

ORDINANCE NO. 13-2013

AN ORDINANCE OF THE CITY OF CORBIN, KENTUCKY, AMENDING ORDINANCE NO. 5-2012 KNOWN AS THE ALCOHOLIC BEVERAGE CONTROL ORDINANCE, AND ORDINANCE NO. 13-2012 WHICH AMENDED ORDINANCE NO. 5-2012 TO DELETE, ADD, AND CHANGE CERTAIN RESTRICTIONS, REQUIREMENTS, REGULATIONS, FUNDING, PROHIBITIONS, FEES, DATES, ENFORCEMENT, TRAINING, SIGNAGE AND PENALTIES RELATING TO LICENSING AND OPERATIONS OF ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES, WITHIN THE CITY OF CORBIN, KENTUCKY, AND TO COMPLY WITH THE KENTUCKY STATE LAWS RELATING TO LICENSING AND OPERATIONS OF ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES, WITHIN THE CITY OF CORBIN, KENTUCKY.

ALCOHOLIC
BEVERAGE CONTROL

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BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CORBIN, KENTUCKY, AS FOLLOWS:

SECTION ONE: Ordinance No. 5-2012 at **SECTION 4.** ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW. at Pages 2 and 3, is hereby amended and shall read as follows:

The provisions of the Alcoholic Beverage Control Law of the Commonwealth (KRS Chapters 241, 242, 243 and 244), and all amendments and supplements and administrative regulations thereto, are adopted so far as applicable to this Ordinance, except as otherwise lawfully provided herein, and shall mirror State licensing, processes, enforcement, and regulations.

SECTION TWO: Ordinance No. 5-2012 at **SECTION 7.** USE OF REVENUE at Page 4, is hereby amended and shall read as follows:

~~All moneys derived from the collection of license taxes provided for herein shall be paid into and become a part of the general fund of the city.~~

All moneys derived from the collection of licensing and regulatory fees provided for herein shall be paid into the ABC Administration and Police Fund of the city.

SECTION THREE: Ordinance No. 5-2012 at **SECTION 9.** CLUBS, LODGES, AND FRATERNAL ORDERS. (D) License fee; proration refunds. (2) at Page 6, is hereby amended and shall read as follows:

(2) When the license is issued after ~~August 1~~ October 1 of any year, the licensee shall be required only to pay a proportionate part of the license ~~tax~~ fee required therefor

from the first day of the month in which the licensee commences to carry on the business until April 30 next; provided, however, that no license shall be issued for less than 50% of the annual license fee.

SECTION FOUR: Ordinance No. 5-2012 at **SECTION 10. LICENSING AND HEARINGS.** (A) *License required.* at Page 7, is hereby amended to add subsection (3) and shall read as follows:

(3) No license issued under this Ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the City Administrator and not until a payment of One Hundred Dollars (\$100.00) shall be made to the City, attention of the City Administrator.

SECTION FIVE: Ordinance No. 5-2012 at **SECTION 10. LICENSING AND HEARINGS.** (A) *License required.* (2) at Page 7, is hereby amended and shall read as follows:

(2) No license for the sale or manufacture of alcoholic beverages shall be granted or renewed for the operation on any premises, or to any person, firm, partnership, or corporation, on or against which taxes, fees, assessments, or other financial claims of the city are delinquent or unpaid.

SECTION SIX: Ordinance No. 5-2012 at **SECTION 10. LICENSING AND HEARINGS.** (H) *Licenses; expiration date.* (I) *Prorate license fees.* (1) at Pages 8 and 9 is hereby amended and shall read as follows:

(H) *Licenses; expiration date.* All licenses issued under or pursuant to the provisions of this section shall expire on ~~June 30~~ April 30 of each year.

(I) *Prorate license fees.*

(1) When any person applied for a new or transfer of an existing license authorized to be issued pursuant to the provisions of this section after ~~October 4~~ June 1 of any year, he or she shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following ~~June 30~~ April 30; provided, however, that no license shall be issued for less than 50% of the annual license fee.

SECTION SEVEN: Ordinance No. 5-2012 at **SECTION 10. LICENSING AND HEARINGS.** (J) *License fees.* (1) Malt beverages: (2) Distilled spirits and wine at Pages 9 and 10 is hereby amended and shall read as follows:

(J) *License fees.* For the privilege of causing, permitting and engaging in the actions, business and transactions authorized thereby in regard to traffic in alcoholic beverages in the city, and pursuant to the authority of the Kentucky Revised Statutes, there is hereby established a corresponding city license for each of the state licenses. The fee for each city license shall be as set out in the following schedule:

(1) Malt beverages:

Type of License	Fee
Distributor's license, per annum	-\$400.00-
Retailer's license, per annum	-\$200.00-
Special temporary license, per event	-\$50.00-
Microbrewery license, per annum	-\$500.00-

(2) Distilled spirits and wine:

Type of License	Fee
Wholesaler's license, per annum	-\$3,000.00-
Retail package license, per annum	-\$800.00-
Restaurant drink license (wine and distilled spirits), per annum***	-\$800.00-
Special temporary license, per month	-\$100.00-
Special private club license, per annum	-\$300.00-
Special Sunday retail wine and/or distilled spirits drink license, per KRS 244.290(3)(b), per annum	-\$300.00-
Nonresident, special agent or solicitor's license, per annum	-\$40.00-
Restaurant wine license per KRS 243.032, per annum	-\$800.00 for new applicants
	-\$400.00 for renewal
Temporary wine license, per event	-\$50.00-
Caterer's license, per annum	-\$800.00-
Distiller's license, per annum	-\$500.00-

***Must be bona fide restaurant open to the general public having dining facilities for not less than one hundred (100) persons; or a hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons.

The City may, as the occasion arises, issue any licenses and collect fees permitted by law for the privilege, manufacturing and trafficking in alcoholic beverages, as designated in KRS 243.070, as amended, as allowed under governing state law.

Statutory reference:

City license fees, see KRS 243.070

(J) *License fees.* For the privilege of causing, permitting and engaging in the actions, business and transactions authorized thereby in regard to traffic in alcoholic beverages in the city, and pursuant to the authority of the Kentucky Revised Statutes, there is hereby established a corresponding city license for each of the state licenses. The fee for each city license shall be as set out in the following schedule:

(1) Malt beverages:

Type of License	Fee
<u>Distributor's License</u>	<u>\$400.00</u>
<u>NQ-Retail Malt Beverage License</u>	<u>\$200.00</u>
<u>Special Temporary License</u>	<u>\$100.00</u>
<u>Microbrewery License</u>	<u>\$500.00</u>

(2) Distilled spirits and wine:

Type of License	Fee
<u>Wholesaler's license</u>	<u>\$3,000.00</u>
<u>Quota Retail Package License</u>	<u>\$800.00</u>
<u>Quota Retail Drink License</u>	<u>\$500.00</u>
<u>NQ-4 Retail Malt Beverage Drink License***</u>	<u>\$800.00</u>
<u>NQ-3 Retail Drink License</u>	<u>\$300.00</u>
<u>Special Sunday Retail Drink License</u>	<u>\$300.00</u>
<u>Special Agent or Solicitors License</u>	<u>\$40.00</u>
<u>Limited Restaurant License</u>	<u>\$800.00</u>
<u>NQ-2 Retail Drink License</u>	<u>\$600.00</u>
<u>Caterer's License</u>	<u>\$800.00</u>
<u>Distiller's License</u>	<u>\$500.00</u>
<u>NQ-1 Retail Drink License</u>	<u>\$800.00</u>
<u>Extended Hours Supplemental License</u>	<u>\$300.00</u>

All license types have a one year licensing renewal option available.

*****Must be bona fide restaurant open to the general public having dining facilities for not less than one hundred (100) persons; or a hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons.**

The City may, as the occasion arises, issue any licenses and collect fees permitted by law for the privilege, manufacturing and trafficking in alcoholic beverages, as designated in KRS 243.070, as amended, as allowed under governing state law.

Statutory reference:

City license fees, see KRS 243.070

SECTION EIGHT: Ordinance No. 5-2012 at **SECTION 10. LICENSING AND HEARINGS.** (K) *Regulatory License Fee.* at Page 10 and Ordinance No. 13-2012 at **SECTION ONE:** at Page 1 is hereby amended and shall read as follows:

(K) *Regulatory License Fee.* There is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each license issued by the City Administrator. As of the time of adoption of this Ordinance, the regulatory license fee shall be seven percent (7%) of gross sales of all alcoholic beverages sold by the drink. In the case of retail sales of package

distilled spirits and wine, the regulatory license fee shall be five percent (5%) of gross sales. The regulatory license fee shall be four percent (4%) on gross retail sales of package malt beverages. These percentage rates are reasonably estimated to reimburse the City for the cost of any additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages. Such fee shall be in addition to any other tax, fee or license permitted by law, but a credit against such fee shall be allowed in an amount equal to the license or fee imposed and such regulatory fee shall be applied annually from January 1 to December 31. Payment of such regulatory fees shall be paid to the City, to the attention of the City Administrator, and payment shall be due on the 20th day of each month and one-fourth (1/4) of the annual license fees paid otherwise hereunder by the licensee shall be deducted as a credit each quarter. Failure to pay such monthly remittance within ten (10) days of the due date constitutes a violation and subjects the licensee to suspension or revocation of its license. The civil penalty for failure to pay monthly admittances when due is five percent (5%) of the unpaid-tax ~~fee~~ for each thirty (30) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the ~~tax fee~~, provided, however, in no case shall the penalty be less than Ten Dollars (\$10.00). Interest at the rate of Eight Percent (8%) per annum will apply to any late payments.

