholesale distilled spirits distributors licenses issued in the City of Bowling Green shall not exceed the number and type as set forth in KRS Chapters 241, 242, 243, or 244 and all administrative regulations promulgated pursuant thereto, as may be amended from time to time.

4-3.02 A retail package liquor license shall not be granted or issued to any licensee who proposes to sell retail package liquor at a location within one thousand (1,000) feet of a location of any similar establishment in the City of Bowling Green. This distance shall be measured according to the provisions of KRS 241.075(3). This section shall not prohibit the renewal or reissuance to the same premises of existing licenses which may be closer in proximity than the distance herein prohibited.

4-4 APPLICATION, ISSUANCE, FORM, DORMANT LICENSES.

4-4.01 No person shall sell or dispense at retail, or have in his possession for sale, any alcoholic or malt beverages, nor manufacture or transport the same in the city unless he shall first procure and have

issued to him a license under the provisions of this article and all statutes of Kentucky and regulations adopted pursuant thereto which article, statutes and regulations shall be hereinafter singularly and collectively referred to as the alcoholic beverage control law.

4-4.02 An applicant shall submit to the city alcoholic beverage control administrator an exact duplicate of his state license application form containing the information required by KRS 243.380 and 243.390, and, as part of his application, shall sign and submit a consent providing that the city administrator may inspect and search the licensed premises at any reasonable time, may confiscate articles found on the premises in violation of any ordinance or statute, and may order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by multiple violations of any ordinance or statute involving disturbance of the peace or public disorder reported to the administrator by the Chief of Police during the course of one day's operation of the premises. The temporary closure shall remain in effect until review of the alleged violations by the city administrator within 36 hours.

4-4.03 If upon review of the application, the city administrator determines that the applicant has complied with all requirements of the alcoholic beverage control law, as well as all regulatory provisions of this article, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and 4-3.02, that a license may be issued within the quota limits fixed by the state alcoholic beverage control board, the board of commissioners and city administrator, and that there are no other causes for denial of the license, the administrator shall approve the application.

4-4.04 Upon approval of the application by the city administrator, the applicant shall pay the amount of the license fee provided in this chapter in the form of a certified check, money order or cash. Payment shall be held in deposit by the Treasury Division pending state license approval and issuance of the city license by the city administrator.

4-4.05 Each city license in the same form prescribed by KRS 243.440 for state licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each city license shall remain in the city administrator's office as part of the public record.

4-4.06 License to become void if business dormant; license renewal.

- (a) Because under the provisions of KRS, all administrative regulations promulgated pursuant thereto and this chapter, as may be amended from time to time, a quota system may exist for the number of licenses to sell alcoholic beverages in the city, it is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after 90 days. Because a licensee, like any other business, may have his business interrupted by situations not under his control, various exceptions to this dormancy rule are included herein.
- (b) Any license under which no business is transacted during a period of 90 days shall become null and

void. At the expiration of the 90 day period the license shall be surrendered to the city administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to 804 KAR 4:110, as amended from time to time, to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the administrator to the licensee, said licensee shall immediately notify the city administrator of same. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the city administrator of same and a fee shall be due and payable to the city administrator for the period such license was in dormancy in the same amount as set forth herein had the license remained active for the same period.

- (c) Applications approved by the city administrator and based on pending construction or development on the premises shall be null and void after 90 days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. Extensions may be granted by the administrator as he deems appropriate in

exercise of his sound discretion based on facts and circumstances surrounding each request.

- (d) All renewal of licenses with payment therefor must be on file with the city administrator 15 days before the expiration of the licenses for the preceding license period or the license shall be cancelled, except that the licensee may file a written, verified statement 15 days prior to expiration date of the license, setting forth the facts justifying an extension, and the administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The above licensee shall pay the licensee fee from the expiration date of the former license or licenses. Said payment shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

4-5 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR
SUSPENSION OR REVOCATION OF LICENSE.

4-5.01 Causes for refusal to issue or renew a city license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales, or the administration thereof.

4-5.02 No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any

taxes or fees due the city at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the city. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The city administrator may, in his discretion, approve a license to sell after receiving from the city treasurer a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the city treasurer for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees which are due and payable by the licensee.

4-5.03 No retail package liquor license shall be issued for any premises unless the applicant certifies under oath that ninety (90) per cent of the total projected gross receipts from sale made at the licensed premises during the twelve (12) month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages; and, no such license shall be renewed for any premises unless ninety (90) per cent of its gross receipts from sales for the immediate past month and the immediate past twelve (12) months have been derived from the sale of alcoholic beverages.

4-5.04 Appeals may be taken from decisions of the city administrator to the state alcoholic beverage control board according to the provisions of KRS 241.200 and 243.550.

4-6 CLASSES OF LICENSES AND FEES.

4-6.01 The city may issue those distilled spirits, wine, and malt beverage licenses which are authorized by Kentucky Revised Statutes, Kentucky Administrative Regulations, city ordinance, and/or otherwise are allowed under state law, the fees for which may not exceed two times the state license fees enumerated by statute and/or Kentucky Administrative Regulations. This section shall not be construed to authorize city special Sunday sale retail drink licenses.

4-6.02 License fees in the amounts herein provided shall be charged for each location in which any person engages in any classification of business authorized under this article, and if more than one classification of business is conducted at any location, a license shall be charged for each of the privileges exercised.

