

**ORDINANCE NUMBER 541**

**AN ORDINANCE AMENDING  
ORDINANCE NUMBER 534, TO PERMIT THE SALE OF  
ALCOHOL ON SUNDAYS AND ELECTION DAY**

Whereas the Kentucky Legislature has done away with the city population limitations on the sale of alcohol on Sundays and election days, and

Whereas, the City Council of the City of Brandenburg, Kentucky believe it would result in an economic boost for the city of Brandenburg,

Now, therefore, be it ordained by the City of Brandenburg, as follows:

Ordinance No. 534, Section VI is amended to read as follows:

Unless otherwise prohibited, no premises for which there has been granted any license for the sale of distilled spirits, wine or malt beverages, shall operate for any purpose beyond the following hours:

Monday 6:00am – Midnight  
Tuesday 6:00am – Midnight  
Wednesday 6:00am – Midnight  
Thursday 6:00am – Midnight  
Friday 6:00am – 2:00am  
Saturday 6:00am – 2:00am  
Sunday 1:00pm – Midnight

Sales of alcoholic beverages (distilled spirits, wine or malt beverages) are specifically permitted as set forth above and including election days.

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

This ordinance read for the first time on August 08, 2016, and having been read for the second time and passed on August 10, 2016.

City of Brandenburg

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Ronnie C. Joyner, Mayor

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Amy Haynes, City Clerk



**ORDINANCE NO. 548**

**AN ORDINANCE AMENDING  
ORDINANCE NO. 534, TO PERMIT THE SALE OF  
ALCOHOL UNTIL 2AM ON CERTAIN HOLIDAYS**

Whereas the Kentucky Legislature has done away with the city population limitations on the sale of alcohol on Sundays and election days, and

Whereas, the City Council of the City of Brandenburg, Kentucky believe it would result in an economic boost for the city of Brandenburg,

Now, therefore, be it ordained by the City of Brandenburg, as follows:

Ordinance No. 534, Section VI is amended to read as follows:

Unless otherwise permitted under this subsection, no premises for which there has been granted any license for the sale of distilled spirits, wine or malt beverages, shall remain open for any purpose between midnight and 6:00 a.m. Monday through Thursday and between 2:00 a.m and 6:00 a.m. on Friday and Saturday. Provided, that if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits, wine and malt beverages, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during times mentioned above, the licensee shall be deemed to have complied with this section. Sale of alcoholic beverages (distilled spirits, wine or malt beverages) are specifically permitted on Sunday and election days.

The above paragraph notwithstanding, premises for which there has been granted any license for the sale of distilled spirits, wine or malt beverages, may remain open for any purpose until 2:00 a.m. Monday morning if the preceding Sunday is New Year's Eve.

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

This ordinance read for the first time on November 13, 2017 and having been read for the second time and passed on December 13, 2017.

City of Brandenburg

Ronnie C. Joyner

Ronnie C. Joyner, Mayor

Amy M. Haynes

Amy Haynes, City Clerk

**ORDINANCE NO. 534**

**AN ORDINANCE RELATED TO THE LICENSING AND REGULATION  
OF THE SALE OF ALCOHOLIC BEVERAGES  
WITHIN THE BRANDENBURG CITY LIMITS**

WHEREAS, various Kentucky Revised Statutes allow for the regulation and licensing of the sale of alcoholic beverages within the limits of a city; and

WHEREAS, specifically, KRS 242.1244 authorizes, by petition in accordance with KRS 242.020, a city in which prohibition is in effect, to hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food if said alcoholic beverages are purchased in conjunction with a meal; and

WHEREAS, KRS 242.1244 further authorizes one local government of a jurisdiction in which such alcoholic beverage sales are authorized and permitted to adopt rules and regulations and establish fees or taxes with regards to such sales along with any other reasonable administrative regulations as may be necessary for the enforcement or administration of that statute, and the rules and regulations and taxes and fees adopted pursuant to this authority shall conform to the requirements of KRS 241.190 and KRS 242.185; and

WHEREAS, a local option election was conducted pursuant to KRS 242.1244 for the limited sale of alcoholic beverages in the City of Brandenburg, and the majority of voters voting thereon approved of such; and

WHEREAS, KRS 242.1244 and KRS 242.185 and all other applicable State laws permit the imposition of an annual license fee and a regulatory fee, which is based upon the gross receipts of each establishment's license in the City to sell alcoholic beverages; and

WHEREAS, the above statutes further provide for the establishment and collection of certain fees, fines and penalties related to the limited sale of alcoholic beverages; and

WHEREAS, the regulatory fee which is thereby authorized is to be set at a percentage rate as shall be reasonably estimated as to fully reimburse the City for the estimated costs of any additional police, regulatory and administrative expenses relating to the sale of alcoholic beverages in City; and

WHEREAS, the Brandenburg City Council estimates that the additional costs listed above which are expected to be incurred for policing and regulating the sale of alcoholic beverages within the City of Brandenburg to be in the range of eight percent (8%) of the gross sales of alcoholic beverages in the City; and

WHEREAS, the City Council also believes that it is in the best interest of the City and its residents that reasonable hours for such licensed activity need to be established; and

WHEREAS, the City Council is further desirous of creating and imposing certain and proper restrictions and regulations for obtaining, holding and exercising a license herein, including the creation of a City ABC Administrator and a description of his or her

duties and functions, as well as regulations, appeals and penalties as to all such licenses, and

WHEREAS, the Commonwealth of Kentucky has enacted statutes and regulations allowing for the issuance of a Non-Quota Type 2 License (NQ2) and said statutes provide for local governments to issue said licenses and regulate the same that are consistent with the statute; and

WHEREAS, the City of Brandenburg wishes to incorporate the current ordinances related to the sale of alcohol within the city limits into one ordinance;

NOW THEREFORE,, be it ordained by the City of Brandenburg, as follows:

### **Section 1 – Definitions:**

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

- (1) **ALCOHOL.** Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.
- (2) **ALCHOLIC BEVERAGE.** Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:
  - (a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy;
  - (b) Patented, patent, and proprietary medicines;
  - (c) Toilet, medicinal, and antiseptic preparations and solutions;
  - (d) Flavoring extracts ad syrups;
  - (e) Denatured alcohol or denatured rum;
  - (f) Vinegar and preserved sweet cider;
  - (g) Wine for sacramental purposes; and
  - (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use;
- (3)
  - (a) **“Alcohol vaporizing device”** or **“AWOL device”** means any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption;
  - (b) **“Alcohol vaporizing device”** or **“AWOL device”** does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the -counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage;
- (4) **BOTTLE.** Any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;

- (5) **BREWER.** Any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent.
- (6) **BREWERY.** Any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept;
- (7) **BUILDING CONTAINING LICENSED PREMISES.** The licensed premises themselves and includes the land, tract of land, or parking lot in which the premises are contained, and any part of any building connected by direct access or by an entrance which is under the ownership or control of the licensee by lease holdings or ownership;
- (8) **CATERER.** A corporation, partnership, or individual that operates the business of a food service professional by preparing food in a licensed and inspected commissary, transporting the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guest;
- (9) **CHARITABLE ORGANIZATION.** A nonprofit entity recognized as exempt from federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec. 501(c)) or any organization having been established and continuously operating within the Commonwealth of Kentucky for charitable purposes for three (3) years and which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, literary, civic, fraternal, or patriotic purposes;
- (10) **CIDER.** Any fermented fruit-based beverage containing more than one-tenth of one percent (0.1%) alcohol by volume and includes hard cider and perry cider;
- (11) **CITY ADMINISTRATOR.** As used in this chapter, the term "City Administrator" shall mean city alcoholic beverage control administrator;
- (12) **CONVENTION CENTER.** Any facility which, in its usual and customary business, provides seating for a minimum of one thousand customary business, provides seating for a minimum of one thousand (1,00) people and offers convention facilities and related services for seminars, training and educational purposes, trade association meetings, conventions, or civic and community events or for plays, theatrical productions, or cultural exhibitions;
- (13) **CONVICTED and CONVICTION.** A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment;
- (14) **DISTILLED SPIRITS or SPIRITS.** Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages;
- (15) **DISTILLER.** Any person who is engaged in the business of manufacturing distilled spirits at any distillery in the state and is registered in the Office of the Collector of Internal Revenue for the United States at Louisville, Kentucky;