SECTION NINE: Ordinance No. 5-2012 at **SECTION 10.** LICENSING AND HEARINGS. (Q) *Conditions of accepting license.* at Pages 12 and 13 is hereby amended and shall read as follows:

(Q) *Conditions of accepting license.* All licenses issued pursuant to this Ordinance shall be accepted by the applicant subject to the following conditions.

(1) That the premises so licensed shall be subject to the entry of police, the City Administrator or other duly authorized representatives of the city, at all reasonable hours for the purpose of inspection and search, and for the removal from the premises of all things and articles contained on the premises in violation of the ordinances of the city and the laws of the state.

(2) The licensee holding a license pursuant to this Ordinance shall not sell any spirituous, vinous, or malt liquor behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the sales from the public view, in conformity with state law.

(3) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly. The license of any establishment deemed to be a disorderly premises may be subject to revocation or suspension. Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk through:

(a) Engaging in, or allowing customers to engage in, fighting or in violent, tumultuous, or threatening behavior; or

(b) Making unreasonable noise; or

(c) Refusing to obey an 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 any act that serves no legitimate purpose.

(e) Conducting promotional efforts that are not customary or usual for a restaurant operation. (e.g. wet t-shirt contest, wrestling contest, etc.)

(4) Treating or giving away alcoholic beverages at no cost to the customer, in violation of Kentucky Revised Statutes, as amended, shall be unlawful and is forbidden.

(5) No spirituous, vinous, or malt liquors shall be sold or dispensed to any minor nor shall the licensee sell, give away, furnish, or permit to be consumed on the premises any spirituous or vinous liquors or mixtures thereof during hours when the sale of alcoholic beverages is prohibited. In the event a licensee hereunder is also engaged in the business of operating a delicatessen, grocery, restaurant or other such establishments, he or she may keep his place of business open during the prohibited hours heretofore set out. The licensee must cover all malt beverages or conspicuously post a sign which indicates that the malt beverage is not available for sale or make the malt beverage completely inaccessible to the public. Failure to so comply shall be deemed a violation of this section.

(6) No gambling or game 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 is prohibited and shall not be kept on such premises.

(7) 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 messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator, or his designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(8) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(9) It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages.

(10) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(11) Any off premises signage advertising the sale of alcoholic beverages is prohibited.

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

(13) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:

(1) Enter licensed premises to buy, or have served to them, alcoholic beverages.

(2) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.

(3) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(14) The licensee, before commencing any business for which a license has been issued, shall post and display 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.

(15) The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where 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.

(16) 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 supplied by the Cabinet for Health 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). KRS 243.895

SECTION TEN: Ordinance No. 5-2012 at **SECTION 11. WHOLESALE DISTRIBUTION AND SALES. (D) License fee; separate places; expiration date.** at Page 14 is hereby amended and shall read as follows:

(D) License fee; separate places; expiration date.

(1) Any person desiring to engage in the distribution or sale by wholesale of any cereal, malt, or vinous beverage shall first obtain from the City Administrator a license therefor, for which he or she shall pay the license fees as provided in this Ordinance.

(2) If any person maintains more than one place of business or warehouse, agent, distributor, broker, or jobber from which orders are received or beverages are distributed, then the person shall pay an additional fee per year for each separate place of business or warehouse, agent, distributor, broker, or jobber. The fees to be paid are in the amounts as provided in this Ordinance.

(3) All licenses provided for herein shall commence as of ~~July 1~~ March 1 and expire on ~~June 30~~ April 30 next after the date of issue. When a license is issued after October 1 of any year, the licensee shall be required only to pay a proportionate part of the license ~~tax fee~~ required therefor from the first day of the month in which the licensee commences to carry on said business until ~~June 30~~ April 30 next. However, no license shall be issued for less than 50% of the annual license fee.

SECTION ELEVEN: Ordinance No. 5-2012 at SECTION 12. RESTAURANT DRINK LICENSE. at Page 15 is hereby amended to add subsection (C) and shall read as follows:

(C) Any person, firm, corporation, partnership, or joint venture which fails to prohibit the drinking of any alcoholic beverages on a parking lot adjacent, adjoining, or connected with a restaurant serving alcoholic beverages shall be deemed in violation hereof. If any person, firm, corporation, partnership, or joint venture which attempts to prohibit the drinking of alcoholic beverages on a parking lot adjacent, adjoining, or connected with a restaurant serving alcoholic beverages, shall be exempt from the provisions hereof.

SECTION TWELVE: Ordinance No. 5-2012 at SECTION 14. {RESERVED} at Page 16 is hereby amended and shall read as follows:

SECTION 14. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

(A) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a City approved responsible beverage service training program.

(B) For a responsible beverage servicing training program to be approved by the City, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication.

(C) A City approved beverage servicing training program shall consist of in class training of the STAR program. Online classes will not be accepted by the City.

(D) If a City approved beverage service training is not obtained the server will be prohibited from serving.

(E) All persons required to complete training under paragraph (A) 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 years thereafter.

(F) The manager or the restaurant shall be responsible for compliance with the training requirements and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the pertinent training information.

SECTION THIRTEEN: Ordinance No. 5-2012 at SECTION 15. {RESERVED} at Page 16 is hereby amended and shall read as follows:

SECTION 15. SIGNS AND ADVERTISING

(A) All signage shall be in compliance with any and all other existing rules and regulations of the City of Corbin and the City of Corbin Planning & Zoning Commission.

(B) No outside banners, posters or temporary signs displaying advertising which refers 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.

(C) This will not prevent interior illuminated non-flashing signs.

SECTION FOURTEEN: Ordinance No. 5-2012 at **SECTION 16. SPECIAL SUNDAY RETAIL DRINK LICENSES.** (A) *Establishment.* (B) *Restrictions.* (C) *Fee.* at Page 16 is hereby amended and shall read as follows:

SECTION 16. SPECIAL SUNDAY RETAIL DRINK LICENSES.

~~(A) *Establishment.* There are hereby established a city special Sunday restaurant wine license, pursuant to the authority granted by KRS 243.032 and KRS 243.070, and a city special Sunday restaurant drink license, pursuant to the authority granted by KRS 242.185 and KRS 243.070.~~

(A) *Establishment.* There are hereby established a city special Sunday restaurant drink license, pursuant to the authority granted by KRS 243.070.

~~(B) *Restrictions.* The holder of the special Sunday restaurant wine license shall be governed by the restrictions contained in KRS 243.032 and the regulations of the City Alcoholic Beverage Administrator. The hours of operation for holders of package and retail drink licenses shall be governed by Section 6, that outlines the hours of operation allowed for licensed premises.~~

(B) *Restrictions.* The holder of the special Sunday restaurant drink license shall be governed by the restrictions contained in KRS 243.070 and the regulations of the City Alcoholic Beverage Administrator. The hours of operation for holders of package and retail drink licenses shall be governed by Section 6, that outlines the hours of operation allowed for licensed premises.

(C) *Fee.* The fee for the special Sunday retail drink license shall be as established by this Ordinance and shall become due and payable on ~~June 4~~ April 1 of each year. When a license is issued after October 1 of any year, the licensee shall be required only to pay a proportionate part of the license ~~tax fee~~ required therefor from the first day of the month in which the licensee commences to carry on the business until ~~June 30~~ April 30 next. However, no license shall be issued for less than 50% of the annual license fee.

SECTION FIFTEEN: Ordinance No. 5-2012 at **SECTION 18. ALCOHOL WARNING SIGNS; DRINKING ALCOHOL DURING PREGNANCY.** at Page 16 is hereby amended and shall read as follows:

SECTION 18. ALCOHOL WARNING SIGNS; DRINKING ALCOHOL DURING PREGNANCY.

~~All licensed retail vendors of alcoholic beverages shall post in a prominent place a printed sign at least 14 inches by 14 inches in size, with letters at least one inch high, which shall warn that drinking alcoholic beverages during pregnancy can cause birth defects.~~

See SECTION 10. LICENSING AND HEARING. (Q) (16).

SECTION SIXTEEN. Ordinance No. 5-2012 at **SECTION 19. PENALTY.** at Page 16 is hereby amended and shall read as follows:

SECTION 19. PENALTY.

~~Any person found guilty of violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or by imprisonment in the county jail for not more than 6 months, or both fine and imprisonment in the discretion of the court. This penalty may be imposed in addition to any administrative penalty imposed by the City Alcoholic Beverage Control Administrator or the State Alcoholic Beverage Control Board.~~

SECTION 19. PENALTY AND ENFORCEMENT.

(A) Any person, firm or corporation who violates any of the provisions of this Ordinance for which no other 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 in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this subsection above shall be in addition to the revocation or suspension of the offender's license along with any administrative penalty imposed by the City Administrator of not more than Five Hundred Dollars (\$500.00) or any administrative penalty imposed by the State Alcoholic Beverage Control Board. Any penalty imposed by the City Administrator shall be transmitted to the City Collector to be deposited in a designated account. Further, if the offender is a corporation, partnership, joint stock company, limited liability company, association, fiduciary or other business entity, the principal officer or officers shall be held responsible for any violation hereunder and subject to the penalties set forth herein.