4-6.03 Applications for renewals of licenses required by this article shall be made for each fiscal year beginning the first day of July and extending through the last day of June of the succeeding year; applications for renewal are to be filed with the city alcoholic beverage control administrator fifteen (15) days prior to expiration.

4-6.04 Pro-ration of fees shall be as provided for state licenses in KRS 243.090. In the event any licensee shall cease doing business for any reasons, no refund of the city license fee shall be granted to him.

4-6.05 Assignability/transferability, pledging/hypothecation of city licenses shall be the same as provided for state licenses in KRS 243.630, 243.650 and 243.660.

4-6.06 Licenses under this article shall not authorize the conducting of business in any other place than that specifically

described in the original state application and license. Any additional buildings or rooms attached to licensed premises and requiring separate service bars shall require application for and purchase of a city supplemental bar license in like manner as required by the state alcoholic beverage control board.

4-6.07 All monies derived from license fees or from fines as herein provided, shall be paid to the treasury of the city and become a part of the general funds of the city.

4-7 HOURS OF SALE/CLOSING HOURS/MINORS

4-7.01 Premises for which there has been granted a license for the sale at retail of distilled spirits and wine by the package shall be permitted to remain open during the hours of 8:00 a.m. to 11:00 p.m. on each day, but shall remain closed during the twenty-four (24) hours of a Sunday and at any time when the polls are open or any special election is held in the precinct in which the licensee's business is located.

4-7.02 Premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink, shall be permitted to remain open between the hours of 6:00 a.m. and 1:00 a.m. of the following weekday but shall be closed during the twenty-four (24) hours of each Sunday and at any time when the polls are open for any election in the precinct in which the license is granted; provided however, that if the license provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and iced or cooled malt beverages and said department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with this subsection.

4-7.03 Premises for which there has been granted a license for the retail sales of malt beverages (beer) shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 a.m. on each weekday, but shall be closed during the twenty-four (24) hours on a Sunday and at any time when the polls are open for an election in the precinct in which the license is granted, provided, however, that if the malt beverage licensee keeps locked up iced or cooled beer during the times that he is not permitted to remain open for business, he shall be deemed to have complied with this section, for he is not required to keep his bulk stock of malt beverages locked up as some would be prohibitive.

4-7.04 Any licensee for sales of alcoholic beverages by the drink or package who remains open for business at any time except the hours permitted under this chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this Code and his license shall be subject to revocation or suspension within the discretion of the alcoholic beverage control administrator.

4-7.05 During the closing hours, the premises of any licensee for the sale of alcoholic beverages by the drink or package must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held thereon. The said premises shall not be loaned, rented or leased to anyone during the closing hours for a party or for any other purpose.

4-7.06 There shall be no delivery by wholesalers of alcoholic or malt beverages on Sunday.

4-7.07 The above restrictions do not apply to convention center licenses as provided under KRS 243.050(4).

4-7.08 Persons under age twenty-one not allowed on licensed premises

- (a) LICENSEE - No person holding any license for on-premises consumption of distilled spirits, wine or malt beverages, or any of his clerks, servants, agents or employees shall permit any person under the age of twenty-one (21) years on the licensed premises unless such premises is a restaurant, grocery store, drug store, hotel, private club, park, fair, bowling alley, racquetball complex, tennis complex, pool-hall complex, place where live sports or athletic events are scheduled, or upon premises for a temporary licensed event, including plays or bona fide concerts; in such exempted premises, persons under twenty-one (21) years of age shall not enter the barroom area. A "pool-hall complex" is defined as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables.
- (b) MINOR - No person under the age of twenty-one (21) years of age shall enter premises licensed for on-premise consumption of distilled spirits,

wine or malt beverage, unless such premises is a restaurant, grocery store, drug store, hotel, private club, park, fair, bowling alley, racquetball complex, tennis complex, pool-hall complex, place where live sports or athletic events are scheduled, or upon premises for a temporary licensed event, including plays or bona fide concerts; in such exempted premises, persons under twenty-one (21) years of age shall not enter the barroom area. A "pool-hall complex" is defined as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables.

- (c) The prohibitions set forth in Subsections (a) and (b) shall not apply to persons under the age of twenty-one (21) who are working on the premises, either as an employee or an independent contractor, which persons may enter and remain on said premises while they are working, and at no other time.
- (d) Violation of this Section shall, upon conviction, result in the following penalties:
 - (1) For the first offense a fine of up to one hundred dollars (\$100.00).

- (2) For each subsequent offense a fine of up to two hundred fifty dollars (\$250.00) or confinement in jail for up to one hundred twenty (120) days, or both.

4-7.09 Unlawful for persons under twenty-one years of age to possess or consume alcohol on licensed premises.

(a) A licensee or any of his clerks, servants, agents or employees is guilty of permitting the unlawful possession or consumption of alcoholic beverages on a licensed premises when he:

- (1) Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and permits any person under the age of twenty-one (21) years to possess or consume any alcoholic beverage on the premises; or
- (2) Owns, occupies, maintains, controls, leases, or exercises control or ownership of real estate, including but not limited to the buildings and other structures located thereon, and allows or permits any person under the age of twenty-one (21) years to remain on the premises while that person possesses or consumes any alcoholic beverage.

- (b) Conviction of permitting unlawful possession or consumption of alcoholic beverages on the premises is punishable by a fine of up to five hundred dollars (\$500.00) or confinement in jail for up to twelve (12) months, or both.

4-7.10 Administrator to conduct hearing in event of violation of 4-7.08 and 4-7.09.