- (16) **DISTILLERY.** Any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse;
- (17) **DISTRIBUTOR.** Any person who distributes malt beverages for the purpose of being sold at retail;
- (18) **HOTEL.** A hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- (19) **LICENSE.** Any license issued pursuant to KRS Chapters 241 to 244;
- (20) **LICENSEE.** Any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- (21) **LIMITED RESTAURANT.**  
A facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross income from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a wet or moist territory under KRS 242.1244;
- (22) **MALT BEVERAGE.** Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt;
- (23) **MANUFACTURE.** Distill, rectify, brew, bottle, and operate a winery;
- (24) **MANUFACTURER.** A winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- (25) **MINOR.** Any person who is not twenty-one (21) years of age or older;
- (26) **PREMISES.** The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. "Premises" shall not include as a single unit two (2) or more separate businesses of one (1) owner on the same lot or tract of land, in the same or in different buildings if physical and permanent separation of the premises is maintained, excluding employee access by keyed entry and emergency exists equipped with crash bars, and each has a separate public entrance accessible directly from the sidewalk or parking lot. Any licensee holding an alcoholic beverage license on July 15, 1998 shall not, by reason of this subsection, be ineligible to continue to hold his or her license or obtain a renewal, of the license;
- (27) **PRIVATE CLUB.** A nonprofit social, fraternal, military, or political organization, club or entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;
- (28) **PUBLIC NUISANCE.** A condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons;
- (29) **QUALIFIED HISTORIC SITE.** A contributing property with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served within commercial district listed in the National Register of Historic Places, or a

site that is listed as a National Historic Landmark or in the National Register of Historic Places with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served. Notwithstanding the provisions of this subsection:

- (a) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; and
  - (b) A not-for-profit or nonprofit facility listed on the National Register of Historic Places; shall be deemed a “qualified historic site” under this section;
- (30) **RECTIFIER.** Any person who rectifies, purifies, or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying, or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name;
  - (31) **REPACKAGING.** The placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;
  - (32) **RESTAURANT.** A facility where the usual and customary business is the serving of meals to consumers that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food;
  - (33) **RETAIL CONTAINER.** Any bottle, can, barrel, or other container which, without a separable intermediate container, holds alcoholic beverages and is suitable and destined for sale to a retail outlet, whether it is suitable for delivery to the consumer or not;
  - (34) **RETAIL OUTLET.** Retailer, hotel, motel, restaurant, railroad dining car, club, and any facility where alcoholic beverages are sold directly to the consumers;
  - (35) **RETAIL SALE.** Any sale where delivery is made in Kentucky to any consumers;
  - (36) **RETAILER.** Any person who sells at retail any alcoholic beverage for the sale of which a license is required;
  - (37) **SALE.** Any transfer, exchange, or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee, of any alcoholic beverage;
  - (38) **SERVICE BAR.** A bar, counter, shelving, or similar structure used for storing or stocking supplies of alcoholic beverages that is a workstation where employees prepare alcoholic beverage drinks to be delivered to customers away from the service bar. A service bar shall be located in an area where the general public, guest, or patrons are prohibited;
  - (39) **SELL.** Includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage;
  - (40) **SMALL FARM WINERY.** A winery producing wines, in an amount not to exceed fifty thousand (50,000) gallons in a calendar year;
  - (41) **SOUVENIR PACKAGE.** A special package of Kentucky straight bourbon whiskey available for retail sale at a licensed Kentucky distillery where the whiskey was produced or bottled that is available from a licensed retailer;
  - (42) **SUPPLEMENTAL BAR.** A bar, counter, shelving, or similar structure used for serving and selling distilled spirits or wine by the drink for consumption on the



- licensed premises to guests and patrons from additional locations other than the main bar. A supplemental bar shall be continuously constructed and accessible to patrons for distilled spirits or wine sales or service without physical separation by walls, doors, or similar structures;
- (43) **TERRITORY.** A county, city, district, or precinct;
  - (44) **VEHICLE.** Any device or animal used to carry, convey, transport, or otherwise move alcoholic beverages or any products, equipment, or appurtenances used to manufacture, bottle, or sell these beverages;
  - (45) **WAREHOUSE.** Any place in which alcoholic beverages are housed or stored;
  - (46) **WHOLESALE SALE.** A sale to any person for the purpose of resale;
  - (47) **WHOLESALE.** Any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet;
  - (48) **WINE.** The product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes cider, hard cider, and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It includes ciders, sherry, or sake; and
  - (49) **WINERY.** Any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.

## **Section II LICENSE REQUIRED.**

It shall be unlawful to sell or offer for sale at wholesale or at retail in the city any alcoholic beverage without having the appropriate wholesale or retail license hereinafter provided for, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and, shall not entitle the holder of the license to sell from any other premises within the city.

## **Section III APPLICATION FOR LICENSE.**

(A) Applications for licenses shall be made to the City Administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation. Such applications shall be made on forms supplied by the City Administrator and no license shall be issued until completed in full and the appropriate fee therefor has been paid.

(B) All applicants, all officers of any applicant corporation, all persons holding five percent (5%) or more of the stock in an applicant corporation or owners or partners of an applicant partnership shall each submit fingerprints and a current color photograph of themselves with all other documents as required in the application process or during any

subsequent renewal if not previously provided, or otherwise deemed necessary by the City Administrator.

(C) Any qualified applicant may submit the appropriate application for any one or more of the licenses for alcoholic beverage industry which the Department of Alcoholic Beverage Control has deemed available within the city limits of the City of Brandenburg. All such licenses are defined in KRS Chapter 243.0305 through KRS 243.355 and the City of Brandenburg hereby adopts the classification system utilized in those statutes for use within the City limits as well.

**Section IV LICENSE FEES.**

(A) The licenses authorized under this subchapter shall be divided into the following categories and the applicant shall, at the time of his application, pay to the City the appropriate fee for each license applied for:

(1) Distilled spirit licenses as set forth in KRS 243.030:

- (a) Distiller’s License, per annum:.....\$500.00
- (b) Rectifier’s License, per annum:.....\$3,000.00
- (c) Wholesaler’s Distilled Spirit and Wine License, per annum:.\$3,000.00
- (d) Quota retail package license, per annum: ..... \$500.00
- (e) Quota Retail Drink License, per annum:.....\$1,000.00
- (f) Special temporary license, per event:.....\$166.66
- (g) Nonquota Type 1 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum:.....\$2,000.00
- (h) Nonquota Type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum: .....\$800.00
- (i) Nonquota Type 2 retail drink license (includes only wine and malt beverages), per annum.....\$600.00
- (j) Nonquota Type 3 retail drink license (includes distilled spirits, wine, and malt beverages),  
annum:.....\$300.00
- (k) Distilled spirits and wine special temporary auction license, per event  
.....\$200.00
- (l) Extended Hours Supplemental License, per annum:.....\$2,000.00
- (m)Caterer’s license, per annum: .....\$200.00

(n) Bottling House or Bottling House Storage License, per annum:  
.....\$1,000.00

(2) Malt beverage licenses as set forth in KRS 243.040, follows:

(a) Brewer's license, per annum .....\$500.00

(b) Microbrewery license, per annum .....\$500.00

(c) Malt beverage distributor's license, per annum .....\$400.00

(d) Nonquota retail malt beverage package license, per annum...\$200.00

(e) Nonquota type 4 retail malt beverage drink license, per annum \$200.00

(f) Malt beverage brew-on-premises license, per annum..... \$100.00

(3) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:.....\$1,200.00

(4) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:.....\$500.00

(5) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

(6) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

(B) Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than one-half the full annual license fee.