(B) City police officers and the City Administrator are authorized to enforce this Ordinance for violations. The City Administrator and any investigator acting under the authority of the City Administrator, shall have the full police powers of peace officers within the boundaries of the City of Corbin, and they, along with any authorized law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored, or otherwise trafficked, without first obtaining a search warrant.

SECTION TWENTY: ORDINANCE NO. 5-2012 AND ORDINANCE NO. 13-2012.

Except as specifically amended herein, the provisions of Ordinance No. 5-2012 the Alcoholic Beverage Control Ordinance and Ordinance No. 13-2012 amending Ordinance No. 5-2012 shall remain in full force and effect.

SECTION TWENTY-ONE: REPEAL OF ORDINANCES AND/OR PORTIONS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

On the effective date of this Ordinance, all Ordinances and/or portions of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION TWENTY-TWO: SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this Ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

SECTION TWENTY-THREE: EFFECTIVE DATE.

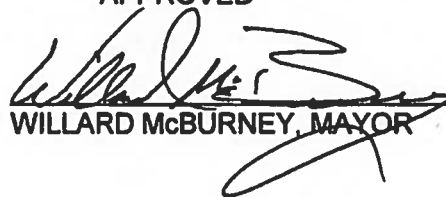
This Ordinance shall take effect upon proper passage and legal advertisement.

FIRST READING 11-18-13

SECOND READING 11-19-13

APPROVED

BY:


WILLARD McBURNEY, MAYOR

ATTEST


ERIN TYE, CITY CLERK

**AN ORDINANCE OF THE CITY OF CORBIN, KENTUCKY,
ESTABLISHING REGULATIONS AND REQUIREMENTS FOR THE
LICENSING AND OPERATION OF ESTABLISHMENTS FOR THE
SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF
CORBIN, KENTUCKY, AND PROVIDING FOR THE
ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE.**

WHEREAS, the City of Corbin, Kentucky, has in place certain ordinances pertaining to the manufacture and traffic in alcoholic beverages pursuant to authority of KRS 242.185(6) ("Limited Restaurant"); and

WHEREAS, on Feb 14, 2012, a local option election was held, as a result of which election, effective April 15, 2012, expanded activities in the manufacture and traffic in alcoholic beverages will be permitted; and

WHEREAS, expanded sale and activities as approved in the recent local option election can create increased risks to the health, safety and welfare of the general public and to children and minors, in particular, unless appropriate regulation is adopted and enforced; and

WHEREAS, the Board of Commissioners deems it prudent and appropriate to provide by ordinance for the licensing and regulation of all manufacturing and trafficking in alcoholic beverages, including the expanded activities authorized by the Feb 14, 2012 local option election, to provide additional protections by regulation for the benefit of the health, safety and welfare of the general public and of children and minors, in particular, and to provide for enforcement of the ordinance as hereinafter set out; and

WHEREAS, the Board of Commissioners, in the enactment of this ordinance, intends that the enacted ordinance allowing expanded sales protect and benefit the community by:

Promoting economic health within the community;

Causing the revenue stream created by expanded sales and activities to have the maximum impact on the economic health of the City of Corbin, Kentucky, and its business owners and citizens;

Providing expanded entertainment and cultural venues for local citizens and creating increased tourism traffic and activities;

Protecting our citizens and the character of our neighborhoods, as well as the entire community, from the extremes that may be associated with alcoholic beverage enterprises;

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ALCOHOLIC BEVERAGE CONTROL

Recognizing that dollars spent with local businesses have an expanded multiplying effect on the revenue stream of the community and;

Realizing that any and all types of alcohol sales venues may not, without proper regulation, be in the best interests of our citizens, their homes, or businesses, and that alcoholic sales venues must be regulated.

NOW, THEREFORE, be it ordained by the Board of Commissioners of the City of Corbin, Kentucky, as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is:

(A) To set forth uniform regulations and requirements for the licensing and operations of establishments for the sale of alcoholic beverages within the City;

(B) To establish the authority and duties of the City's alcoholic beverage control;

(C) To codify herein that the Board of Commissioners of the City of Corbin, Kentucky, hereby determines and acknowledges that an economic hardship exists within the City of Corbin, Kentucky, and that the sale of alcoholic beverages by the drink could aid economic growth.

SECTION 2. TITLE; DEFINITIONS.

(A) *Short title.* This Ordinance shall be known and may be cited as the "Alcoholic Beverage Control Ordinance" of the City.

(B) *Definitions.* Words used throughout this Ordinance, unless the context requires otherwise, shall have the same definitions as set out in the state's Alcoholic Beverage Control Law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth, and all amendments and supplements thereto.

SECTION 3. SCOPE.

(A) Irrespective of title or headings, the sections of this Ordinance shall be construed to apply to the traffic in both malt beverages and distilled spirits and wines where the context permits the application.

(B) Nothing in this Ordinance shall excuse or relieve a licensee or the agent or employee of any licensee in the City, from the restrictions, requirements and penalties of any other ordinance or ordinances of the City or of any statutes or administrative regulations of the Commonwealth relating to violations pertaining to alcoholic beverages.

SECTION 4. ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.

The provisions of the Alcoholic Beverage Control Law of the Commonwealth (KRS Chapters 241, 242, 243 and 244), and all amendments and supplements and administrative

regulations thereto, are adopted so far as applicable to this Ordinance, except as otherwise lawfully provided herein.

SECTION 5. DEFINITIONS.

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

ALCOHOLIC BEVERAGES. 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 under any name, commonly used for alcoholic beverages, excepting the products excluded therefrom by the provisions of the Alcoholic Beverage Control Act of this state.

BUILDING CONTAINING LICENSED PREMISES. The licensed premises themselves and includes any part of any building in which the premises are contained and any part of any other building connected with the building by direct access or by a common entrance.

CITY ADMINISTRATOR. The City ABC Administrator.

CUSTOMER. Any person at least 21 years old.

DISTRIBUTOR. Any person who distributes malt beverages for the purpose of being sold at retail.

MALT BEVERAGES. Any fermented, undistilled alcoholic beverage of any kind or description, manufactured from malt, wholly or in part, or from any substitute for malt having an alcoholic content greater than that permitted under KRS Chapter 242. (3.2% of alcohol by weight)

NONPROFIT. These organizations that qualify for charitable contributions under Federal Internal Revenue Service Code, Section 501(c)(3).

RETAILER. Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

SALE. Any transfer, gift, exchange, or barter and includes all sales made by any person, whether proprietor, agent, servant, or employee of any alcoholic beverage.

Statutory reference:

Alcoholic beverages, see KRS Chapters 242-244

SECTION 6. HOURS OF OPERATION.

(A) A licensed premise shall be permitted to remain open for any legal purpose, including the sale of alcoholic beverages, which includes malt beverages and distilled spirits and wine, between the hours of 6:00 a.m. and 1:00 a.m. the following day, and no person shall be permitted to remain within the licensed premise between the hours of 1:00 a.m. and 6:00 a.m. the

following day except for owners, employees or subcontractors while performing work on the licensed premise, including but not limited to plumbing, cleaning, or electrical repair, who shall be allowed on the premises at any time.

(B) All alcoholic beverages, including malt beverages and distilled spirits and wine, may be sold between the hours of 1:00 p.m., Sunday, and 12:00 midnight, Monday.

(C) Alcoholic beverages, including malt beverages and distilled spirits and wine, may be sold on New Years Eve between the hours of 6:00 a.m. and 2:00 a.m. the following day.

SECTION 7. USE OF REVENUE.

All moneys derived from the collection of license taxes provided for herein shall be paid into and become a part of the general fund of the city.

SECTION 8. CITY ADMINISTRATOR.

(A) There is created the office or position of City Administrator, pursuant to and under the authority of the Act of the General Assembly of the State, known as the Alcoholic Beverage Control Law. The Board of Commissioners shall appoint an individual from time to time to serve as the City ABC Administrator.

(B) The compensation to be paid the City Administrator, together with the compensation to be paid of any other personnel assisting the City ABC Administrator, shall be fixed from time to time by the Board of Commissioners.

(C) The bond for the City Administrator shall be in the same form and amount as required under KRS 241.180.

(D) *City Administrator enforcement of section, duties, and rule-making powers.*

(1) The City Administrator shall be charged with the enforcement of the state Alcoholic Beverage Control Law, and all other laws and ordinances, rules, and regulations providing for the regulation of the manufacture and traffic in alcoholic beverages.

(2) The City Administrator shall enter into a file, kept for that purpose, all orders, certificates, and approvals of applications issued by him or her concerning the privilege of the manufacture and traffic in alcoholic beverages. The City Administrator shall be empowered to do all and sundry of those things required of him or her, pursuant to the Alcoholic Beverage Control Law and existing ordinances, rules, and regulations of the city and such other laws and ordinances as may from time to time become effective.

(3) The City Administrator shall be empowered to make such rules and regulations as are necessary properly to enforce the above laws and not in conflict herewith.

(E) *Appointment; oath; bond.* The City Administrator shall take office on his or her appointment by the Board of Commissioners and on taking the oath and on the execution of the bond for the faithful performance of his or her duties as required by law.

(F) *Functions of City Administrator.* The functions of the City Administrator shall be in accord with the provisions of the laws of the state pertaining to alcoholic beverages, their administration and control.