- (a) In the event a violation of Sections 4-7.08 and/or 4-7.09 occurs, the city administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by the aforementioned sections occurred, may have his license suspended or revoked.
- (b) In the event three or more violations of Section 4-7.08 and 4-7.09 above occur at a business establishment within a twelve (12) month period, the city administrator, after a hearing, shall suspend or revoke said license.

4-8 ALL PROHIBITIONS, RESTRICTIONS AND REGULATIONS PERTAINING TO ALCOHOLIC BEVERAGES FOUND AT KRS 244.010--244.600 SHALL APPLY TO ALCOHOLIC BEVERAGE USE IN THE CITY OF BOWLING GREEN.

4-9 ADDITIONAL LOCAL REGULATIONS.

4-9.01 A premise that can demonstrate to the city alcoholic beverage control administrator that the gross sales of the restaurant from the sale of food for consumption on the premises is to be not less

than fifty percent (50%) of the total gross sales of the licensee restaurant for the annual license period shall be allowed to remain open during hours when the sale of alcoholic beverages is prohibited for the sole purpose of providing food services to the public, provided however, that all stocks of alcoholic beverages shall be locked and closed off from the public during said time period.

4-9.02 If any alcoholic or malt beverages are found on the outside of the locked or closed-off department of any licensed premises at any hours during which the licensee is prohibited by the state alcoholic beverage control act or by this chapter from selling alcoholic or malt beverages, a prima facie presumption shall arise that such alcoholic or malt beverages were kept outside the locked or closed-off section for the purpose of sale in violation of this chapter and the state alcoholic beverage control act and shall be grounds for revocation or suspension of the license; and in addition to other penalties provided for the violation of this section, the city alcoholic beverage control administrator is hereby authorized to confiscate such alcoholic or malt beverages.

4-9.03 DEADLY WEAPONS ON LICENSED PREMISES.

- (a) Any person who possesses on or who carries onto the premises of any business licensed for the sale of alcoholic beverages within the city, any deadly weapon shall be considered guilty of the crime of disorderly conduct and shall be fined not less than two hundred fifty dollars (\$250.00) and not exceeding five hundred dollars (\$500.00) or confined to jail for not more than six (6) months, or both so fined and imprisoned.

- (b) It shall be the duty of any person who holds a license to sell alcoholic beverages in Bowling Green, Kentucky, or their employees, upon having reasonable grounds to believe that a person is in violation of this section, to immediately notify the police department of the violation. Failure to do so shall constitute grounds for revocation of the license.
- (c) Subsection (1) shall not apply to a person who owns a license to sell alcoholic beverages within Bowling Green, Kentucky, or to his lessee or employees, provided they have no felony convictions.

4-9.04 PROHIBITION OF NUDE OR NEARLY NUDE ACTIVITY

- (a) It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on premises licensed for the sale of alcoholic beverages in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when any female appears on such premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or simulation thereof.
- (b) An alcohol beverage licensee is guilty of permitting nude or nearly nude activity when said licensee knows or has reasonable cause to know

the premises are being used by any person to appear on the premises in such manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals, or any simulation thereof; or used by any female to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof, said licensee permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

- (c) A. Performing nude or nearly nude activities as set forth in Section (a) or permitting such activities as set forth in Section (b), is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes.
 - B. The second violation of Section (a) or (b) above within a twelve month period shall constitute a Class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes.
 - C. Three or more violations of Section (a) or Section (b) within a twelve month period shall constitute a Class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes.
- (d) A. In the event that a violation of Sections (a) and/or (b) of this Ordinance occurs, the city administrator shall forthwith conduct a hearing

pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by this Ordinance occurred, shall have his/her or its license suspended or revoked.

B. In the event three or more violations of Section (a) and/or (b) above occur at a business establishment within a twelve month period, the city administrator, after a hearing, shall revoke the said retail drink license or retail beer license or both.

4-10 PENALTIES.

Any person who violates any provision of this chapter for which no specific penalty is provided shall, for the first offense, be fined not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00), or be imprisoned in the county jail for not more than six (6) months or both; and for the second and each subsequent violation, shall be fined not less than two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00), or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this article is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principal officer or partner responsible for such violations may be punished by imprisonment as authorized by this section.

ORDINANCE NO. BG87-3

ORDINANCE AMENDING CHAPTER 4-9 OF THE CODE OF ORDINANCES FOR THE CITY OF BOWLING GREEN, KENTUCKY, PROHIBITING NUDE OR NEARLY NUDE ACTIVITIES IN ESTABLISHMENTS WITH A RETAIL DRINK LIQUOR LICENSE AND/OR RETAIL BEER LICENSE, AND PROVIDING FOR PENALTIES FOR VIOLATION THEREOF, INCLUDING THE SUSPENSION OR REVOCATION OF THE SAID RETAIL LIQUOR DRINK LICENSE AND/OR RETAIL BEER LICENSE BY ADDING A NEW SECTION 4-9.04.