(C) The license year shall be a twelve (12) month period commencing with the first day of the month for renewal of Meade County licenses according to the Revised Renewal Schedule promulgated by the Kentucky Alcoholic Beverage Control Board.

(D) Pursuant to KRS 242.1244 and KRS 242.185 (5), each restaurant or dining facility holding a limited restaurant license shall further pay an annual regulatory fee in the amount of eight percent (8%) of that person's or business establishment's gross receipts on the sale of alcoholic beverages in the City of Brandenburg. The fee shall be paid to the City of Brandenburg quarterly and shall be accompanied by a completed and

signed form that reports on the amount of sales of alcoholic beverages during the reported period. Copies of the forms required to be submitted to the City shall be made available by the City Clerk or the ABC Administrator of the City of Brandenburg. These returns and payments are due no later than by the end of the month immediately following the end of each calendar quarter. Licensees shall receive an annual \$800.00 credit against this regulatory fee as being the amount paid for the annual limited restaurant/dining license fee provided for herein. This regulatory license fee may be amended from time to time to correspond with any increase in the estimated costs for any additional policing, regulatory or administrative related expenses as a result of the sale of alcoholic beverages in the City of Brandenburg.

A failure to pay such quarterly regulatory fee within ten (10) days of the due date hereunder shall constitute a violation of this Ordinance and shall subject the licensee to a suspension or revocation of his or her license.

The penalty for failure to file a return and pay the quarterly tax remittance by the due date is five percent (5%) of the tax for each ninety (90) days or any fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax due; provided, however, that in no case shall the penalty be less than ten dollars (\$10.00).

Interest at the rate of eight percent (8%) per annum will also apply to any late payments, accruing from the date when such payments are first due.

Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the State ABC Board. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and any such City employees who may assist the City ABC Administrator in his or her review.

For the purpose of assisting the City ABC Administrator in enforcement of this Ordinance, every licensee required to file any reports to the State ABC Board under KRS 243.850 shall provide a copy of each such report to the City ABC Administrator. Copies of any and all other reports and other correspondences to the State ABC Board required by statute shall be furnished to the City ABC Administrator.

Any authorized State and local investigator may inspect any licensed premises, without first obtaining a search warrant.

## **Section V REASONS FOR DENIAL OF LICENSE.**

No license provided for in this chapter shall be issued to:

(A) A person who has been convicted of a felony; except if the person has had his or her civil rights restored by the authority of the governor of the state in which the adjudication was made.

(B) A person whose license under this section has been revoked for any cause;

(C) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;

(D) A partnership, unless all the members of the partnership shall be qualified to obtain such a license;

(E) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent (5%) of the stock of such corporation would not be eligible to receive a license hereunder for any such reason;

(F) A person whose place of business is to be conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee;

(G) A person who has, within five (5) years of the application date, been convicted of a violation of any federal or state law concerning the manufacture, possession, transportation or sale of alcoholic beverages, or who shall have forfeited his bond to appear in court to answer charges for any such violation;

(H) Any person, firm or corporation not eligible for a state alcoholic beverage license regulating the sale of the same alcoholic beverages for which such person proposes to acquire a city license.

#### **Section VI HOURS SALES PROHIBITED**

Unless otherwise permitted under this subsection, no premises for which there has been granted any license for the sale of distilled spirits, wine or malt beverages, shall remain open for any purpose between midnight and 6:00 a.m. Monday through Saturday. There shall be no sales on Sundays. Provided, that if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits, wine and malt beverages, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during times mentioned above, the licensee shall be deemed to have complied with this section.

#### **Section VII TERMINATION OF LICENSE.**

Each license issued hereunder shall terminate on December 31, following the issuance thereof. Should any such license be issued by the city and any required city, county, or federal approval, certification or licensing not be obtained by the applicant or should same be voluntarily or involuntarily withdrawn, removed, relinquished or suspended, then the license issued hereunder by the city shall immediately become null and void and shall be surrendered to the City Administrator. Any license fee paid shall thereupon be automatically forfeited and shall not be prorated. Following a license suspension or revocation, a new license may be applied for upon the making of a new application and the payment of a new license fee.

### **REGULATIONS CONCERNING MINORS**

#### **Section VIII Regulations Concerning Minors**

For the purpose of this Ordinance Section VIII the following definition shall apply unless the context clearly indicates or requires a different meaning.

“Premises” has the meaning it is given in Section I and 241.010, and also means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.

(A) It shall be unlawful for any person to sell alcoholic beverages to a person under twenty-one (21) years of age. Penalty, see Section XIII.

(B) No person under the age of twenty-one (21) shall sell, serve, deliver or otherwise handle alcoholic beverages while in the employ of a business or person that is licensed to sell alcohol.

(C) A person under twenty-one (21) years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(D) It shall be unlawful for any person under the age of twenty-one (21) years to possess, purchase or attempt to purchase, or engage another to purchase for him or her, directly or indirectly, any alcoholic beverages.

(E) It shall be unlawful for any person under twenty-one (21) years of age to misrepresent his or her age for the purpose of inducing any licensee, or the licensee’s agent, servant or employee, to sell or serve any alcoholic beverages to the underage person.

(F) A person under twenty-one (21) years of age shall not misrepresent his or her age for the purpose of inducing any licensee, or the licensee’s agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person.

(G) A person under twenty-one (21) years of age shall not use, or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(H) Except as provided in KRS 244.087 and 244.090, a licensee, or his or her agents, servants, or employees shall not permit any person under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises, unless:

- (a) The usual and customary business of the establishment is a hotel, motel, restaurant, convention center, convention hotel complex, racetrack, simulcast facility, golf course, private club, park, fair, church, school, athletic complex, athletic arena, theater, small farm winery, distillery or brewery or winery tour, convenience store, grocery store, drug store, or similar establishment;
- (b) All alcoholic beverage inventory is kept in a separate, locked department at all times when minors are on the premises;

- (c) Written approval had been granted by the department to allow minors on the premises until 10 p.m. where the sale of alcohol is incidental to a specific family or community event including but not limited to weddings, reunions, or festivals. The licensee's request shall be in writing and shall specifically describe the event for which approval is requested. The state director shall approve or deny the request in writing; or
- (d) The usual and customary business of the establishment is an entertainment facility where prebooked concerts are held. For the purpose of this paragraph, house bands, disc jockeys, and karaoke are not considered concerts. During the times minors are on the premises under this paragraph the licensee shall comply with all provisions of KRS 244.085 (6) (d)

(I) Excepts as provided in subsection (G) of this section, a licensee or the licensee's agent, servant, or employee shall not allow any person under the age of twenty-one (21) to remain on any premises that sells alcoholic beverages by the package unless the underage person is accompanied by a parent or guardian or the usual and customary business of the establishment is a convenience store, grocery store, drugstore, or similar establishment.

(J) Except as provided in subsection (G) of this section, a person under the age of twenty-one (21) shall not remain on any premises that sell alcoholic beverages by the package unless he or she is accompanied by a parent or guardian or the usual and customary business of the establishment is a convenience store, grocery store, drugstore, or similar establishment.

(K) A violation of subsection (A), (B), (C), (D), (E), (F) or (G) of this section shall be deemed a status offense if committed by a person under the age of eighteen (18) subject to the jurisdiction of the juvenile session of the District Court.

(L) It shall be unlawful for any person to aid or assist any person under the age of twenty-one (21) years in purchasing, or having served or delivered to the underage person, or in any way procuring directly or indirectly any alcoholic beverages.

(M) No person under the age of twenty-one (21) may redeem a gift card or any portion of a gift card for the purchase of alcoholic beverages. A person holding a license under KRS 243.030 or 243.040 may redeem a gift card for the purchase of alcoholic beverages if the person presenting the card is twenty-one (21) years of age or older.

**Section IX ENFORCEMENT BY STATE ALCOHOLIC BEVERAGE CONTROL BOARD.**

Any fine or penalty imposed under this subchapter shall be in addition to and independent of any action which may be taken by, through or on behalf of the Kentucky Alcoholic Beverage Control Board or its agents.