(G) *Action on license application; appeals.*

(1) When an application is filed with the City Administrator for a license to do business in accord with the provisions of this Ordinance, the City Administrator shall either approve or disapprove the application, transmitting the application, together with his or her recommendations thereon, and the reasons therefor, to the State Department of Alcoholic Beverage Control.

(2) Appeals from order of the City Administrator shall be prosecuted in accord with the provisions of the laws of the state.

Statutory reference:

Alcoholic beverages, see KRS Chapters 242 et seq.

City Administrator, see KRS 241.160



SECTION 9. CLUBS, LODGES, AND FRATERNAL ORDERS.

(A) *Definitions.* For the purpose of this section, **CLUB, LODGE, or FRATERNAL ORDER** shall mean and include any non-profit social, fraternal, military, or political organization or club, lodge, or order whose organization shall have been completed at least one year prior to the date an application for a license is made for selling, offering for sale, or keeping, with the intention of selling at retail, for consumption on the premises, to members only or the invited guests of members of such club, lodge, organization, or fraternal order.

(B) *License required; nonresidential building.*

(1) No club, lodge, or fraternal order shall engage in the business of manufacturing, storing, purchasing, transporting, trafficking, or selling for consumption on the premises, any cereal, malted, or vinous beverages without having first obtained a license for each stand, place, room, or enclosure, or for each suite of rooms or enclosures.

(2) No license shall be issued to any club, lodge, organization, or fraternal order for the purpose of selling any cereal, malted, or vinous beverages in any dwelling house, flat, or apartment house used for residential purposes.

(C) *License application; issuance.*

(1) Whenever any club, lodge, organization, or fraternal order shall desire to engage in the business of selling by retail any cereal, malted, or vinous intoxicating beverages in the clubhouse of such organization in the city for consumption on the premises, it shall first apply to the City Administrator by a written application for a license. Such application shall set forth:

fraternal order;

- (a) The name and location of such club, lodge, organization, or
- (b) The names and addresses of the officers thereof;
- (c) The date and character of its organization; and
- (d) The approximate number of members in good standing, and shall, in addition thereto, be signed by the owner, or his or her agent, of the premises wherein the sales are to be made, signifying consent.

(2) If the City Administrator is satisfied that the license shall be granted, he or she shall pass an order to that effect and thereupon shall issue to the applicant a license to sell at retail such beverages, after a license has been issued by the State Alcoholic Beverage Control Department.

(D) License fee; proration refunds.

(1) Every applicant who shall be granted a license by the City Administrator and before the license is issued shall pay to the city for the license the sum of \$300.00 per year.

(2) When the license is issued after August 1 of any year, the licensee shall be required only to pay a proportionate part of the license tax required therefor from the first day of the month in which the licensee commences to carry on the business until April 30 next; provided, however, that no license shall be issued for less than 50% of the annual license fee.

(3) No part of any money paid into the city treasury for any license provided herein shall be refunded to the licensee.

(E) Display of license. When a license shall have been granted and issued under this section, the club, lodge, organization, or fraternal order to whom the license is granted and issued shall cause the license, or in case of loss or destruction a copy thereof, to be kept or placed in some conspicuous place in the room where the alcoholic beverages are sold, in such manner as to enable the license to be conveniently read. The license shall remain on display during the period for which the license shall be granted.

(F) Forfeiture or revocation of license; hearing on charge. If any club, lodge, organization, or fraternal order to whom a license is granted under this section is convicted in the district court of violating any of the provisions of this section or conducting a disorderly house, such conviction shall operate as a forfeiture of its license. If the City Administrator finds that the club, lodge, or fraternal order to whom a license is granted is violating any of the provisions of this section, conducts a disorderly house on the premises, or permits any lewd, riotous, or disorderly conduct on the premises, the City Administrator may hold a hearing to determine whether the license should be suspended or revoked. The decision of the City Administrator may be appealed within ten days to the State Department of Alcoholic Beverage Control

SECTION 10. LICENSING AND HEARINGS.

(A) License required.

(1) No person shall sell, vend, deliver, or traffic in spiritous, vinous, or malt liquors within the city without first having procured a license so to do, nor without having first complied with all the provisions of the statutes of the state and the laws of the United States applicable thereto.

(2) No license for the sale or manufacture of alcoholic beverages shall be granted or renewed for the operation on any premises, or to any person, firm, partnership, or corporation, on or against which taxes, assessments, or other financial claims of the city are delinquent or unpaid.

(B) License application; contents. Any person desiring to engage in the business of distilling, wholesaling spirituous, vinous, or malt liquor, or to engage in the retail sale of same by package or drink shall, before so doing, file with the City Administrator an application on forms provided by the city, which shall be verified and contain the following information:

(1) The name, age, address, and residence of each applicant and if there is more than one and they are partners, the partnership, names, and their addresses; and if the applicant is a corporation, the application shall contain the name and address of the corporate officers, the board of directors, any and all stockholders, and the name and address of the agent for service of process;

(2) Whether or not the applicant is a citizen and resident of the state and for what period of time;

(3) The name and address of each person interested or to become interested in the business for which the license is being sought, together with the nature of that interest, and if the applicant is a corporation; the names, addresses, and agents of each officer, director, and managerial employee and the name of the state under the law of which such corporate applicant is incorporated;

(4) The street and number of the premises to be licensed, whether or not applicant is the owner of such premises or what interest he or she has therein and the name and address of any other person, either as principal or associate, who is interested with applicant either in the premises or in the business to be licensed;

(5) A statement that the applicant will, in good faith, abide by every statute, federal or state, and the ordinances of the city relating to the manufacture, sale, and transportation of alcoholic beverages that may or shall be in force pertaining thereto;

(6) A statement that neither the applicant nor any person interested or to become interested therein has been convicted of any felony at any time or convicted of any misdemeanor or violation directly or indirectly attributable to the use, manufacture, sale or traffic in alcoholic beverages within two years preceding the date of application and that he or she has

not had any license that has been issued to him or her for such purposes, suspended or revoked for cause within two years prior to the date of such application; and

(7) If the City Administrator is satisfied that the license should be granted, an order shall be passed to that effect and thereupon a license shall be issued to the applicant.

(C) *Certified check required; refund on rejection.* All applications filed for a license pursuant to this section shall be accompanied by a certified check in the amount of the cost of the license applied therefor. If the application for the license shall be rejected, the check shall be immediately returned to the applicant.

(D) *Change in fact situation after issuance of license; supplemental statements.* If, after a license has been issued, there is a change in any of the facts required to be set forth under this section, a verified supplemental statement, in writing, giving notice of such change shall be filed with the City Administrator within ten days after such change occurs.

(E) *Conditions of premises.*

(1) No license for the sale of alcoholic beverages at retail shall be issued for any premises, unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(2) No premises shall be licensed for the sale of alcoholic beverages at retail, except where the licensee's premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

(F) **{Reserved}**

(G) *Qualification of licensee.* No person shall become a licensee under the provisions of this section who:

(1) Has been convicted of any misdemeanor or felony directly or indirectly attributable to the use of alcoholic beverages within two years preceding the application;

(2) Is under the age of 21 years; or

(3) Is not an actual bona fide resident of the state, or of the United States.

(H) *Licenses; expiration date.* All licenses issued under or pursuant to the provisions of this section shall expire on June 30 of each year.

(I) *Prorate license fees.*

(1) When any person applied for a new or transfer of an existing license authorized to be issued pursuant to the provisions of this section after October 1 of any year, he or she shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until

the following June 30; provided, however, that no license shall be issued for less than 50% of the annual license fee.

(2) No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(J) *License fees.* For the privilege of causing, permitting and engaging in the actions, business and transactions authorized thereby in regard to traffic in alcoholic beverages in the city, and pursuant to the authority of the Kentucky Revised Statutes, there is hereby established a corresponding city license for each of the state licenses. The fee for each city license shall be as set out in the following schedule:

(1) Malt beverages:

Type of License	Fee
Distributor's license, per annum	\$400.00
Retailer's license, per annum	\$200.00
Special temporary license, per event	\$50.00
Microbrewery license, per annum	\$500.00

(2) Distilled spirits and wine:

Type of License	Fee
Wholesaler's license, per annum	\$3,000.00
Retail package license, per annum	\$800.00
Restaurant drink license (wine and distilled spirits), per annum***	\$800.00
Special temporary license, per month	\$100.00
Special private club license, per annum	\$300.00
Special Sunday retail wine and/or distilled spirits drink license, per KRS 244.290(3)(b), per annum	\$300.00
Nonresident, special agent or solicitor's license, per annum	\$40.00
Restaurant wine license per KRS 243.032, per annum	\$600.00 for new applicants \$400.00 for renewal
Temporary wine license, per event	\$50.00
Caterer's license, per annum	\$800.00
Distiller's license, per annum	\$500.00

***Must be bona fide restaurant open to the general public having dining facilities for not less than one hundred (100) persons; or a hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons.

The City may, as the occasion arises, issue any licenses and collect fees permitted by law for the privilege, manufacturing and trafficking in alcoholic beverages, as designated in KRS 243.070, as amended, as allowed under governing state law.