WHEREAS, numerous business establishments with a retail drink liquor license and/or retail beer license issued by the City of Bowling Green, Kentucky, provide adult entertainment for its patrons, such as nude or nearly nude dancing; and

WHEREAS, the City Commission of the City of Bowling Green, Kentucky, determines such conduct or activities as injurious to the citizens of the City of Bowling Green, Kentucky; and

WHEREAS, the City Commission of the City of Bowling Green, Kentucky,

believes that this Ordinance is necessary:

1. To protect property values;
2. To prevent blight and the deterioration of the City's neighborhoods;
3. To promote a climate conducive to a return of residences and businesses to the City's neighborhoods;
4. To enhance the quality of life within the City;
5. To preserve and stabilize the City's neighborhoods; and
6. To decrease the incidence of crime, disorderly conduct and juvenile delinquency,

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF BOWLING GREEN, KENTUCKY AS FOLLOWS:

Section 4-9 of the Code of Ordinances for the City of Bowling Green, Kentucky, is hereby amended by creating a new Section 4-9.04 as follows:

Section 4-9.04 PROHIBITION OF NUDE OR NEARLY NUDE ACTIVITY.

4-9.04(a) It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on premises licensed for the sale of alcoholic beverages in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on such premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or simulation thereof.

ORDINANCE NO. BG87 - 12

ORDINANCE AMENDING CHAPTER 4 OF THE CODE OF ORDINANCES RELATING TO ALCOHOL BEVERAGE LICENSES, CONTROL AND ADMINISTRATION THEREOF.

WHEREAS, there have been recent changes in state law regarding Alcohol Beverage Control and its enforcement, and

WHEREAS, an amendment to the Code of Ordinances is necessary to further the administration and enforcement of Alcoholic Beverage Control, and

NOW, THEREFORE, in order to make more orderly, uniform and easily understood the regulations applying to alcohol beverage licenses, sales, and enforcement, the City of Bowling Green, Kentucky, by and through its Board of Commissioners acts as follows:

BE IT ORDAINED BY THE CITY OF BOWLING GREEN, KENTUCKY, as follows:

1. That the presently existing Chapter 4 of the Code of Ordinances for the City of Bowling Green, Kentucky, is hereby amended.

2. The following amendments to Chapter 4 are enacted in place of the currently enacted provisions of Chapter 4 and are to take effect upon signature, recordation and publication of this Ordinance:

4-3.01 The number of retail package, retail drink, retail beer, wholesale beer distributors and wholesale distilled spirits distributors licenses issued in the City of Bowling Green shall not exceed ~~the following:~~ the number and type as set forth in KRS Chapters 241, 242, 243, or 244 and all administrative regulations promulgated pursuant thereto, as may be amended from time to time.

- ~~(a) -- One (1) retail package liquor license per four thousand (4,000) residents of Warren County, including the City of Bowling Green.~~
- ~~(b) -- One (1) retail drink license per two thousand five hundred (2,500) residents of Warren County, including the City of Bowling Green.~~
- ~~(c) -- One Hundred Fifty (150) retail beer licenses.~~
- ~~(d) -- Nine (9) wholesale beer distributor licenses.~~
- ~~(e) -- Two (2) wholesale distilled spirits distributor licenses.~~
- ~~(f) -- The following licenses will be not included in the quota: -- Restaurant by the drink including restaurant wine and malt beverage, private club, or outlet of hotel or motel as defined in KRS 242.1292(5)(b).~~
- ~~(g) -- Population for quota purposes will be determined~~

4-4.06
renewal.

License to become void if business dormant; license

- (a) Because under the provisions of KRS, all administrative regulations promulgated pursuant thereto and this chapter, as may be amended from time to time, a quota system may exists for the number of licenses to sell alcoholic beverages in the city, it is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after 90 days. Because a licensee, like any other business, may have his business interrupted by situations not

under his control, various exceptions to this dormancy rule are included herein.

- (b) Any license under which no business is transacted during a period of 90 days shall become null and void. At the expiration of the 90 day period the license shall be surrendered to the city administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Acoholic Beverage Control Department, pursuant to 804 KAR 4:110, as amended from time to time, to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the administrator to the licensee, said licensee shall immediately notify the city administrator of same. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the city administrator of same and a fee shall be due and payable to the city administrator for the period such license was in dormancy in the same amount as set forth herein had the license remained active for the same period. ~~due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain, whether the acquisition is voluntary or involuntary, or loss of lease through failure of the landlord to renew the existing lease, shall furnish the city administrator a verified statement setting forth~~

the-fact-that-the-licensee-is-unable-to-continue
in-business-prior-to-the-expiration-of-the-90
days-of-inactivity,-for-any-of-the-reasons-set
forth-herein,-and-the-administrator-may-grant-an
extension-of-the-dormancy-with-the-license
continuing-in-effect-during-the-license
period(s)-or-until-it-is-transferred-to-another
premises,-These-extensions-may-be-granted-by-the
administrator-as-he-deems-appropriate-in-the
exercise-of-his-sound-discretion-based-on-facts
and-circumstances-surrounding-each-request.--All
fees-relevant-to-the-dormant-license-shall-be
the-same-as-set-forth-herein-for-active-licenses
and-shall-be-due-and-payable-as-appropriate-for
the--renewal-of-active-licenses.--The
administrator-may-also-grant-an-extension-of-the
time-for-license-renewal-under-the-circumstances
enumerated-above-upon-filing-of-a-verified
statement-by-the-licensee-15-days-prior-to
expiration-of-his-license.

- (c) Applications approved by the city administrator and based on pending construction or development on the premises shall be null and void after 90 days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. Extensions may be granted by the administrator as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.

(d) All renewal of licenses with payment therefor must be on file with the city administrator 15 days before the expiration of the licenses for the preceding license period or the license shall be cancelled, except that the licensee may file a written, verified statement 15 days prior to expiration date of the license, setting forth the facts justifying an extension, and the Administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The above licensee shall pay the licensee fee from the expiration date of the former license of licenses. Said payment shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

4-5.02 No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the city at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the city. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The city administrator may, in his discretion, approve a license to sell after receiving from the city treasurer a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the city treasurer for taking care of

the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees which are due and payable by the licensee.

