

ORDINANCE O-19-2013

AN ORDINANCE AMENDING TITLE XI, CHAPTER 111, SECTION 111.09(A) OF THE CITY OF FORT THOMAS, KENTUCKY, CODE OF ORDINANCES, RELATING TO HOURS OF OPERATION FOR THE RETAIL SALE OF ALCOHOLIC BEVERAGES BY THE DRINK ON SUNDAYS.

WHEREAS, businesses located within Fort Thomas which are licensed to sell alcoholic beverages by the drink are currently restricted from selling same on Sundays between the hours of 2:30 a.m. and 1:00 p.m.; and

WHEREAS, businesses located in many neighboring cities which are licensed to sell alcoholic beverages by the drink are currently restricted from selling same on Sundays between the hours of 2:30 a.m. and 11:00 a.m. and providing a distinct disadvantage to businesses located in Fort Thomas; and

WHEREAS, a business owner located within Fort Thomas has requested that Section 111.09(A) of the City of Fort Thomas Code of Ordinances be amended to allow for the earlier retail sale of alcoholic beverages by the drink on Sundays; and

WHEREAS, the Law, Labor & License Committee of Council has reviewed the issue and recommended to the Board of Council that Section 111.09(A) of the Fort Thomas Code of Ordinances be amended to allow for the retail sale of alcoholic beverages on Sundays beginning at 11:00 a.m.; and

WHEREAS, the Board of Council of the City of Fort Thomas has concurred with the recommendation by the Law, Labor & License Committee of Council to amend section 111.09(A) of the Fort Thomas Code of Ordinances to allow for the retail sale of alcoholic beverages on Sundays beginning at 11:00 a.m.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That Title XI, Chapter 111, Section 111.09(A) of the Fort Thomas Code of Ordinances relating to hours of operation for the sale of alcoholic beverages on Sundays be and is hereby amended to read as follows:

§ 111.09 HOURS OF OPERATION

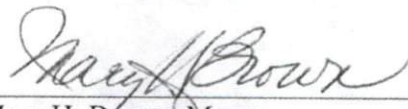
(A) No holder of a NQ-2 Retail Drink License, NQ-3 Retail Drink License, NQ-4 Retail Malt Beverage Drink License, Quota Retail Drink License, Microbrewery License or Special Temporary License may sell alcoholic beverages at retail by the drink between the hours of 2:30

a.m. and 6:00 a.m. of any day, except Sunday. On Sunday, no alcoholic beverages may be sold at retail by the drink between the hours of 2:30 a.m. and 11:00 a.m. 4:00 p.m.

SECTION II

All ordinances or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed. This ordinance shall become effective upon passage, approval and publication as required by law.

APPROVED:



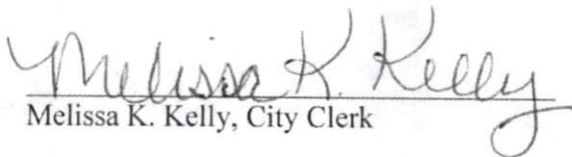
Mary H. Brown, Mayor

1st Reading: December 16, 2013

Adopted: January 21, 2014

Publication: January 30, 2014

ATTEST:



Melissa K. Kelly, City Clerk

ORDINANCE O-16-2013

AN ORDINANCE AMENDING TITLE XI, CHAPTER 111, OF THE CITY OF FORT THOMAS, KENTUCKY, CODE OF ORDINANCES, RELATING TO ALCOHOLIC BEVERAGES, TO COMPLY WITH RECENT CHANGES TO KENTUCKY REVISED STATUTES CHAPTERS 241 TO 244, INCLUDING CHANGING THE NAMES OF VARIOUS LICENSE TYPES AND LICENSE RENEWAL DATES.

WHEREAS, during the 2013 Legislative Session the Kentucky General Assembly, through Senate Bill 13, adopted amendments to Kentucky Revised Statutes Chapters 241 to 244 regarding alcoholic beverages and licensing; and

WHEREAS, Senate Bill 13 requires that cities amend their alcoholic beverage ordinances to conform with the revisions made to Kentucky Revised Statutes Chapter 241 to 244 in order to maintain local regulatory and licensing authority pertaining to alcoholic beverages; and

WHEREAS, the Alcoholic Beverage Control Officer for the City of Fort Thomas has reviewed the City's alcoholic beverage regulations and recommended appropriate amendments to provide conformity with State Statutes; and

WHEREAS, the Board of Council of the City of Fort Thomas has reviewed the recommendations of the City's Alcoholic Beverage Control Officer and desires to implement said recommendations to provide conformity with State Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That Title XI, Chapter 111, relating to Alcoholic Beverage be and is hereby amended to read as follows:

CHAPTER 111: ALCOHOLIC BEVERAGES

§ 111.01 ADOPTION OF STATE LAW.