Statutory reference:

City license fees, see KRS 243.070

(K) *Regulatory License Fee.* There is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each license issued by the City Administrator. As of the time of adoption of this Ordinance, the regulatory license fee shall be seven percent (7%) of gross sales of all alcoholic beverages sold by the drink. In the case of retail sales of package distilled spirits and wine, the regulatory license fee shall be five percent (5%) of gross sales. The regulatory license fee shall be four percent (4%) on gross retail sales of package malt beverages. These percentage rates are reasonably estimated to reimburse the City for the cost of any additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages. Such fee shall be in addition to any other tax, fee or license permitted by law, but a credit against such fee shall be allowed in an amount equal to the license or fee imposed and such regulatory fee shall be applied annually from January 1 to December 31. Payment of such regulatory fees shall be paid to the City, to the attention of the City Administrator, and payment shall be due no later than by the end of the month immediately following each calendar quarter at which time one-fourth (1/4) of the annual license fees paid otherwise hereunder by the taxpayer shall be deducted as a credit. Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subjects the licensee to suspension or revocation of its license. The civil penalty for failure to pay quarterly admittances when due is five percent (5%) of the unpaid tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax, provided, however, in no case shall the penalty be less than Ten Dollars (\$10.00). Interest at the rate of Eight Percent (8%) per annum will apply to any late payments.

(L) *Contents of license.* All licenses issued pursuant to this Ordinance shall contain the following information:

- (1) The name and address of the licensee;
- (2) The number of the license;
- (3) The type of license;
- (4) A description by street and number of the licensed premises;
- (5) The name and address of the owner of the building in which the licensed premises are located;
- (6) The expiration date of the license; and
- (7) A statement in substance that the license shall not be a property or vested right and that it may be revoked or suspended at any time pursuant to law.

(M) *Display of license; duplicate licenses.*

(1) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed 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.

(2) Whenever a license is lost or destroyed without the fault of the licensee or his or her agent or employee, a duplicate license shall be issued on proof of loss satisfactory to the City Administrator and upon the payment of a fee of \$5.

(N) *License revocation or suspension.*

(1) Any license issued pursuant to this Ordinance maybe revoked or suspended by the City Administrator, after complying with the hearing requirements below, for the following causes:

(a) Conviction of the licensee or his or her agent or employee of selling any illegal beverages on the premises licensed;

(b) If the licensee makes any false material statements in an application for a license; or

(c) If the licensee violates any provisions of the laws of the state, the United States government, or the ordinances of the city, pertaining to alcoholic beverages, their regulation and control;

(d) Conviction of the licensee of any felony; or

(e) Conviction of the licensee, or his or her agent who controls or operates the licensee's premises, of any offense pertaining to prostitution, illegal gambling, knowingly possessing or receiving stolen property, sale or use of illegal drugs, or the illegal sale or use of controlled substances or prescription drugs; or

(f) If the licensee allows the premises to be used as the site for any criminal activity as defined by City ordinance or regulation, state or federal law or regulation.

(g) If the licensee allows the premises to be used as the site for any public nuisance;

(h) If licensee allows the premises to be used as the site for a sexually oriented business; or

(i) If the licensee is delinquent or in default of an obligation to pay a loan, fine, lien or other financial obligation to the city, then license is subject to suspension until the obligation is satisfied.

(j) If the licensee violates any of the provisions of KRS 244.080 or KRS 244.085.

(k) If the licensee is in non-compliance and/or violation of the provisions of SECTION 10. LICENSING AND HEARINGS, subsection (Q) of this Ordinance.

(2) The existence of any delinquent or unpaid city taxes, assessments, or other financial claims against or on any person, firm, partnership, corporation, or premises, licensed for the sale or manufacture of alcoholic beverage shall be cause for revocation of the license of the person, firm, partnership, or corporation, or for the premises.

(O) *Suspension of license.* The City Administrator may, after a hearing, order a suspension of the license for up to 180 days for any cause which he or she may, but is not required to, revoke under the provisions of the Alcoholic Beverage Control Act of the state and the ordinances of the city. The suspended licensee may pay a fine of \$50 per day in lieu of the suspension, subject to the approval of the City Administrator. The City Administrator shall issue a written order of such suspension via regular United States mail to the licensee's address indicated on the license.

(P) *Issuance of license after revocation.* Any person, partnership, LLC, or other corporate entity who has suffered, or any of its members or partners have suffered, a revocation of a license to do business under the provisions of this Ordinance shall not again be licensed for that purpose within a period of two years after the date of revocation.

(Q) *Conditions of accepting license.* All licenses issued pursuant to this Ordinance shall be accepted by the applicant subject to the following conditions.

(1) That the premises so licensed shall be subject to the entry of police, the City Administrator or other duly authorized representatives of the city, at all reasonable hours for the purpose of inspection and search, and for the removal from the premises of all things and articles contained on the premises in violation of the ordinances of the city and the laws of the state.

(2) The licensee holding a license pursuant to this Ordinance shall not sell any spirituous, vinous, or malt liquor behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the sales from the public view, in conformity with state law.

(3) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly. The license of any establishment deemed to be a disorderly premises may be subject to revocation or suspension. Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk through:

(a) Engaging in, or allowing customers to engage in, fighting or in violent, tumultuous, or threatening behavior; or

(b) Making unreasonable noise; or

(c) Refusing to obey an 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 any act that serves no legitimate purpose.

(4) Treating or giving away alcoholic beverages at no cost to the customer, in violation of Kentucky Revised Statutes, as amended, shall be unlawful and is forbidden.

(5) No spirituous, vinous, or malt liquors shall be sold or dispensed to any minor nor shall the licensee sell, give away, furnish, or permit to be consumed on the premises any spirituous or vinous liquors or mixtures thereof during hours when the sale of alcoholic beverages is prohibited. In the event a licensee hereunder is also engaged in the business of operating a delicatessen, grocery, restaurant or other such establishments, he or she may keep his place of business open during the prohibited hours heretofore set out. The licensee must cover all malt beverages or conspicuously post a sign which indicates that the malt beverage is not available for sale or make the malt beverage completely inaccessible to the public. Failure to so comply shall be deemed a violation of this section.

(R) *Placing of license in dormancy.* Any alcoholic beverage license holder who places his or her license in dormancy in accordance with the regulations of the State Department of Alcoholic Beverage Control or pursuant to state statute shall also automatically, without further action or approval, have placed his or her city alcoholic beverage license in dormancy. The obligation to pay license fees to the city shall continue while any alcoholic beverage license is in dormancy.

(S) *Hearings.* Revocation or suspension proceedings shall be governed as follows:

(1) *Notice of hearings.* The City Administrator shall provide written notice, via regular United States mail or hand delivery to the licensee, notice of any hearing related to the possible suspension or revocation of the licensee's alcoholic beverage license. The address provided by the licensee to the city on its license application shall be deemed the address for notice of hearing. The licensee shall notify the city of any change of address subsequent to the submission of an application for license. Notice to the licensee must be postmarked at least seven days prior to the hearing. Notice of any hearing shall be publicly posted at City Hall at least 24 hours prior to the hearing.

(2) *Procedure.*

(a) The City Administrator shall be the hearing officer for any proceedings related to the possible suspension or revocation of any city alcoholic beverage license.

(b) Any hearing before the City Administrator shall be a public hearing and conducted in accordance with the procedural guidelines indicated in KRS 13B.080 and 13B.090.

(c) The city's legal counsel, or his or her designee, shall represent the city at the hearing. The licensee has a right to retain counsel for representation at the hearing.

(d) The City Administrator shall issue a written decision, including findings of fact and conclusions of law, within seven days of the conclusion of the hearing.

(3) *Appeals.* Any order of suspension or revocation issued by the City Administrator may be appealed to the State Alcoholic Beverage Control Board within 30 days of the date of the order.

SECTION 11. WHOLESALE DISTRIBUTION AND SALES.

(A) *Definition.* As used in this section, **DISTRIBUTION OR SALE BY WHOLESALE OF CEREAL, MALTED, OR VINOUS BEVERAGES** shall be held to include any person maintaining a place of business or warehouse, agent, distributor, broker, or jobber from which orders are received or beverages are distributed, either in bottles or other containers for resale.

(B) *Nonalcoholic beverages exempted.* This section shall not apply to the sale of lemonade, soda water, mineral water, ginger ale, pop, or other soft drink containing no percent of alcohol.

(C) *License required.* No person shall engage in the business of distribution or sale by wholesale of any cereal, malt, or vinous beverage, without first having obtained a license therefor.

(D) *License fee; separate places; expiration date.*

(1) Any person desiring to engage in the distribution or sale by wholesale of any cereal, malt, or vinous beverage shall first obtain from the City Administrator a license therefor, for which he or she shall pay the license fees as provided in this Ordinance.

(2) If any person maintains more than one place of business or warehouse, agent, distributor, broker, or jobber from which orders are received or beverages are distributed, then the person shall pay an additional fee per year for each separate place of business or warehouse, agent, distributor, broker, or jobber. The fees to be paid are in the amounts as provided in this Ordinance.

(3) All licenses provided for herein shall commence as of July 1 and expire on June 30 next after the date of issue. When a license is issued after October 1 of any year, the licensee shall be required only to pay a proportionate part of the license tax required therefor from the first day of the month in which the licensee commences to carry on said business until June 30 next. However, no license shall be issued for less than 50% of the annual license fee.