4-7.05 During the closing hours, the premises of any licensee for the sale of alcoholic beverages by the drink or package must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by ~~7-and-no-sales-shall-be-made~~ te anyone in any room of the premises during the closing hours and no parties, private or public, shall be held thereon. The said premises shall not be loaned, rented or leased to anyone during the closing hours for a party or for any other purpose.

3. The Codifier of Ordinances is hereby directed to codify the amendments enacted herein.

This Ordinance was enacted pursuant to KRS 83A.060 in that it was introduced on March 3, 1987 and given final approval on March 17, 1987 and said Ordinance shall be in full force and effect upon signature, recordation and publication in full pursuant to KRS Chapter 424.

ADOPTED: March 17, 1987
APPROVED: [Signature]
Mayor Charles A. Hardcastle
ATTESTED: [Signature]
City Clerk

SPONSORED BY: Charles W. Coates, Cty Mgr, 2-27-87, 10:00 A.M.

CERTIFIED TRUE COPY
March 19, 1987
ATTEST: [Signature]
CITY CLERK, BOWLING GREEN, KY.

4-1 GENERAL PROVISIONS.

The provisions of the state alcoholic beverage control laws contained in KRS Chapters 241, 242, 243 and 244, pertaining to licenses and regulations of the state alcoholic beverage control board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein. The provisions contained herein shall not be construed to prohibit the continuation of alcoholic beverage licenses existing under the immediately preceding alcoholic beverage control ordinance of the city, but shall apply to all renewals thereof.

4-2 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

4-2.01 The city finance director, or his investigators, shall perform the duties of the city alcoholic beverage control administrator imposed by state statutes and city ordinances as well as other such duties as may be assigned by the board of commissioners. See KRS 241.190 for functions of the city administrator.

4-2.02 The city administrator, and his investigators, shall have the full police powers of peace officers, and their jurisdiction shall be co-extensive with the boundaries of the city. They may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

4-2.03 The city administrator shall have available at all reasonable times for his inspection all books and records required to be maintained by licensees under KRS 244.150 and shall receive copies of all reports submitted by licensees to the state alcoholic beverage control board.

4-2.04 The city administrator shall have the same powers and duties with respect to suspension and revocation for cause of city

4-9.04(b) An alcohol beverage licensee is guilty of permitting nude or nearly nude activity when said licensee knows or has reasonable cause to know the premises are being used by any person to appear on the premises in such manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals, or any simulation thereof; or used by any female to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof, said licensee permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

4-9.04(c)

- A. Performing nude or nearly nude activities as set forth in Section (a) or permitting such activities as set forth in Section (b), is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes.
- B. The second violation of Section (a) or Section (b) above within a twelve month period shall constitute a Class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes.
- C. Three or more violations of Section (a) or Section (b) within a twelve month period shall constitute a Class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

4-9.04(d)

- A. In the event that a violation of Sections (a) and/or (b) of this Ordinance occurs, the city administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by this Ordinance occurred, shall have his/her or its license suspended or revoked.
- B. In the event three or more violations of Section (a) and/or (b) above occur at a business establishment within a twelve month period, the city administrator, after a hearing, shall revoke the said retail drink license or retail beer license or both.

If any provision of this Ordinance, or the application thereof, is held invalid, such invalidity shall not affect other provisions or other applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of the Ordinance are declared to be severable.

This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on January 6, 1987, and given full reading on January 20, 1987, and said Ordinance shall be in full force and effect upon signature, recordation and publication in full pursuant to KRS Chapter 424.

ADOPTED: January 20, 1987

APPROVED: [Signature]
Mayor, Chairman of Board of Commissioners

ATTEST: [Signature]
City Clerk

SPONSORED BY: Charles W. Coates, Cty. Mgr.,

CERTIFIED TRUE COPY
January 21, 1987
ATTEST: [Signature]
CITY CLERK, BOWLING GREEN, KY.

ORDINANCE NO. BG86 - 41

ORDINANCE REPEALING CHAPTER 4 OF THE CODE OF ORDINANCES AND ENACTING A NEW CHAPTER 4 RELATING TO ALCOHOL BEVERAGE LICENSES, CONTROL AND ADMINISTRATION THEREOF.

WHEREAS, there have been recent changes in state law regarding Alcohol Beverage Control, and

WHEREAS, there has been a change in personnel in the City for the administration of Alcohol Beverage Control, and

NOW, THEREFORE, in order to make more orderly, uniform and easily understood the regulations applying to alcohol beverage licenses, sales, and enforcement, the City of Bowling Green, Kentucky, by and through its Board of Commissioners acts as follows:

BE IT ORDAINED BY THE CITY OF BOWLING GREEN, KENTUCKY, as follows:

1. That the presently existing Chapter 4 of the Code of Ordinances for the City of Bowling Green, Kentucky, is hereby repealed in its entirety.

2. The following Chapter 4 is enacted in its place and to take effect simultaneously with the repeal of the old and presently existing Chapter 4 referred to above.