**Section X RETAIL PREMISES NOT TO BE DISORDERLY- ACTS  
CONSTITUTING DISORDERLY BEHAVIOR.**

(1) A retail licensee, a patron, or the licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed premises to be disorderly.

(2) Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance, or alarm, or create a risk through:

- (a) Engaging in fighting or in violent, tumultuous, or threatening behavior;
- (b) Making unreasonable noise;
- (c) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency;
- (d) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;
- (e) Creating a public nuisance;
- (f) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or
- (g) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or a local government, or by state administrative regulations, for the licensed premises.

**Section XI SIGNS AND ADVERTISING**

1. All signage shall be in compliance with any and all other existing rules, regulations, and ordinances of the City of Brandenburg and the City of Brandenburg Planning and Zoning Commission.

2. Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign per premises not over two (2) square feet that must be displayed from the inside of the window or interior of the business premises. No additional signs, banners, posters or other types of display advertising which refer either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises menus or other price cards not larger than 11" X 14" in size, setting forth the price at which the licensee offers items for sale, including alcoholic beverages, or from placing in the windows business cards not larger than two and one-half inches (2 ½") in size, setting forth the price at which it offers alcoholic beverages for sale.



3. No flashing lights shall be used to illuminate the exterior of any licensed premises.

4. A licensee is not permitted to distribute or cause to be distributed any handbills, circulars, or cards as a medium for advertising alcoholic beverages.

5. Any advertising by any licensee under this Ordinance shall be in compliance with KRS 244.130.

6. It shall be unlawful for any person holding a license under this Ordinance to sell alcoholic beverages, to give away or offer to give away anything tangible of value as a premium or a prize, or for any other purpose in connection with the sale of alcoholic beverages.

## **Section XII PERMIT APPLICATION.**

(A) Applications for such permit agreement shall be made to the City Clerk and approved by the City License Inspector.

(1) In the event that the applicant is, or is seeking to be, an establishment serving alcoholic beverages, the application for outdoor dining permit agreement must first be approved (in addition to any documentation and/or application for status as a “licensed premises” under KRS Chapter 244) by the City Alcoholic Beverage Control Administrator.

(2) Such permit agreement may be suspended or revoked, for cause, upon hearing before the City Council.

(B) Applicants shall utilize the appropriate permit agreement application and form found in Appendices A and B, as amended from time to time.

(C) Any applicant may appeal the denial of any application, or any licensee may appeal the suspension or revocation of any existing permit agreement, within thirty (30) days to the Meade Circuit Court, as provided by law.

## **Section XIII PACKAGING PROHIBITION.**

No restaurant holding a permit under this subchapter shall serve, or allow to be served, to its patrons, invitees or other persons upon the permitted area, alcoholic beverages in original manufacturers’ packaging.

## **Section XIV SERVER TRAINING IN ALCOHOL REGULATIONS (S.T.A.R. Training Requirements)**

Every business or seller of alcohol by the drink shall be required to have at least one (1) employee on the premises at all times that alcohol is being served who has received STAR training through a state approved program.

Every package liquor or malt beverage retailer shall have at least one (1) employee who has received the STAR training through a state approved program and shall be responsible for training all other employees.

#### **Section XV PENALTY.**

(A) Any person violating any provision of §§ II through VII and XIII shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense and each day in which a violation shall occur shall be deemed to constitute a separate offense. Any person or licensee violating any provision of §§II through VII twice in a 24-month period shall have, in addition to the fines involved, all alcoholic beverage licenses issued by the city revoked and all license fees paid shall thereupon be automatically forfeited and shall not be prorated.

(B) Any person who violates any provision of § VIII(A) shall be guilty of a misdemeanor and subject to a fine of \$100 and no more than \$500 in addition to court cost. The punishment provided herein shall apply not only to the holder of any alcoholic beverage licensee, but also to any employee or clerk of the licensee.

(C) Any person violating any provision of § VIII, other than VIII (A) & (J) shall be guilty of a violation and shall be fined a minimum of \$20 and a maximum of \$50 in addition to court costs.

(D) Any person who violates any provision of § VIII (J) shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100 and not more than \$500 in addition to court costs.

(E) Any owner or licensee of such establishment violating any provision of §X shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense and each day in which a violation shall occur shall be deemed to constitute a separate offense. Any person or licensee violating any provision of § X twice in a 24-month period shall have, in addition to the fines involved, all alcoholic beverage licenses issued by the city revoked and all license fees paid shall thereupon be automatically forfeited and shall not be prorated.

#### **Section XVII MISCELLANEOUS**

(A) This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

(B) If any section, subsection, sentence, or portion of this ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(C) All ordinances or portions thereof in conflict herewith are hereby amended to the extent of such conflict.

This ordinance read for the first time on December 14, 2015, and having been read for the second time and passed on January 22, 2016.

City of Brandenburg

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Ronnie C. Joyner, Mayor

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Molly Janes, City Clerk

1<sup>st</sup> Reading December 14, 2015

2<sup>nd</sup> Reading January 22, 2016

Published January 20, 2016

CITY OF BRANDENBURG, KENTUCKY  
ORDINANCE NO 506

AN ORDINANCE OF THE CITY OF BRANDENBURG, KENTUCKY RELATED TO THE LICENSING, REGULATING AND TAXING OF RESTAURANTS AND DINING FACILITIES FOR THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK WHEN SUCH FACILITIES SEAT A MINIMUM OF FIFTY (50) PERSONS AND DERIVE A MINIMUM OF SEVENTY PERCENT (70%) OF GROSS RECEIPTS FROM THE SALE OF FOOD.

WHEREAS, KRS 242.1244 authorizes, by petition in accordance with KRS 242.020, a city in which prohibition is in effect, to hold a local option election on the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat a minimum of fifty (50) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food if said alcoholic beverages are purchased in conjunction with a meal; and

WHEREAS, KRS 242.1244 further authorizes one local government of a jurisdiction in which such alcoholic beverage sales are authorized and permitted to adopt rules and regulations and establish fees or taxes with regards to such sales along with any other reasonable administrative regulations as may be necessary for the enforcement or administration of that statute, and the rules and regulations and taxes and fees adopted pursuant to this authority shall conform to the requirements of KRS 241.190 and KRS 242.185; and

WHEREAS, a local option election was conducted pursuant to KRS 242.1244 for the limited sale of alcoholic beverages in the City of Brandenburg, and the majority of voters voting thereon approved of such; and

WHEREAS, KRS 242.1244 and KRS 242.185 and all other applicable State laws permit the imposition of an annual license fee and a regulatory fee,

ALCOHOL BEVERAGE CONTROL

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which is based upon the gross receipts of each establishment's license in the City to sell alcoholic beverages; and

WHEREAS, the above statutes further provide for the establishment and collection of certain fees, fines and penalties related to the limited sale of alcoholic beverages; and

WHEREAS, the regulatory fee which is thereby authorized is to be set at a percentage rate as shall be reasonably estimated as to fully reimburse the City for the estimated costs of any additional police, regulatory and administrative expenses relating to the sale of alcoholic beverages in City; and

WHEREAS, the Brandenburg City Council estimates that the additional costs listed above which are expected to be incurred for policing and regulating the sale of alcoholic beverages within the City of Brandenburg to be in the range of eight percent (8%) of the gross sales of alcoholic beverages in the City; and

WHEREAS, the City Council also believes that it is in the best interest of the City and its residents that reasonable hours for such licensed activity need to be established; and

WHEREAS, the City Council is further desirous of creating and imposing certain and proper restrictions and regulations for obtaining, holding and exercising a license herein, including the creation of a City ABC Administrator and a description of his or her duties and functions, as well as regulations, appeals and penalties as to all such licenses.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE CITY OF BRANDENBURG, KENTUCKY, as follows:

## SECTION I

### -General Purpose; Definitions

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing, taxing and regulation of alcoholic beverage sales pursuant to KRS 242.1244, and all other applicable laws, for any restaurant or dining facility which seats a minimum of fifty (50) persons and which derives a minimum of seventy percent (70%) of its gross receipts from the sale of food. Such beverages, however, can only be purchased and sold in conjunction with a meal. To realize this intent, the City of Brandenburg shall implement this Ordinance in such a manner as to assure that:

- (1) Restaurants and dining facilities licensed and regulated under this Ordinance shall seat a minimum of fifty (50) persons. Only permanent seating, excluding bar type stools, patio seating or temporary chairs or seats available as needed, satisfies this seating threshold. Said seating must also comply with all fire and safety capacity ratings and regulations
- (2) The sale of alcoholic beverages shall be in conjunction with the sale of a meal, and shall be offered only during times in which the licensee's kitchen and food services are on duty and the licensee's kitchen is serving food.
- (3) Restaurants and dining facilities licensed under this Ordinance shall derive a minimum of seventy percent (70%) of their gross receipts from the sale

of food as certified by periodic documentation provided by the licensee to the City.