(E) *Hours of operation restricted.*

(1) The distribution and sales by wholesa~~e~~ and delivery of any cereal, malt, or vinous beverages may occur between the hours of 6:00 am. and 12:00 midnight, Monday through Saturday.

(2) No person shall distribute and sell by wholesale any such beverages at any time during the 24 hours of Sunday.

(F) *Distributor's license.*

(1) A distributor's license shall authorize the licensee to purchase, import, or store malt beverages and to sell them only in and to the licensed premises, to other distributors and to retailers. A distributor may transport malt beverages subject to the same requirements provided by Kentucky Revised Statutes.

(2) A distributor's license must be obtained for each separate warehouse, agent, distributor, broker, jobber, or place of business from which orders are received or beverages are distributed unless it is a licensed brewery.



SECTION 12. RESTAURANT DRINK LICENSE.

(A) The Board of Commissioners of the City of Corbin, Kentucky, hereby determines, acknowledges and declares that an economic hardship exists within the City of Corbin, Kentucky, and that the sale of alcoholic beverages by the drink could aid economic growth and there is a need for Restaurant Drink Licenses to be issued pursuant to KRS 242.185(1)(2)(3)(4)(5) and hereby approves same.

(B) The licensee under this Section must be a bona fide restaurant open to the general public having dining facilities for not less than one hundred (100) persons; or a hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons.

SECTION 13. PACKAGE RETAIL LIQUOR OUTLET.

(A) No person shall drink any alcoholic beverages in any public place or in any motor vehicle on any parking lot area or other facility used by any package liquor license holder in connection with his or her business in any manner.

(B) All persons, firms, corporations, partnerships, joint ventures, or sole proprietorships shall be required to post a sign or signs on all parking lots adjacent, adjoining, or connected with or used by a package liquor retail sales outlet. The licensee shall provide the City Administrator with a drawing of his or her normal entrances, driveways, or other access onto the parking lot and all customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed. The licensee shall post lighted signs at normal vehicle or pedestrian exterior entrances via driveways or other access to the parking lot. The licensee shall post signs of identical wording, readable from 50 feet, at customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed. Wording of all such signs shall be: NO DRINKING ON PARKING LOT. VIOLATORS WILL BE PROSECUTED! MINIMUM FINE \$100.00, MAXIMUM FINE \$500.00 (CITY ORDINANCE).

*11/13/11
No sign required
No sign posted*

(C) Any person, firm, corporation, partnership, or joint venture which fails to prohibit the drinking of any alcoholic beverages on a parking lot adjacent, adjoining, or connected with a package liquor retail sales outlet shall be deemed in violation hereof. Any person, firm, corporation, partnership, or joint venture which has erected and properly maintained and lighted a sign, as required by division (B) above, shall be exempt from the provisions hereof.

SECTION 14. {RESERVED}

SECTION 15. {RESERVED}

SECTION 16. SPECIAL SUNDAY RETAIL DRINK LICENSES.

(A) *Establishment.* There are hereby established a city special Sunday restaurant wine license, pursuant to the authority granted by KRS 243.032 and KRS 243.070, and a city special Sunday restaurant drink license, pursuant to the authority granted by KRS 242.185 and KRS 243.070.

(B) *Restrictions.* The holder of the special Sunday restaurant wine license shall be governed by the restrictions contained in KRS 243.032 and the regulations of the City Alcoholic Beverage Administrator. The hours of operation for holders of package and retail drink licenses shall be governed by Section 6. that outlines the hours of operation allowed for licensed premises.

(C) *Fee.* The fee for the special Sunday retail drink license shall be as established by this Ordinance and shall become due and payable on June 1 of each year. When a license is issued after October 1 of any year, the licensee shall be required only to pay a proportionate part of the license tax required therefor from the first day of the month in which the licensee commences to carry on the business until June 30 next. However, no license shall be issued for less than 50% of the annual license fee.

SECTION 17. SOLICITATION FOR THE PURCHASE OF ALCOHOLIC BEVERAGES PROHIBITED.

(A) No employee or independent contractor of a licensed liquor establishment shall solicit patrons of said establishment to purchase any alcoholic beverage for consumption by any employee or independent contractor of the licensed liquor establishment.

(B) No employee or independent contractor of a licensed liquor establishment shall be compensated in any manner that is measured by a percentage or fraction of beer or liquor retail sales.

SECTION 18. ALCOHOL WARNING SIGNS; DRINKING ALCOHOL DURING PREGNANCY.

All licensed retail vendors of alcoholic beverages shall post in a prominent place a printed sign at least 11 inches by 14 inches in size, with letters at least one-inch high, which shall warn that drinking alcoholic beverages during pregnancy can cause birth defects.

SECTION 19. PENALTY.

Any person found guilty of violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or by imprisonment in the county jail for not more than 6 months, or both fine and imprisonment in the discretion of the court. This penalty may be imposed in addition to any administrative penalty imposed by the City Alcoholic Beverage Control Administrator or the State Alcoholic Beverage Control Board.

SECTION 20. REPEAL OF ORDINANCES AND/OR PORTIONS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

On the effective date of this Ordinance, all Ordinances and/or portions of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 21. SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this Ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

SECTION 22. EFFECTIVE DATE.

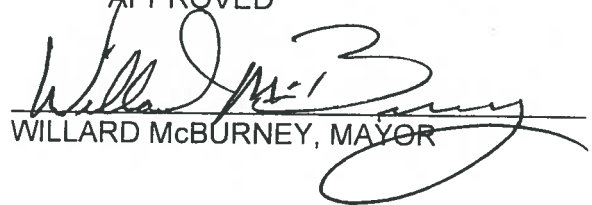
This Ordinance shall take effect upon proper passage and legal advertisement.

FIRST READING 4-9-12

SECOND READING 4-10-12

APPROVED

BY:


WILLARD McBURNEY, MAYOR

ATTEST:


ERIN TYE, CITY CLERK

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ALCOHOL
BEVERAGE CONTROL

ORDINANCE NO. 10-2009

AN ORDINANCE OF THE CITY OF CORBIN, KENTUCKY AMENDING ORDINANCE NO. 8-2003 TO INCREASE THE REGULATORY LICENSE FEE IMPOSED ON THE GROSS RECEIPTS OF SALE OF ALCOHOLIC BEVERAGES OF EACH LICENSE ISSUED BY THE CITY ABC ADMINISTRATOR FROM SIX (6%) PERCENT OF GROSS SALES OF ALCOHOLIC BEVERAGES TO SEVEN (7%) PERCENT OF GROSS SALES OF ALCOHOLIC BEVERAGES, AND SETTING THE EFFECTIVE DATE OF THIS ORDINANCE AS AUGUST 1, 2009.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CORBIN, KENTUCKY, as follows:

SECTION 1. Ordinance No. 8-2003, at SECTION ONE, Article IV. APPLICATION/ LICENSE, Regulatory License Fee: (a), is hereby amended and shall read as follows:

Regulatory License Fee:

(a) A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. The license fee shall be ~~six (6%) percent~~ seven (7%) percent of gross sales of alcoholic beverages.

(b) Payment of such regulatory fees shall be remitted to the City ABC Administrator, and shall accompany the tax returns approved for such use by the City Commission. These returns and payments are due no later than by the end of the month immediately following each calendar quarter.

(c) Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subjects licensee to suspension or revocation.

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

(e) Interest at the rate of eight percent (8%) per annum will apply to any late payments.

SECTION 2. This Ordinance shall be in effect on August 1, 2009.

GIVEN FIRST READING AND PASSED: 7-13-09

GIVEN SECOND READING AND PASSED: 7-20-09

WILLARD McBURNEY, MAYOR

ATTEST:

ERIN BLOUNT, CITY CLERK

ORDINANCE NO. 4-2008

AN ORDINANCE OF THE CITY OF CORBIN, KENTUCKY AMENDING ORDINANCE NO. 8-2003 TO SET FORTH THAT THE SALE OF ALCOHOLIC BEVERAGES SHALL BE ACCESSORY TO THE SALE OF FOOD AND OFFERED ONLY DURING TIMES IN WHICH THE LICENSEE'S KITCHEN AND FOOD SERVICE STAFF IS ON DUTY AND THE LICENSEE'S KITCHEN IS OPEN FOR SERVING FOOD; SETTING FORTH THAT APPROPRIATE LICENSES FOR NEW YEAR'S EVE AND NEW YEAR'S DAY MUST BE OBTAINED FROM ONLY THE CITY; SETTING FORTH CERTAIN REQUIREMENTS FOR THE PREMISES DURING CLOSING HOURS; CHANGING THE REQUIREMENTS FOR MANDATORY RESPONSIBLE BEVERAGE TRAINING; AND ADDING AND SETTING FORTH RESTRICTIONS TO ENSURE THAT PREMISES SHALL NOT BE DISORDERLY

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CORBIN, KENTUCKY, as follows:

SECTION 1. Ordinance No. 8-2003, at SECTION ONE and at ARTICLE I. IN GENERAL, is hereby amended and shall read as follows:

ARTICLE I. IN GENERAL

Purpose:

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage sales pursuant to KRS 242.185(8), and other applicable law, for any restaurant or dining facility which seats a minimum of 100 persons and which derives a minimum of seventy (70%) percent of its gross receipts from the sale of food. To realize this intent, the City shall implement this Ordinance in such a manner as to assure that:

- (a) Restaurants and dining facilities licensed under this Ordinance shall seat a minimum of one hundred (100) persons. Only permanent seating, excluding bar-type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold. Said seating must comply with all fire and safety capacity ratings and regulations.
- (b) The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty, and licensee's kitchen is open for serving food.
- (c) Restaurants and dining facilities licensed under this Ordinance shall derive a minimum of seventy (70%) percent of their gross receipts from the sale of food as certified by periodic documentation.