All of the provisions of the Kentucky Alcoholic Beverage Control Act, KRS Chapters 241, 242, 243 and 244 and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, purchase, or other traffic in alcoholic beverages, are adopted and made a part of this chapter insofar as they may apply herein or be pertinent to the government of the city, and are made a part of this chapter, by reference, as if fully set out herein.

§ 111.02 DEFINITIONS.

The definitions of words and phrases used in this chapter unless otherwise indicated, shall be the same as are set out in KRS Chapters 241, 242, 243 and 244 of the Alcoholic Beverage Control Act aforesaid.

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ALCOHOLIC BEVERAGE CONTROL

§ 111.03 LICENSE REQUIRED.

(A) No person, firm, or corporation shall vend, sell, or traffic in alcoholic beverages without having first procured a license as provided in this chapter, nor without complying with all the provisions of this chapter, and all statutes, ordinances, and regulations applicable thereto.

(B) The holding of any permit or license from the United States government or the state, to traffic in alcoholic beverages without the corresponding requisite city license shall in all cases raise a prima facie presumption that the holder of the United States government or state permit or license, is unlawfully trafficking in alcoholic beverages.

(C) No person, firm, or corporation conducting a place of business patronized by the public, who does not hold a license to sell alcoholic beverages, shall permit any person to sell, barter, loan, give away, or drink alcoholic beverages on the premises of his place of business.

§ 111.04 LICENSE CLASSIFICATIONS; ANNUAL FEES.

(A) There shall be issued by the ABC Administrator the following kinds of licenses to traffic in alcoholic beverages:

(1) (a) Malt beverage retailer license NQ-4 Retail Malt Beverage Drink License. A malt beverage retailer's license NQ-4 Retail Malt Beverage Drink License shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises. ~~In addition, no malt beverages may be sold at retail by the drink between the hours of 2:30 a.m. and 6:00 a.m. of any day, except Sunday. On Sunday, no malt beverages may be sold at retail by the drink between the hours of 2:30 a.m. and 1:00 p.m.~~ The license fee shall be \$125 per annum.

(b) NQ Retail Malt Beverage Package License. A malt beverage package license NQ Retail Malt Beverage Package License shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises only, and for consumption off of the licensed premises. ~~In addition, no malt beverages may be sold at retail by the package on Sunday except between the hours of 11:00 a.m. to 12:00 a.m.~~ The license fee shall be \$100 per annum.

(c) The holder of a NQ Retail Malt Beverage Package License may also obtain a Secondary NQ-4 Retail Malt Beverage Drink License for an additional fee of \$50. The holder of a NQ-4 Retail Malt Beverage Drink License may also obtain a Secondary NQ Retail Malt Beverage Package License for a fee of \$50.

(2) Quota Retail Package License. A distilled spirits and wine retail package license Quota Retail Package License shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. ~~In addition, no distilled spirits and wine may be sold at retail by the package on Sunday except between the hours of 11:00 a.m. to 12:00 a.m.~~ The license fee shall be \$200 per annum.

~~(3) Distilled spirits and wine retail drink license Quota Retail Drink License. A distilled spirits and wine retail drink license Quota Retail Drink License shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. A Quota rRetail dDrink lLicense shall not authorize the sale of distilled spirits or wine by the package. In addition, no distilled spirits and wine may be sold at retail by the drink between the hours of 2:30 a.m. and 6:00 a.m. of any day, except Sunday. The license fee shall be \$1,000 per annum. On Sunday, no distilled spirits and wine may be sold at retail by the drink between the hours of 2:30 a.m. and 1:00 p.m.~~

(4) ~~Special private club license NQ-3 Retail Drink License. A special private club license NQ-3 Retail Drink License may be issued to any nonprofit social, fraternal, military, or political organization or club, which for more than one year prior to the date of application has continuously maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits, wine and malt beverage retail drink licensee at the designated premises if the general public is excluded. The license fee shall be \$300 per annum.~~

(5) ~~Malt Beverage dDistributor's lLicense. A Malt Beverage dDistributor's lLicense shall authorize the licensee to purchase, import, or store malt beverages and to sell them only to other distributors or to licensed retailers. A Malt Beverage dDistributor's lLicense 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. The license fee shall be \$200 per annum.~~

(6) ~~Special Sunday rRetail dDrink lLicense. The following regulations apply to the sSpecial Sunday rRetail dDrink lLicense:~~

~~(a) Any person, firm, or corporation presently holding a any rRetail dDrink lLicense issued by the State Alcoholic Beverage Control Board and the city for the sale of distilled spirits and wine by the drink for consumption on the premises, may apply for a sSpecial Sunday rRetail dDrink lLicense as permitted by KRS 243.030. The fee to be paid for the license shall be \$300 per annum, for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.~~