Definitions:

The definitions of the words used throughout this Ordinance, unless the context requires otherwise, shall have the same meaning as those definitions set out in the Kentucky Alcoholic Beverage Control Law (KRS Chapters 241, 242, 243, and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

SECTION II

-Licenses

Scope

This Ordinance shall only apply to the sale of malt beverages, wine and distilled spirits on the premises of the licensee. Nothing in this Ordinance shall excuse or relieve the licensee, or the agent or any employee of any licensee thereto, from the restrictions, requirements and penalties of any other ordinance or ordinances of the City or of any statutes of the Commonwealth of Kentucky relating to violations pertaining to the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, all of which are adopted herein and incorporated by reference hereto so far as applicable to this Ordinance, except as otherwise lawfully provided herein.

Specifically, each restaurant or dining facility obtaining a license hereunder shall be referred to herein as a "licensee." All such businesses must

qualify under and be compliant with the provisions of KRS 242.1244, and the licensees may be regulated and taxed in accordance with KRS 242.185 (4) and (5).

### SECTION III

#### -Application/License

1. All applicants for an alcoholic beverage license pursuant to this Ordinance must submit the appropriate application for the issuance of a State license as provided in KRS 243.380 and all other applicable State laws.

2. Pursuant to KRS 243.370 and all other applicable State laws, an applicant for an alcoholic beverage license hereunder must first have the required State license application approved by the City ABC Administrator before the applicant is eligible to apply for a State license. An applicant for a license under this Ordinance shall file with the City ABC Administrator a copy of the State license application as required by the State, along with the required City license application. Upon approval of the City and State applications by the City ABC Administrator, the State application shall be submitted to the appropriate State agency for consideration.

3. The City ABC Administrator (see below) shall prepare an application which is no less restrictive than the requirements imposed by the State of Kentucky, which shall be presented to a proposed licensee. It shall be fully and accurately completed by the licensee. Failure to fully and accurately complete such application shall be grounds for a revocation or denial of a license.



4. Before an application shall be considered, the applicant must publish a notice of intent to apply for an alcohol beverage license in a newspaper meeting the requirements of KRS Chapter 424, including as follows:

(a) The advertisement shall state the names and addresses of the members of the partnership, if the applicant is a partnership, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal officers and directors of the corporation, as well as the names and addresses of the corporation itself, the location of the premises for which the license is sought and the type of license for which application is made.

(b) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

5. All licenses granted under this Ordinance shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the terms provided by the State ABC Board and the City of Brandenburg, as amended and supplemented from time to time.

6. The application shall be verified and properly subscribed and sworn before a notary public and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as is required by the

Kentucky Revised Statutes, the State ABC Board and the City of Brandenburg, including as follows:

- a. Name and address of premises;
- b. Nature of interest;
- c. Whether or not a citizen of the United States;
- d. Date of birth;
- e. Date residence was established in Kentucky, if a resident of Kentucky.  
If a City of Brandenburg resident, indicate when the residence was established.
- f. Whether or not he or she has any interest in any other license or in a corporation or partnership holding a license under this Ordinance;
- g. Extent of stock ownership;
- h. Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

Each application shall be accompanied by check or cash for the license fee.

7. All applicants shall provide to the City a Kentucky police record/criminal background check from the Kentucky Administrative Office of the Courts (KAOC).

8. All City licenses shall be in such form as may be prescribed by the City Council, and shall contain:

- a. The name and address of the licensee;
- b. The number of the license;
- c. The type of license;

- d. A description by street and number, or otherwise, of the licensed premises;
- e. The name and address of the owner of the building in which the licensed premises is located;
- f. The expiration date of the license;
- g. A statement in substance that the license shall not be considered a property or vested right and that it may be revoked or suspended at any time pursuant to law.

9. All licenses approved by the City ABC Administrator and issued by the City of Brandenburg shall begin on July 1 of any year and shall expire at midnight on the last day of June of the following year.

10. The renewal by the City ABC Administrator of a license shall not be construed to be a waiver or an acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent administrative proceedings by the City against the licensee.

11. Any licenses issued after December 31 of any year shall be assessed a fee which is based on the prorated portion of the remainder of the license period. However, the cost of any license shall not be less than one for a period of six (6) months.

12. In the event a violation of this Ordinance occurs that requires the revocation or suspension of the license of the licensee, the City shall not be required to refund any portion of the license fee to a licensee.

#### SECTION IV

##### -Lost or Destroyed Licenses

When a license shall be lost or destroyed without any fault on the part of the licensee or his or her agent or employee, a duplicate in lieu of the principal license shall be issued by the City ABC Administrator after he or she is satisfied as to the facts of such lost or destruction of the license; provided, however, that the person applying for said duplicate license shall pay to the City a fee of ten dollars (\$10.00) for issuing said duplicate license.

#### SECTION V

##### -Licensing and Regulatory Fees

###### 1. Annual License Fee:

Pursuant to KRS 243.070(19)(d), the annual City license fee for the limited sale of wine, distilled spirits, and/or malt beverages permitted by the limited restaurant and dining facility license provided for hereunder shall be \$800.00. This fee may be amended from time to time and increased when the applicable State statute allows for such an increase.

###### Refund of License Fee

Should any licensee under this Ordinance be prohibited from conducting said business for the full period covered by the license because of any changes that may hereafter be made in the laws of the State of Kentucky with reference to alcoholic beverages or because of any other causes outside the licensee's control, the City shall refund to it the proportionate part of the license fee for the period of time during which it is prevented from carrying on said business if the

licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not due to the fault of the licensee or the result of a revocation, suspension or other wrongdoing by the licensee, or an agent or employee of the licensee.

2. Annual Regulatory Fee:

a. Pursuant to KRS 242.1244 and KRS 242.185 (5), each restaurant or dining facility shall further pay an annual regulatory fee in the amount of eight percent (8%) of that person's or business establishment's gross receipts on the sale of alcoholic beverages in the City of Brandenburg. The fee shall be paid to the City of Brandenburg quarterly and shall be accompanied by a completed and signed form that reports on the amount of sales of alcoholic beverages during the reported period. Copies of the forms required to be submitted to the City shall be made available by the City Clerk or the ABC Administrator of the City of Brandenburg. These returns and payments are due no later than by the end of the month immediately following the end of each calendar quarter. Licensees shall receive an annual \$800.00 credit against this regulatory fee as being the amount paid for the annual limited restaurant/dining license fee provided for herein. This regulatory license fee may be amended from time to time to correspond with any increase in the estimated costs for any additional policing, regulatory or administrative related expenses as a result of the sale of alcoholic beverages in the City of Brandenburg.

b. A failure to pay such quarterly regulatory fee within ten (10) days of the due date hereunder shall constitute a violation of this Ordinance and shall subject the licensee to a suspension or revocation of his or her license.

c. The penalty for failure to file a return and pay the quarterly tax remittance by the due date is five percent (5%) of the tax for each ninety (90) days or any fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax due; provided, however, that in no case shall the penalty be less than ten dollars (\$10.00).

d. Interest at the rate of eight percent (8%) per annum will also apply to any late payments, accruing from the date when such payments are first due.