Definitions:

The definitions of the words used throughout this ordinance, unless the context requires otherwise, shall have the same meaning as those 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.

Scope:

This Ordinance shall only apply to the sale of malt, 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 thereof 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 alcoholic beverages.

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

SECTION 2. Ordinance No. 8-2003, at **SECTION ONE** and **ARTICLE V. HOURS FOR SALE AND DELIVERY**, is hereby amended and shall read as follows:

ARTICLE V. HOURS FOR SALE AND DELIVERY

(a) The licensee shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by the drink Monday through Saturday between the hours of 6:00 a.m. and 12:00 a.m.

(b) No alcohol may be sold or dispensed on Sundays, unless pursuant to paragraph (d) below.

(c) All delivery of alcoholic beverages in the City shall be made during normal business hours, Monday through Saturday. No delivery shall occur on Sunday.

(d) The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Year's Eve occurs, provided that the appropriate licenses have been obtained from both the City and the State ABC Board. If New Year's Eve falls on a Sunday, alcoholic beverages may be sold and dispensed commencing at 5:00 p.m.; if New Year's Day falls on a Sunday, then alcoholic beverages may be sold and dispensed until 2:00 a.m. on January 1; provided, however, that in either instance, the appropriate licenses for Sunday sales and for extended sales must be obtained from both the City and the State ABC Board. In either event, there shall be no additional City license fee imposed.

(e) The licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day.

(f) During the closing hours, the premises of any licensee for the sale of alcohol beverages by the drink shall be closed to and be vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during closing hours, including employees, and no parties, private or public, shall be held 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 3, Ordinance No. B-2003, at **SECTION ONE** and **ARTICLE VIII. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING**, is hereby amended and shall read as follows:

ARTICLE VIII. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

(a) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a City - approved responsible beverage service training program. For a responsible beverage service training program to be approved by the City, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The City will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this ordinance.

(b) All persons required to complete training under paragraph (a) above shall complete that training within ~~sixty (60)~~ 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 years thereafter.

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

(d) Each restaurant licensed by this Ordinance shall at all times that alcoholic beverages are being served have at least one person currently certified in responsible beverage service training, as required in paragraph (a) and (b) above, on duty.

SECTION 4 Ordinance No. B-2003, at **SECTION ONE** a new **ARTICLE XI** is hereby added and shall read as follows:

ARTICLE XI. RETAIL PREMISES NOT TO BE DISORDERLY

(a) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

(b) Acts, which constitute disorderly premises, consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:


1. Engaging in fighting or in violent, tumultuous or threatening behavior
or
2. Making unreasonable noise; or
3. Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency;
or
4. Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose; or
5. Conducting promotional efforts that are not customary or usual for a restaurant operation (e.g. wet t-shirt contest, wrestling contest, etc.)

GIVEN FIRST READING AND PASSED:

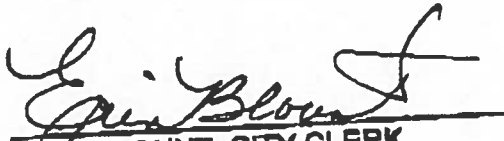
3-24-08

GIVEN SECOND READING AND PASSED:

4-14-08


WILLARD MCBURNEY,
MAYOR, CITY OF CORBIN, KENTUCKY

ATTEST:


ERIN BLOUNT, CITY CLERK

CITY OF CORBIN

ORDINANCE NO. 8-2003

AN ORDINANCE OF CITY OF CORBIN, KENTUCKY ("CITY") RELATED TO THE LICENSING OF RESTAURANTS AND DINING FACILITIES FOR THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK WHEN SUCH FACILITIES SEAT A MINIMUM OF ONE HUNDRED (100) PERSONS AND DERIVE A MINIMUM OF SEVENTY PERCENT (70%) OF GROSS RECEIPTS FROM THE SALE OF FOOD.

WHEREAS, KRS 242.185(6) 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 one hundred (100) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food; and

WHEREAS, KRS 242.185(6) further authorizes the local government of a jurisdiction in which such alcoholic beverage sales are authorized to adopt regulations licensing such sales along with any other reasonable administrative regulations as may be necessary for the enforcement or administration of that statute; and regulations adopted pursuant to that authority shall conform to the requirements of KRS 241.190; and

WHEREAS, the local option election was conducted pursuant to KRS 252.185(6) and approved; and it is now the responsibility of the city to adopt regulations reasonably calculated to assure the sale of alcoholic beverages consistent with the legislative intent; and

WHEREAS, the following table of contents is contained herein solely for the purpose of convenience as a guide to this ordinance, and not to be considered a part of the substantive content of the ordinance;

ORDINANCE NO. 1-2004

**AN ORDINANCE OF THE CITY OF CORBIN,
KENTUCKY AMENDING ORDINANCE NO. 8-2003
TO PROHIBIT AND MAKE UNLAWFUL THE SALE
AND/OR USE OF ALCOHOLIC BEVERAGES IN
PARKING LOTS OF LICENSED RESTAURANTS
AND DINING FACILITIES BY LICENSEES.**

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF CORBIN, KENTUCKY, as follows:

Section 1. Ordinance No. 8-2003, at ARTICLE VI. is hereby amended and shall read as follows:

- (a) No gambling or game 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 is prohibited and shall not be kept on such premises.
- (b) 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 messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator, or his designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.
- (c) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.
- (d) It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages.
- (e) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.
- (f) The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age.
- (g) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:
- Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:*
- 1. Enter licensed premises to buy, or have served to them, alcoholic beverages.*
 - 2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.*
 - 3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.*

**CITY OF CORBIN ABC ORDINANCE
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NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Corbin, Kentucky, as follows:

SECTION ONE: A new ordinance is hereby created to read as follows:

ARTICLE I. IN GENERAL

Purpose:

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage sales pursuant to KRS 242.185(6), and other applicable law, for any restaurant or dining facility which seats a minimum of 100 persons and which derives a minimum of seventy (70%) percent of its gross receipts from the sale of food. To realize this intent, the City shall implement this Ordinance in such a manner as to assure that:

(a) Restaurants and dining facilities licensed under this Ordinance shall seat a minimum of one hundred (100) persons. Only permanent seating, excluding bar-type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold. Said seating must comply with all fire and safety capacity ratings and regulations.

(b) The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty.

(c) Restaurants and dining facilities licensed under this Ordinance shall derive a minimum of seventy (70%) percent of their gross receipts from the sale of food as certified by periodic documentation.

Definitions:

The definitions of the words used throughout this ordinance, unless the context requires otherwise, shall have the same meaning as those 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.

Scope:

This Ordinance shall only apply to the sale of malt, 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 thereof 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 alcoholic beverages.

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are

adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

ARTICLE II. LICENSES

Scope:

Under this Ordinance a license shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.185(6).

ARTICLE III. DUTIES OF THE OFFICE OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

(a) The existing City office of Deputy City Collector shall serve as the City Alcoholic Beverage Control Administrator (hereinafter referred to as City ABC Administrator).

(b) The City Commission may from time to time appoint such additional personnel to the office of the Deputy City Collector as is necessary to assist the office in the administration of this ordinance.

(c) The salary for the office of City ABC Administrator, if any, together with the salaries of any other personnel assisting the City ABC Administrator, shall be fixed from time to time by the City Commission.

(d) The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky (hereinafter referred to as ABC Board) with respect to state licenses and regulations, except that no amendment to these regulations proposed by the City ABC Administrator may be less stringent than the statutes relating to Alcoholic Beverage Control, or than regulations of the ABC Board. No regulation of the City ABC Administrator shall become effective until it has first been appropriately approved by the City Commission.

(e) 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 ABC Board under KRS 241.100.

(f) The City ABC Administrator shall have all authority as authorized under Chapters 241 through 244 of the Kentucky Revised Statutes.

(g) Should the City ABC Administrator at any time 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 shall have the authority to require such person to appear in person at the Corbin Police Department for the purpose of having his or her fingerprints taken.

(h) The City ABC Administrator before entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the 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).

(1) Appeals from the orders of the City ABC Administrator may be taken to the state ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the City ABC Administrator. Matters at issue shall be heard by the Board as upon an original proceeding. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

ARTICLE IV. APPLICATION/LICENSE

(a) Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements of KRS Chapter 424.

(1) The advertisement shall state the name 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 office and directors of the corporation, as well as the name 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.

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

(b) 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 forms provided by the ABC Board and the City of Corbin, as amended and supplemented from time to time.

(c) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC Board and the City of Corbin, including as follows:

- (1) Name and address;
- (2) Nature of interest;
- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Corbin resident indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this ordinance;
- (7) Extent of stock ownership;
- (8) 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 a certified check, cash or a postal or express money order for the license fee.

(d) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator.