3. The codifier of ordinances is hereby directed to codify the ordinance enacted herein.

CHAPTER IV

ALCOHOLIC BEVERAGE CONTROL

Sections:

- | | |
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| 4-3 | LIMITATION ON NUMBER OF LICENSES; DISTANCE REQUIREMENTS |
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4-4. APPLICATION, ISSUANCE, FORM, DORMANT LICENSES
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TAINING TO ALCOHOLIC BEVERAGES FOUND AT KRS 244.010
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4-9.03(c)

4-10 PENALTIES

licenses as the state alcoholic beverage control board has with respect to state licenses under KRS 241.060. The city administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this chapter.

4-3 LIMITATION ON NUMBER OF LICENSES; DISTANCE REQUIREMENTS.

4-3.01 The number of retail package, retail drink, retail beer, wholesale beer distributors and wholesale distilled spirits distributors licenses issued in the City of Bowling Green shall not exceed the following:

- (a) One (1) retail package liquor license per four thousand (4,000) residents of Warren County, including the City of Bowling Green.
- (b) One (1) retail drink license per two thousand five hundred (2,500) residents of Warren County, including the City of Bowling Green.
- (c) One Hundred Fifty (150) retail beer licenses.
- (d) Nine (9) wholesale beer distributor licenses.
- (e) Two (2) wholesale distilled spirits distributor licenses.
- (f) The following licenses will be not included in the quota: Restaurant by the drink including restaurant wine and malt beverage, private club, or outlet of hotel or motel as defined in KRS 242.1292(5)(b).
- (g) Population for quota purposes will be determined as provided in KRS 241.065.

4-3.02 A retail package liquor license shall not be granted or issued to any licensee who proposes to sell retail package liquor at a location within one thousand (1,000) feet of a location of any similar

establishment in the City of Bowling Green. This distance shall be measured according to the provisions of KRS 241.075(3). This section shall not prohibit the renewal or reissuance to the same premises of existing licenses which may be closer in proximity than the distance herein prohibited.

4-4 APPLICATION, ISSUANCE, FORM, DORMANT LICENSES.

4-4.01 No person shall sell or dispense at retail, or have in his possession for sale, any alcoholic or malt beverages, nor manufacture or transport the same in the city unless he shall first procure and have issued to him a license under the provisions of this article and all statutes of Kentucky and regulations adopted pursuant thereto which article, statutes and regulations shall be hereinafter singularly and collectively referred to as the alcoholic beverage control law.

4-4.02 An applicant shall submit to the city alcoholic beverage control administrator an exact duplicate of his state license application form containing the information required by KRS 243.380 and 243.390, and, as part of his application, shall sign and submit a consent providing that the city administrator may inspect and search the licensed premises at any reasonable time, may confiscate articles found on the premises in violation of any ordinance or statute, and may order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by multiple violations of any ordinance or statute involving disturbance of the peace or public disorder reported to the administrator by the Chief of Police during the course of one day's operation of the premises. The temporary closure shall remain in effect until review of the alleged violations by the city administrator within 36 hours.

4-4.03 If upon review of the application, the city administrator determines that the applicant has complied with all

requirements of the Alcoholic Beverage Control Law, as well as all regulatory provisions of this article, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and 4-3.02, that a license may be issued within the quota limits fixed by the state alcoholic beverage control board, the board of commissioners and city administrator, and that there are no other causes for denial of the license, the administrator shall approve the application.

4-4.04 Upon approval of the application by the city administrator, the applicant shall pay the amount of the license fee provided in this chapter in the form of a certified check, money order or cash. Payment shall be held in deposit by the Treasury Division pending state license approval and issuance of the city license by the city administrator.

4-4.05 Each city license in the same form prescribed by KRS 243.440 for state licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each city license shall remain in the city administrator's office as part of the public record.

4-4.06 License to become void if business dormant; license renewal.

- (a) Because under the provisions of KRS and this chapter a quota system exists for the number of licenses to sell alcoholic beverages in the city, it is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after 90 days. Because a licensee, like any other business, may have his business interrupted by situations not under his control,

various exceptions to this dormancy rule are included herein.

- (b) Any license under which no business is transacted during a period of 90 days shall become null and void. At the expiration of the 90 day period the license shall be surrendered to the city administrator, except that any licensee who is unable to continue in business at the licensed premises due to construction; an act of God; casualty; death; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain, whether the acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease, shall furnish the city administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the 90 days of inactivity, for any of the reasons set forth herein, and the administrator may grant an extension of the dormancy with the license continuing in effect during the license period(s) or until it is transferred to another premises; These extensions may be granted by the administrator as he deems appropriate in the exercise of his sound discretion based on facts and circumstances surrounding each request. All fees relevant to the dormant license shall be the same as set forth herein for active licenses and shall be due

and payable as appropriate for the renewal of active licenses. The administrator may also grant an extension of the time for license renewal under the circumstances enumerated above upon filing of a verified statement by the licensee 15 days prior to expiration of his license.

- (c) Applications approved by the city administrator and based on pending construction or development on the premises shall be null and void after 90 days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. Extensions may be granted by the administrator as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.
- (d) All renewal of licenses with payment therefor must be on file with the city administrator 15 days before the expiration of the licenses for the preceding license period or the license shall be cancelled, except that the licensee may file a written, verified statement 15 days prior to expiration date of the license, setting forth the facts justifying an extension, and the Administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The above licensee shall pay the licensee fee from the expiration date of the

former license or licenses. Said payment shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

4-5 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR SUSPENSION OR REVOCATION OF LICENSE.

4-5.01 Causes for refusal to issue or renew a city license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales, or the administration thereof.