#### SECTION VI

##### -Days and Hours for Sale

1. The licensee shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by the drink and conduct the activities licensed hereunder during the following days and hours: Monday through Saturday, between the hours of 11:00 a.m. and 12:00 a.m., midnight.

2. Pursuant to KRS 244.290(3), no licensee herein shall sell, give away, or deliver any distilled spirits, wine and/or malt beverages between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday. Pursuant to KRS 244.290(3), a licensee for which there has been granted a license for the sale of distilled spirits or wine pursuant to this Ordinance shall not remain open for any purposes between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless the licensee provides a separate locked

department in which all stocks of distilled spirits and wine are kept during those times.

3. Unless otherwise allowed by Kentucky law, the licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the election polls are open on any regular election, primary election or special election day.

4. During the closing hours, the premises of any licensee for the sale of alcoholic beverages by the drink shall be closed to and vacant of all customers and all persons except the licensee and its 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 closing hours, including employees, and no parties, private or public, shall be conducted on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purpose.

## SECTION VII

### Mandatory Responsible Beverage Service Training

1. Pursuant to KRS 244.090(1)(c), all licensees, employees or persons involved in the selling (including, but not limited to, taking orders, taking payment, and acting as a cashier) and serving of alcoholic beverages shall be at least twenty (20) years of age. "Selling" in the previous sentence includes, but is not limited to, taking orders, taking payment, and acting as a cashier. They must all participate in and complete a City-approved responsible beverage service training program approved by the ABC Administrator of the City of Brandenburg.

Before approval of the program, the Administrator shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol and/or drug intoxication. The City will not require enrollment in any particular classes, but only that the training be obtained from a recognized training program meeting the goals expressed in this Ordinance.

2. The training person or agency must reasonably instruct upon and certify the participants' competence in at least the following:

- a. Pertinent Federal, State and Local laws related to the sale of alcohol;
- b. Verification of age, forms of identification and usual methods of false or misleading age identification;
- c. The effect of alcohol on humans and the physiology of alcohol intoxication, including the effect of alcohol on pregnant women, their fetuses and other situations involving the use of alcohol by persons vulnerable to its effects; and
- d. Recognition of the signs of intoxication.

3. All persons required to complete training under paragraph 1 above shall complete that training within ninety (90) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the City not less than once every three (3) years thereafter.



4. The manager of the restaurant or dining facility shall be responsible for compliance with the training requirements of this Ordinance and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the pertinent training information of the employee.

5. Each restaurant or dining facility licensed by this Ordinance shall at all times that alcoholic beverages are being served have at least one (1) person currently certified in responsible beverage service training, as required in paragraphs 1 and 2 above, on duty.

6. A person under the age of twenty (20) years may not take an order for, serve, sell, nor take payment for an alcoholic beverage.

#### SECTION VIII

##### -Books, Records and Reports

1. Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the State ABC Board. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and any such City employees who may assist the City ABC Administrator in his or her review.

2. For the purpose of assisting the City ABC Administrator in enforcement of this Ordinance, every licensee required to file any reports to the State ABC Board under KRS 243.850 shall provide a copy of each such report to the City ABC Administrator. Copies of any and all other reports and other

correspondences to the State ABC Board required by statute shall be furnished to the City ABC Administrator.

3. Any authorized State and local investigator may inspect any licensed premises, without first obtaining a search warrant.

## SECTION IX

### -Signs and Advertising

1. All signage shall be in compliance with any and all other existing rules, regulations, and ordinances of the City of Brandenburg and the City of Brandenburg Planning and Zoning Commission.

2. Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign per premises not over two (2) square feet that must be displayed from the inside of the window or interior of the business premises. No additional signs, banners, posters or other types of display advertising which refer either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises menus or other price cards not larger than 11" X 14" in size, setting forth the price at which the licensee offers items for sale, including alcoholic beverages, or from placing in the windows business cards not larger than two and one-half inches (2 ½") in size, setting forth the price at which it offers alcoholic beverages for sale.

3. No flashing lights shall be used to illuminate the exterior of any licensed premises.

4. A licensee is not permitted to distribute or cause to be distributed any handbills, circulars, or cards as a medium for advertising alcoholic beverages.

5. Any advertising by any licensee under this Ordinance shall be in compliance with KRS 244.130.

6. It shall be unlawful for any person holding a license under this Ordinance to sell alcoholic beverages, to give away or offer to give away anything tangible of value as a premium or a prize, or for any other purpose in connection with the sale of alcoholic beverages.

#### SECTION X

##### -Minors and Intoxicated Persons

A licensee shall not permit any person less than twenty-one (21) years of age to purchase or possess alcoholic beverages under any circumstances, nor shall a licensee permit a person to become intoxicated on the licensed premises, nor permit any intoxicated person to be served alcoholic beverages, nor allow an intoxicated person to remain on the premises. It shall be the duty of every licensee to display at all times in a prominent place a printed card or sign not smaller than 12" X 16" in 30 point or larger type which shall read substantially as follows:

WARNING TO MINORS: ANY PERSON UNDER THE AGE OF TWENTY-ONE (21) YEARS IS SUBJECT TO A FINE OF UP TO ONE HUNDRED DOLLARS (\$100.00) IF THEY:

1. Enter a licensed premises to buy, or have served to them, alcoholic beverages;
2. Possess, purchase, attempt to buy or get another to purchase, or have served to them, alcoholic beverages;
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

SECTION XI

-A Disorderly Licensed Premises is Prohibited

1. No person licensed to sell alcoholic beverages shall cause, suffer or permit the licensed premises to be or become disorderly.

2. Acts, which constitute a disorderly premises, consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk to others through:

- a. Engaging in fighting or in violent, tumultuous or threatening behavior; or
- b. Making unreasonable noise; or
- c. Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or

- d. Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose; or
- e. Conducting promotional efforts that are not customary or usual for a restaurant operation or dining facility (e.g. wet t-shirt contest, mud-wrestling contest, shorty-shorts contest, etc.).

## SECTION XII

### -City Alcoholic Beverage Control Administrator

1. The Mayor shall appoint, with approval from the city council, the Brandenburg Alcoholic Beverage Control Administrator ("City ABC Administrator") and any additional personnel who may assist him/her. The salary, if any, for the Office of City ABC Administrator and personnel shall be fixed by the Mayor and approved by the city council.

2. The City ABC Administrator shall have the power and authority to promulgate such regulations as may be necessary to implement this Ordinance, pursuant to KRS 241.190 and KRS 241.060.

3. The functions of the City ABC Administrator shall be the same with respect to the City's alcoholic beverages licenses and regulations as the functions of the Kentucky Alcoholic Beverage Control Board (the "State ABC Board") with respect to State alcoholic beverages licenses and regulations, as provided in KRS 241.190; except that no regulations of or amendments to these regulations proposed by the City ABC Administrator may be less stringent than the statutes relating to Alcoholic Beverage Control, or than the regulations of the

State ABC Board. Regulations of the City ABC Administrator shall only become effective upon the appropriate approval of such by the Brandenburg City Council.

4. The City ABC Administrator shall have all the authority as authorized under KRS Chapters 241 through 244.

5. No person shall be a City ABC Administrator, an Investigator, or an employee of the City under the supervision of the City ABC Administrator, who would be disqualified to be a member of the State ABC Board under KRS 241.100.

6. The City ABC Administrator shall have the same powers and duties with respect to suspension and revocation for cause of alcohol licenses issued by the City as the State ABC Board has with respect to alcohol licenses issued by the State under KRS 241.060.

7. The City ABC Administrator, his or her subordinates, and/or the City of Brandenburg law enforcement officers, by this Ordinance shall have available at all reasonable times for their inspection, all books and records required to be maintained by licensees pursuant to KRS 244.150, and all other applicable State laws and regulations. Further, the City ABC Administrator shall simultaneously receive copies of all reports by licensees to the State Alcoholic Beverage Control Board.