(e) All City licenses shall be in such form as may be prescribed by the City Commission and shall contain:

- (1) The name and address of the licensee;
- (2) The number of the license;
- (3) The type of license;
- (4) A description by street and number, or otherwise, of the licensed premises;
- (5) The name and address of the owner of the building in which the licensed premises are located;
- (6) The expiration date of the license;
- (7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

(f) All licenses approved by the City ABC Administrator and issued by the City of Corbin shall begin on June 1 of any year and shall expire on May 31 of the following year.

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

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

(i) In the event a violation of this ordinance occurs that requires the revocation of the license, the City shall not be required to refund any portion of the license fee.

Fees Pursuant to KRS 243.070:

(a) The annual City License fee for the sale of wine, distilled spirits, and/or malt beverages shall be \$ 800.00. This fee may be amended from time to time if not inconsistent with the applicable state statutes.

(b) The annual City License fee for the sale of alcoholic beverages during extended hours shall be \$ 0.00.

(c) The City ABC Administrator shall transmit fees upon collection to the City Treasurer to be deposited into the appropriate designated account. City Licenses shall be issued by the City ABC Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's state application.

Refund of License fees:

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 other cause outside licensee's control then the City shall refund to it the proportionate part of the license fee for the period 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 the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee or agent or employee of the licensee.

Lost or Destroyed Licenses:

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

Revocation or Suspension:

(a) Any license may be 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 ABC Board or of the department of revenue relating to the regulation of the manufacture, sale and 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 and transportation or taxation of intoxicating liquors 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 instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his sound discretion deems sufficient.

(b) 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.

(c) Any license may be revoked or suspended for the following causes:

- (1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- (2) Making any false, material statements in an application for a license.
- (3) If within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic

beverages or if within such period, any licensee or any of the clerks, servants, agents or employees of the license shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one (1) such felony and one (1) such misdemeanor.

- (4) 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 statutes, this Ordinance or acts of congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof
- (5) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or 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.

Notice to Licensee; Surrender of License; Hearing:

(a) Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. 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 section. The licensee shall at once surrender his license to the City ABC Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of Police at the request of the City ABC Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the City ABC Administrator.

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

(c) Appeal from the decision of the City ABC Administrator shall be to the ABC Board.

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

Transfer or Assignment:

No license issued under this Ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not then until a payment of One Hundred Dollars (\$100.00) shall be made to the City ABC Administrator.

Refusal of License:

The City ABC Administrator may refuse to issue or renew a license for any of the following reasons:

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

(b) If the applicant has done any act for which a revocation of license would be authorized; or

(c) If the applicant has made any false material statement in his application.

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 applicant's business income is earned from the sale 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 discretion in determining whether revocation 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 accounting period of at least one (1) year in determining whether or not the 70% minimum food requirement has been met.

Regulatory License Fee:

(a) A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. The license fee shall be SIX (6%) percent of gross sales of alcoholic beverages.

(b) Payment of such regulatory fees shall be remitted to the City ABC Administrator, and shall accompany the tax returns approved for such use by the City Commission. These returns and payments are due no later than by the end of the month immediately following each calendar quarter.

(c) Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subjects licensee to suspension or revocation.

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

(e) Interest at the rate of eight percent (8%) per annum will apply to any late payments.

Change of Information:

(a) Since a number of licenses issued by the City are in the name of corporation, it is necessary that stock ownership changes in such corporation be reported to the City ABC Administrator. The City ABC Administrator can therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(b) 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 shall require a new license.

(c) The following information will be required concerning any new director, officer, or person securing any interest in alcoholic beverage license:

- (1) Name and address;
- (2) Nature of interest;
- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If a Corbin, resident indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
- (7) Extent of stock ownership;
- (8) 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 City ABC Administrator as an amendment of the application pursuant to which the license was granted.

Dormancy:

(a) 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. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.

(b) Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City ABC Administrator.

(c) Except that the provisions of subsection (a) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, acquisition is voluntary or involuntary, or loss of lease through failure of landlord to

renew existing lease. Such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his sound discretion.

(d) All renewal licenses must be on file with the City ABC Administrator within thirty (30) days prior to the expiration of the licenses for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for 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 license fee shall not be payable until application is made for the transfer of said license to a new location.

Approval of Premises:

The City ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until said applicant and his place of business shall have been approved by the city building inspector, and any and all other inspections required by the Kentucky Building Code.

Delinquent Taxes or Fees:

No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of the issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the City. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license

period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

Books, Records and Reports:

(a) 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 ABC Board. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and such City employees who may assist the City ABC Administrator in his review.

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

ARTICLE V. HOURS FOR SALE AND DELIVERY

(a) The licensee shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by the drink Monday through Saturday between the hours of 6:00 a.m. and 12:00 a.m.

(b) No alcohol may be sold or dispensed on Sundays, unless pursuant to paragraph (d) below .

(c) All delivery of alcoholic beverages in the City shall be made during normal business hours, Monday through Saturday. No delivery shall occur on Sunday.

(d) The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Year's Eve occurs, provided that the appropriate licenses have been obtained from both the City and the State ABC Board. If New Year's Eve falls on a Sunday, alcoholic beverages may be sold and dispensed commencing at 5:00 p.m.; if New Year's Day falls on a Sunday, then alcoholic beverages may be sold and dispensed until 2:00 a.m. on January 1; provided, however, that in either instance, the appropriate licenses for Sunday sales and for extended sales must be obtained from both the City and the State ABC Board. In either event, there shall be no additional City license fee imposed.

(e) The licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day.

ARTICLE VI. CONDITIONS, PROHIBITIONS AND RESTRICTIONS

(a) No gambling or game 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 is prohibited and shall not be kept on such premises.

(b) 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 messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this

section, the Chief of Police or the City ABC Administrator, or his designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(c) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(d) It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages.

(e) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

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

(g) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:

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

(h) The licensee, before commencing any business for which a license has been issued, shall post and display 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 on premises other than the licensed premises or upon premises where 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.

(i) 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 supplied by the Cabinet for Health 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). KRS 243.895.

(j) Any off premises signage advertising the sale of alcoholic beverages is prohibited.

(k) No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(1) No licensee shall knowingly employ in connection with his or her business any person who:

1. Has been convicted of any felony within the last two (2) years;

2. Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;

3. 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;

4. Within two (2) years prior to the date of his employment, has had any City license under this Ordinance revoked for cause.

Violation of this subsection shall subject both employer and employee to penalties provided in this Ordinance and shall be cause for revocation of license.

ARTICLE VII. ENFORCEMENT

City police officers and the City ABC Administrator are authorized to enforce this Ordinance for alleged violations.

Investigation and Inspection of Premises:

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 Corbin. They, along with any authorized law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored, or otherwise trafficked, without first obtaining a search warrant.

Penalties:

The following penalties shall be in addition to any criminal prosecution instituted in Whitley or Knox District Courts against an alleged violator and fines hereunder shall be payable to the City ABC Administrator.

The City ABC Administrator may assess a fine of not more than five hundred dollars (\$500.00) per violation. This payment of said fine shall be transmitted to the City Treasurer to be deposited in the appropriate designated account.

Any person, firm or corporation who violates any of the provisions of this Ordinance, for which no other 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 in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, joint stock company, association or fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

ARTICLE VIII. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

(a) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a City-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the City, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The City will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this ordinance.

(b) All persons required to complete training under paragraph (a) above shall complete that training within sixty (60) 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 years thereafter.

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

ARTICLE IX. SIGNS AND ADVERTISING

(a) All signage shall be in compliance with any and all other existing rules and regulations of the City of Corbin and the City of Corbin Planning & Zoning Commission.

(b) Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign not over two (2) square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying advertising which refers 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 business cards not larger than two and one-half inches (2-1/2") in size, setting forth the price at which he offers alcoholic beverages for sale.

(h) The licensee, before commencing any business for which a license has been issued, shall post and display 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 on premises other than the licensed premises or upon premises where 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.

(i) 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 supplied by the Cabinet for Health 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). KRS 243.895.

(j) Any off premises signage advertising the sale of alcoholic beverages is prohibited.

(k) No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(l) No licensee shall knowingly employ in connection with his or her business any person who:

1. Has been convicted of any felony within the last two (2) years;
 2. Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;
 3. 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;
 4. Within two (2) years prior to the date of his employment, has had any City license under this Ordinance revoked for cause.
- Violation of this subsection shall subject both employer and employee to penalties provided in this Ordinance and shall be cause for revocation of license.

(m) The sale and/or use of alcoholic beverages in parking lots of licensed restaurants and dining facilities by licensees shall be prohibited and unlawful.

GIVEN FIRST READING AND PASSED: 5-10-04

GIVEN SECOND READING AND PASSED: 6-14-04


J. SCOTT WILLIAMSON, MAYOR

ATTEST:


ERIN BLOUNT, CITY CLERK

(c) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

(d) It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any handbills, circulars, or cards as a medium of advertising alcoholic beverages.

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

(f) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130.

ARTICLE X. IMPLEMENTATION OF ORDINANCE PROVISIONS

From time to time, the Corbin City Commission may by resolution or 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 2: SEVERABILITY

If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or otherwise invalid, such declaration shall not affect the remaining portions thereof.

SECTION 3: EFFECTIVE DATE

Prohibition is lifted for the limited purpose hereinabove effective June 27, 2003.

GIVEN FIRST READING AND PASSED 6-26-03

GIVEN SECOND READING AND PASSED 6-27-03

J. SCOTT WILLIAMSON, MAYOR

ATTEST:

ERIN BLOUNT, CITY CLERK