• 4-5.02 No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the city at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the city. The city administrator may, in his discretion, approve a license to sell after receiving from the city treasurer a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the city treasurer for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees which are due and payable by the licensee.

4-5.03 No retail package liquor license shall be issued for any premises unless the applicant certifies under oath that ninety (90) per cent of the total projected gross receipts from sale made at the licensed premises during the twelve (12) month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages; and, no such license shall be renewed for any premises unless ninety (90) per cent of its gross receipts from

sales for the immediate past month and the immediate past twelve (12) months have been derived from the sale of alcoholic beverages.

4-5.04 Appeals may be taken from decisions of the city administrator to the state alcoholic beverage control board according to the provisions of KRS 241.200 and 243.550.

4-6 CLASSES OF LICENSES AND FEES.

4-6.01 The city may issue those distilled spirits, wine, and malt beverage licenses which are authorized by Kentucky Revised Statutes, Kentucky Administrative Regulations, city ordinance, and/or otherwise are allowed under state law, the fees for which may not exceed two times the state license fees enumerated by statute and/or Kentucky Administrative Regulations. This section shall not be construed to authorize city special Sunday sale retail drink licenses.

4-6.02 License fees in the amounts herein provided shall be charged for each location in which any person engages in any classification of business authorized under this article, and if more than one classification of business is conducted at any location, a license shall be charged for each of the privileges exercised.

4-6.03 Applications for renewals of licenses required by this article shall be made for each fiscal year beginning the first day of July and extending through the last day of June of the succeeding year; applications for renewal are to be filed with the city alcoholic beverage control administrator fifteen (15) days prior to expiration.

4-6.04 Pro-ration of fees shall be as provided for state licenses in KRS 243.090. In the event any licensee shall cease doing business for any reasons, no refund of the city license fee shall be granted to him.

4-6.05 Assignability/transferability, pledging/hypothecation of city licenses shall be the same as provided for state licenses in KRS 243.630, 243.650 and 243.660.

4-6.06 Licenses under this article shall not authorize the conducting of business in any other place than that specifically described in the original state application and license. Any additional buildings or rooms attached to licensed premises and requiring separate service bars shall require application for and purchase of a city supplemental bar license in like manner as required by the state alcoholic beverage control board.

4-6.07 All monies derived from license fees or from fines as herein provided, shall be paid to the treasury of the city and become a part of the general funds of the city.

4-7 HOURS OF SALE.

4-7.01 Premises for which there has been granted a license for the sale at retail of distilled spirits and wine by the package shall be permitted to remain open during the hours of 8:00 a.m. to 11:00 p.m. on each day, but shall remain closed during the twenty-four (24) hours of a Sunday and at any time when the polls are open or any special election is held in the precinct in which the licensee's business is located.

4-7.02 Premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink, shall be permitted to remain open between the hours of 6:00 a.m. and 1:00 a.m. of the following weekday but shall be closed during the twenty-four (24) hours of each Sunday and at any time when the polls are open for any election in the precinct in which the license is granted; provided however, that if the license provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and iced or cooled malt beverages and said department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with this subsection.

4-7.03 Premises for which there has been granted a license for the retail sales of malt beverages (beer) shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 a.m. on each weekday, but shall be closed during the twenty-four (24) hours on a Sunday and at any time when the polls are open for an election in the precinct in which the license is granted, provided, however, that if the malt beverage licensee keeps locked up iced or cooled beer during the times that he is not permitted to remain open for business, he shall be deemed to have complied with this section, for he is not required to keep his bulk stock of malt beverages locked up as some would be prohibitive.

4-7.04 Any licensee for sales of alcoholic beverages by the drink or package who remains open for business at any time except the hours permitted under this chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this Code and his license shall be subject to revocation or suspension within the discretion of the alcoholic beverage control administrator.

4-7.05 During the closing hours, the premises of any licensee for the sale of alcoholic beverages by the drink or package must be closed to all customers and all persons except the licensee and his employees, and no sales shall be made to anyone in any room of the premises during the closing hours and no parties, private or public, shall be held thereon. The said premises shall not be loaned, rented or leased to anyone during the closing hours for a party or for any other purpose.

4-7.06 There shall be no delivery by wholesalers of alcoholic or malt beverages on Sunday.

4-7.07 The above restrictions do not apply to convention center licenses as provided under KRS 243.050(4).

4-8 ALL PROHIBITIONS, RESTRICTIONS AND REGULATIONS
PERTAINING TO ALCOHOLIC BEVERAGES FOUND AT KRS
244.010--244.600 SHALL APPLY TO ALCOHOLIC BEVERAGE USE
IN THE CITY OF BOWLING GREEN.

4-9 ADDITIONAL LOCAL REGULATIONS.

4-9.01 A premise that can demonstrate to the city alcoholic
beverage control administrator that the gross sales of the restaurant
from the sale of food for consumption on the premises is to be not less
than fifty percent (50%) of the total gross sales of the licensee
restaurant for the annual license period shall be allowed to remain open
during hours when the sale of alcoholic beverages is prohibited for the
sole purpose of providing food services to the public, provided however,
• that all stocks of alcoholic beverages shall be locked and closed off
from the public during said time period.