8. The City ABC Administrator, before entering upon his or her duties as such, shall take the oath prescribed in Section 228 of the Kentucky Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than One Thousand Dollars (\$1,000.00).

9. The City ABC Administrator may require any City employee under his or her supervision to execute a bond similar to the Administrator's in such a penal sum as the City ABC Administrator deems necessary.

10. The cost of the bonds provided for in paragraphs 8 and 9 of this section shall be borne by the City, in accordance with KRS 241.180.

11. Should the City ABC Administrator at anytime have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he or she shall have the authority to require such person to appear at the City of Brandenburg Police Department for the purpose of having his or her fingerprints taken.

12. Appeals from any order of the City ABC Administrator may be taken to the State Alcoholic Beverage Control Board by filing with the Board, within thirty (30) days, a certified copy of the orders of the City ABC Administrator from which the appeal is taken. Such matters at issue shall be heard by the Board as upon an original proceeding and the appeal shall be governed in accordance with KRS 241.200, KRS 243.550 and all other applicable State laws. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

### SECTION XIII

#### -Refusal, Revocation or Suspension of License

1. Any license may be refused, revoked or suspended by the City ABC Administrator if the licensee shall have violated any of the provisions of Kentucky Revised Statutes Chapters 241, 243 or 244, or any rule or regulation of the State

ABC Board, or of the Department of Revenue relating to the regulation of the manufacture, sale, transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale, transportation or taxation of intoxicating liquors, or of any rules or regulations of the City heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241, 243 and 244 to be created, referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his or her instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator, in the exercise of his or her sound discretion, deems sufficient.

2. A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known by him or her.

3. In addition to the above, the violation of any City Ordinance concerning alcoholic beverage licensing, sales or the administration thereof shall also be grounds for a refusal to issue or renew a license or suspension or revocation of a license.

4. No license for the sale or trafficking of alcoholic beverages shall be granted or renewed as to any person or entity that is delinquent in the payment of any taxes or fees due to the City at the time of their application for a license; nor shall any license be granted or renewed to sell alcoholic beverages upon any



premises or property owned and/or occupied by any licensee from which there is due to the City any delinquent taxes or fees.

5. If a licensee becomes delinquent in the payment of any taxes due to the City at anytime during a license period, his or her license to sell any alcoholic beverages shall be subject to revocation or suspension.

6. The City ABC Administrator may, in his or her discretion, approve a license to sell alcoholic beverages after receiving from the City Clerk a written statement to the effect that the applicant for a license has paid or made satisfactory arrangements with the City Clerk to pay any indebtedness owed to the City for any unpaid and delinquent taxes or fees.

7. Any license may also be refused, revoked or suspended for the following reasons:

- a. Conviction of the licensee or his or her agent or employee for selling any illegal beverages on the premises licensed.
- b. Making any false, material statement in an application for a license.
- c. If any licensee or if any of his or her clerks, servants, agents or employees of the licensee shall have been convicted of any felony offense or convicted twice of any misdemeanor offense which is directly or indirectly attributable or related to the manufacture, sale or transportation of alcoholic beverages.
- d. Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or

under the provisions of any State statutes, this Ordinance or any acts of Congress relative to taxation, or for a violation of any rules or regulations of the Kentucky Department of Revenue made in pursuance thereof.

e. Setting up, conducting, operating, or keeping on the licensed premises, any gambling game, device, machine, or contrivance, or lottery or gift enterprise, or any handbook or facility for betting or transmitting bets on horse races, or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

8. Within three (3) days after any order of revocation of a license becomes final, notice of the revocation shall be given to the licensee and to the owner of the licensed premises by the City. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this provision. The licensee shall at once surrender his and her license to the City ABC Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of the Police, at the request of the City ABC Administrator, shall immediately cause one of his or her officers to take physical possession of the license and return it to the City ABC Administrator.

9. When a license has been revoked, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his or her stock of alcoholic beverages to an appropriate entity.

10. If a license is suspended or revoked by an order of the City ABC Administrator, the licensee shall at once suspend all operations authorized under his or her license.

11. An appeal may be taken from any decision by the City ABC Administrator under this section to the State Alcoholic Beverage Control Board, pursuant to the provisions of KRS 241.200 and 243.550, and all other applicable State laws.

#### SECTION XIV

##### -Transfer or Assignment of License

No license issued under this Ordinance shall be transferred or assigned either as to the licensee or to the location, except with prior approval of the City ABC Administrator and a payment of a One Hundred Dollar (\$100.00) fee made payable to the City of Brandenburg.

#### SECTION XV

##### -Approval or Denial of an Application or Renewal of a License

1. If upon review of a license application under this Ordinance, the City ABC Administrator determines that the applicant has complied with all the requirements and regulatory provisions of this Ordinance and of the applicable State law, that the premises sought to be licensed meets all the requirements of this Ordinance and applicable State law, and that there are no causes for denial

of a license, the City ABC Administrator shall approve of the application and issue a license for the applicant.

2. The City ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until said applicant and his or her business premises shall have been approved by the Planning and Zoning Commission of the City, and any and all other inspections required by the Kentucky Building Code.

3. If the City ABC Administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, the Administrator may issue to the applicant a written order setting forth such violations and requiring the applicant to show cause why the requested license should be issued. The City ABC Administrator shall have the right to order, and the applicant shall have the right to request, an evidentiary hearing to examine any violation set forth in the show cause order issued by the City ABC Administrator. Any such evidentiary hearing requested or ordered shall be presided over by the City ABC Administrator who, upon conclusion of the evidentiary hearing, shall issue a final order addressing each alleged violation. Any decision by the City ABC Administrator on the application shall be subject to appeal as provided under this section and applicable State law.

4. Upon the issuance of a State license, the requested City license shall be issued, subject to the provisions of this Ordinance and the State laws concerning renewal, revocation and/or suspension of alcohol licenses.

5. Each City license issued under this Ordinance shall be posted at the licensed premises in the same manner as prescribed by KRS 243.620 for State licenses. An exact duplicate or facsimile of each City license issued under this Ordinance shall remain in the City Clerk's Office as part of the official public record.

6. Any appeals from any decision of the City ABC Administrator under this section shall be made to the State ABC Board.

#### SECTION XVI

##### -Review of License

Applicants to whom a license is issued authorizing the sale of alcoholic beverages by the drink pursuant to this Ordinance shall provide periodic information demonstrating compliance with the continuing requirement that seventy percent (70%) of the applicants's business income be earned from the sales of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. In the event the 70% food requirement is not met during any particular quarter, the City ABC Administrator shall have the discretion in determining whether revocation of the licensee's license is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the City ABC Administrator may apply an additional accounting period of at least one (1) year for the licensee in determining whether or not the 70% minimum food sales requirement has been met by the licensee.

## SECTION XVII

### -Change of Information

1. Since some alcohol licenses issued by the City may be in the name of a corporation, it is necessary that stock ownership changes in such corporation be reported to the City ABC Administrator. The City ABC Administrator can thereby investigate the person or entity to whom the stock is transferred in order to ascertain whether that person or entity is precluded by State statute or this Ordinance from holding an interest in an alcoholic beverage license.

2. As used herein, the word "change" is construed to include any change in directors or officers of the corporation, or change in ownership of stock whereby any person secures ten percent (10%) of the outstanding stock. Transfer of more than ten percent (10%) of the total stock of a corporation shall require a new license from the City for the licensee.

3. The following information will be required concerning any new director, officer or person securing any interest in any alcoholic beverage license in the City:

- a. Name and address;
- b. Nature of interest;
- c. Whether or not a citizen of the United States;
- d. Date of birth;
- e. Date that residence was established in Kentucky, if a resident of Kentucky. If a City of Brandenburg resident, indicate when residency was established.

- f. Whether or not he or she has any interest in any other license or in any corporation or partnership holding a license under this Ordinance;
- g. Extent of stock ownership;
- h. Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

This information shall be filed with the ABC Administrator as an amendment to the applicant's application pursuant to which the license under this Ordinance was granted.

### SECTION XVIII

#### -Term of License

1. All licenses issued under this Ordinance shall be valid for a period of not more than one (1) year. All licenses shall expire on June 30 of each year.
2. 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 of such dormancy.
3. Any license under which no business is transacted during a period of at least ninety (90) days shall become null and void. At the expiration of the ninety (90) day period, the license shall be surrendered by the licensee to the City ABC Administrator.
4. Paragraphs 2 and 3 shall not apply to any licensee whom is unable to continue in business at the premises for which a license has been issued due to forces, acts, circumstances or situations beyond his or her control, such as acts of nature (e.g., tornadoes, deaths, floods, fires) and acts of people (e.g., riots,

strikes, wars, governmental actions). Such licensee shall furnish to the City ABC Administrator, a verified statement setting forth the facts why the licensee is unable to continue in business at the licensed premises prior to the expiration of the ninety (90) days of inactivity, and the City ABC Administrator may grant an extension of the dormancy period with the license continuing to remain in effect during the license period or until the same is transferred to another premises, notwithstanding the fact that no business is being conducted during said period. However, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months from the beginning date of the dormancy period. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate, in the exercise of his or her sound discretion.

4. Any renewal license must be on file with the City ABC Administrator within thirty (30) days prior to the expiration of the license for the preceding license period or the license shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period prior to the unforeseen and unusual circumstances with which the licensee had encountered making it impossible or impracticable to perform normal business activities. Said licensee suffering any such circumstances shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts and circumstances and the City ABC Administrator is hereby authorized to extend the time for the filing of a renewal of such license for a reasonable length of time,



within the sound discretion of the City ABC Administrator, provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said licensee fee shall not be payable until application is made for the transfer of said license to a new location.

### SECTION XIX

#### -Conditions, Prohibitions and Restrictions

1. Alcoholic beverages under this Ordinance shall be sold incidental to the sale of a meal. Restaurants and dining facilities under this Ordinance shall not have an open bar and are specifically prohibited from selling alcoholic beverages to any person who has not purchased or who does not purchase a meal. Alcoholic beverages shall be deemed to have been purchased in conjunction with a meal if the alcoholic beverages are served after the meal is ordered and no more than one half (1/2) an hour after the meal is complete.

2. No gambling or games of chance, unless otherwise authorized by the Commonwealth of Kentucky, shall be permitted in any form on such licensed premises. Dice, slot machines or any device of chance are prohibited and shall not be kept on such premises.

3. It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police message broadcasts from any law enforcement agency. In addition to other penalties provided for the violation of this Ordinance, the Chief of Police or the City ABC Administrator shall have the authority to confiscate any and all such radio receiving devices or apparatuses.

4. The licensee shall be responsible for maintaining security on his or her premises, including providing adequate outside lighting to permit customers to utilize the parking area and to promote the health, safety and welfare of the general public utilizing the licensed premises.

5. The licensee, shall not sell or dispense alcoholic beverages to any person who is under 21 years of age.

6. The licensee, before commencing any business for which a license has been issued, shall post and display the business license at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license at a premises other than the licensed premises or upon a premises where the traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

7. The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language so applied by the Cabinet for Health and Family Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

8. Any off the premises signage advertising the sale of alcoholic beverages is prohibited.

9. No licensee shall knowingly employ in connection with his or her business any person who:

- a. Per KRS 244.090(1)(a), has been convicted of any felony offense within the preceding two (2) years;
- b. Has been twice convicted of any misdemeanor or other offense directly or indirectly related to the use of alcoholic beverages within the last two (2) years;
- c. Is under the age of twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under State statute;
- d. Within two (2) years prior to the date of his or her employment has had any City license under this Ordinance revoked for cause.

10. Violation of this subsection shall subject both the employer and the employee to penalties provided for in this Ordinance and shall be cause for a revocation or suspension of a license issued hereunder.

#### SECTION XX

##### -Investigation and Enforcement of Licenses and of the Premises

1. The City ABC Administrator, and any investigator acting under the authority of the City ABC Administrator, shall have the full police powers of peace officers within the boundaries of the City of Brandenburg as it relates to the enforcement of this Ordinance. They, along with any authorized law enforcement

officer, may inspect any premises where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked without first obtaining a search warrant.

2. City police officers and the City ABC Administrator are authorized to enforce this Ordinance with regards to any alleged violations.

## SECTION XXI

### -Penalties

1. Any person, firm or corporation who violates any of the provisions of this Ordinance for which no other criminal penalty is hereby provided, shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or imprisoned for not more than six (6) months, or both.

2. For a second and each subsequent violation, he/she or it is subject to a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or imprisoned for not less than six (6) months, nor more than twelve (12) months, or both.

3. In addition to any other penalty provided for herein or as provided for under any other applicable federal, state or local law or regulation, any licensee violating any provision of this Ordinance shall be subject to a suspension or revocation of any and all licenses issued under this Ordinance.

4. In addition to any other penalties provided for herein, the City ABC Administrator may assess a civil fine of not more than Five Hundred Dollars (\$500.00) for any violation of this Ordinance.

5. Any person or business establishment failing to timely pay the regulatory license fee enacted by this Ordinance shall be liable to the City of Brandenburg in the amount of said fee, plus interest and a penalty of ten percent (10%) of the unpaid amount.

SECTION XXII

-Implementation of Ordinance

From time to time the City of Brandenburg may, by resolution or executive order, promulgate such rules and regulations and may publish and utilize such forms and other documents as in its discretion may be necessary for the proper implementation of this Ordinance.

SECTION XXIII

-Effective Date

Prohibition is lifted for the limited purpose hereinabove described effective August 20, 2012, and upon passage, approval and publication of this Ordinance as required by law.

Introduced, seconded and given first reading on August 13, 2012.

Read, passed, and enacted on the second reading on August 20, 2012.

\_\_\_\_\_  
DAVID W. PACE, MAYOR

ATTEST:

Prepared by:

\_\_\_\_\_  
Molly Janes,  
CITY CLERK

\_\_\_\_\_  
Darren Sipes, City Attorney

5. Any person or business establishment failing to timely pay the regulatory license fee enacted by this Ordinance shall be liable to the City of Brandenburg in the amount of said fee, plus interest and a penalty of ten percent (10%) of the unpaid amount.

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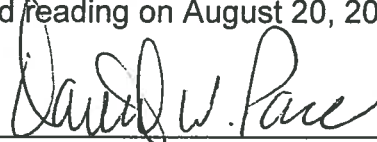
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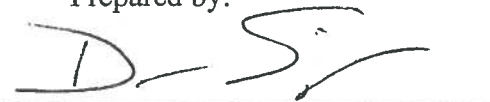


\_\_\_\_\_  
DAVID W. PACE, MAYOR

ATTEST:

  
\_\_\_\_\_  
Molly Janes,  
CITY CLERK

Prepared by:

  
\_\_\_\_\_  
Darren Sipes, City Attorney

ALCOHOL  
BEVERAGE CONTROL

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3. Unless otherwise allowed by Kentucky law, the licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the election polls are open on any regular election, primary election or special election day.

4. During the closing hours, the premises of any licensee for the sale of alcoholic beverages by the drink shall be closed to and vacant of all customers and all persons except the licensee and its 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 closing hours, including employees, and no parties, private or public, shall be conducted on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purpose.

#### SECTION VII

##### -Mandatory Responsible Beverage Service Training

1. Pursuant to KRS 244.090(1)(c), all licensees, employees or persons involved in the selling (including, but not limited to, taking orders, taking payment, and acting as a cashier) and serving of alcoholic beverages shall be at least twenty (20) years of age. "Selling" in the previous sentence includes, but is not limited to, taking orders, taking payment, and acting as a cashier. They must all participate in and complete a City-approved responsible beverage service training program approved by the ABC Administrator of the City of Brandenburg.