4-9.02 If any alcoholic or malt beverages are found on the
outside of the locked or closed-off department of any licensed premises
at any hours during which the licensee is prohibited by the state
alcoholic beverage control act or by this chapter from selling alcoholic
or malt beverages, a prima facie presumption shall arise that such
alcoholic or malt beverages were kept outside the locked or closed-off
section for the purpose of sale in violation of this chapter and the
state alcoholic beverage control act and shall be grounds for revocation
or suspension of the license; and in addition to other penalties
provided for the violation of this section, the city alcoholic beverage
control administrator is hereby authorized to confiscate such alcoholic
or malt beverages.

4-9.03 Deadly weapons on licensed premises.

(a) Any person who possesses on or who carries onto
the premises of any business licensed for the
sale of alcoholic beverages within the city, any
deadly weapon shall be considered guilty of the

crime of disorderly conduct and shall be fined not less than two hundred fifty dollars (\$250.00) and not exceeding five hundred dollars (\$500.00) or confined to jail for not more than six (6) months, or both so fined and imprisoned.

- (b) It shall be the duty of any person who holds a license to sell alcoholic beverages in Bowling Green, Kentucky, or their employees, upon having reasonable grounds to believe that a person is in violation of this section, to immediately notify the police department of the violation. Failure to do so shall constitute grounds for revocation of the license.
- (c) Subsection (1) shall not apply to a person who owns a license to sell alcoholic beverages within Bowling Green, Kentucky, or to his lessee or employees, provided they have no felony convictions.

4-10 PENALTIES.

Any person who violates any provision of this chapter for which no specific penalty is provided shall, for the first offense, be fined not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00), or be imprisoned in the county jail for not more than six (6) months or both; and for the second and each subsequent violation, shall be fined not less than two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00), or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this article is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principal officer or partner responsible for such violations may be punished by imprisonment as authorized by this section.

This ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on July 15, 1986 and given final reading on July 19, 1986 and said ordinance shall be in full force and effect upon signature, recordation and publication in full pursuant to KRS Chapter 424.

ADOPTED: July 19, 1986

APPROVED: [Signature]
Mayor, Chairman of Board of Commissioners

ATTEST: [Signature]
City Clerk

SPONSORED BY: Charles W. Coates, Cty. Mgr., July 11, 1986, 10:00 A.M.

CERTIFIED TRUE COPY
July 22, 1986
ATTEST: [Signature] CMC
CITY CLERK, BOWLING GREEN, KY.

BOWLING GREEN CITY ALCOHOLIC BEVERAGE
ADMINISTRATOR REGULATION NO. 75-1

The undersigned City Administrator of the Alcohol Beverage Control laws and ordinances of the City of Bowling Green hereby adopts the following regulation pursuant to the authority granted to him by KRS 241.190, which regulation shall not go into force and effect until approved by the Alcoholic Beverage Control Board of the Commonwealth of Kentucky, after which time a copy of same will be kept on file in the office of the undersigned City Administrator and in the office of the City Clerk of the City of Bowling, Kentucky:

BGCABA Reg. No. 75-1

Premises for which No Retail Package or Drink License may be Issued either For the Sale of Distilled Spirits, Wine, Beer or Malt Beverages:

No retail package or drink license for the sale of distilled spirits, wine, beer or malt beverages shall be issued for any premises used as, in whole or in part, or in connection with the operation of any business or enterprise in which a substantial part of its gross receipts or commercial transactions result from or consist of selling at retail gasoline, lubricating oil, drugs and pharmaceutical supplies, clothing, furniture, hardware, automobile supplies, yard and garden tools and supplies, toys, bicycles, firearms or other items generally sold at retail in general merchandise department stores and drugstores. If more than 50% of any said business or enterprises gross receipts for either the immediate past month or immediate past twelve months is from the sale of any or all of the above listed items, or if more than 50% of the commercial transactions of any said business or enterprise consists of selling any or all of the above listed items, then it will be presumed that a "substantial part" of the gross sales and the commercial transactions of said business or enterprise involve the above listed items.

The reasons for the adoption of the foregoing regulation are that the undersigned City Administrator's investigation and experience have demonstrated conclusively to him that an imminent danger is created to the motoring public if beer or any other alcoholic beverage is made readily available to persons driving motor vehicles at the same time they are having their motor vehicles serviced at gasoline stations. This

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danger of mixing gasoline and intoxicating beverages was recognized in KRS 243.230(5) which prohibits issuance of liquor and wine licenses to gasoline stations. Furthermore, the undersigned City Administrator has determined from recent applicants for beer licenses by operators of general department stores that their primary interest in obtaining a license for the sale of beer is so that they can use the discount sale of beer as a "loss leader" to draw customers to buy their other items of merchandise. Of course, the foregoing regulation would not prohibit the granting of beer licenses to grocery stores, minit marts and other premises which deal primarily in the sale of stable grocery products or bakery goods.

IN TESTIMONY HEREOF, witness the signature of the undersigned under oath on this 3 day of July, 1975.

Archie Sadler
ARLIE SADLER, BOWLING GREEN
CITY ALCOHOLIC BEVERAGE ADMINISTRATOR

SUBSCRIBED AND SWORN to before me by Arlie Sadler, Bowling Green City Alcoholic Beverage Administrator, on this 3 day of July, 1975.

Robert Christy
NOTARY PUBLIC, KY. STATE AT LARGE
My commission expires: 27 Sept 77

The foregoing regulation of the Bowling Green City Alcoholic Beverage Administrator is hereby approved pursuant to KRS 243.190 of this ___ day of July, 1975.

ALCOHOLIC BEVERAGE CONTROL BOARD
COMMONWEALTH OF KENTUCKY

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By: _____