~~(b) It shall be unlawful for any person, firm, or corporation to sell or traffic in distilled spirits or wine by the drink for consumption on the premises on a Sunday without first having obtained this license. A violation hereof shall be deemed a misdemeanor and upon conviction therefore shall be punishable as set forth in § 111.99.~~

~~(7) Restaurant wine license. The following regulations apply to the restaurant wine license:~~

~~(a) A restaurant wine license may be issued to an applicant who is an owner or lessee of a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables. The issuance of a restaurant wine license shall be subject to the limitations established by the State Alcoholic Beverage Control Board~~

pursuant to KRS 241.060 (2), and the applicant must meet all other qualifications required by law.

~~_____ (b) A restaurant wine license shall authorize the licensee to purchase, receive, and sell wine at retail for consumption on the licensed premises. The licensee shall purchase wine only from licensed wholesalers.~~

~~_____ (c) Any licensee who is a new applicant for a restaurant wine license shall pay a licensee fee of \$300 prorated and payable as provided in § 111.09. Any person who is a holder of a restaurant wine license shall pay an annual renewal fee of \$200, prorated and payable as provided in § 111.09.~~

(a) NQ-2 Retail Drink License. A NQ-2 Retail Drink License shall authorize the licensee to purchase, receive, possess, and sell distilled spirits, wine and malt beverages at retail by the drink for consumption on the licensed premises. A NQ-2 Retail Drink License shall not authorize the sale of distilled spirits, wine or malt beverages by the package. The license fee shall be \$1,000 per annum.

_____ (b) Requirements for restaurants applying for a NQ-2 Retail Drink License are as set forth in KRS 243.083 and KRS 243.084.

(8) Microbrewery HLicense. The following regulations apply to the microbrewery license:

(a) A ~~m~~Microbrewery HLicense shall authorize the licensee to perform the following functions:

(i) Engage in the business of a brewer under the terms and conditions of KRS243.150, provided that production of malt beverages at such microbrewery shall not exceed 25,000 barrels in one year;

(ii) Serve on the premises complimentary samples of malt beverages produced by such microbrewery in amounts not to exceed 16 ounces per patron; and

(iii) Sell malt beverages produced on the premises of the microbrewery to licensed distributors.

(b) The fee to be paid for the ~~m~~Microbrewery HLicense shall be \$300 per annum, ~~for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.~~

(9) Supplemental ~~b~~Supplemental ~~b~~Bar HLicense. A ~~s~~Supplemental ~~b~~Bar HLicense shall authorize the licensee to sell or serve distilled spirits or wine by the drink at retail for consumption on the licensed premises from an additional location other than the main bar of an existing retail drink licensed premises. A ~~s~~Supplemental ~~b~~Bar HLicense is a non-quota license and shall not be transferable to other premises. The fee to be paid for the supplemental license shall be \$350 per

~~annum, for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.~~

(10) (a) Special Temporary License. A Special Temporary License shall authorize the licensee to purchase, receive, possess and sell malt beverages, distilled spirits or wine at retail by the drink for consumption on the specifically designated licensed premises for a definite period of time not to exceed thirty days. The license fee shall \$50 event and shall be assessed for each individual booth or point of sale from which malt beverages, distilled spirits or wine are dispensed.

(b) Distilled Spirits and Wine Special Temporary Auction. A Distilled Spirits and Wine Special Temporary Auction License shall authorize the licensee to purchase and receive wine to be sold at auction on the specifically designated licensed premises. The license fee shall be \$50 per event.

(B) All license fees provided for in division (A) above shall be paid annually in advance on or before ~~July~~ December 1 of each year. Terms for less than one year shall be prorated in conformity with § 111.09. All licenses issued hereunder shall be signed by the ABC Administrator, upon approval by the City Administrator and the receipt of the proper license fee. All monies received by the ABC Administrator from the issuance of these licenses shall be accounted for to the City Treasurer, and the latter shall place the funds in the General Fund of the city.

§ 111.05 APPLICATION PROCEDURE.

(A) Application for licenses provided for in this chapter shall be made to the City Alcoholic Beverage Control Administrator on forms furnished by the city. Each application shall be verified and contain the same information concerning the applicant and the premises as that required on application for state licenses, and any other information that the City Alcoholic Beverage Control Administrator may, by regulation, require.

(B) Each application must be accompanied by the signatures of at least ten reputable citizens living within 400 feet of the place in which the business is to be conducted, or ten persons owning real estate within 400 feet of the place in which the business is to be conducted. If there are not ten reputable citizens living within 400 feet of the place in which the business is to be conducted or if there are not ten persons owning real estate within 400 feet of the place in which the business is to be conducted, the application provided for herein will be sufficient if accompanied by the signatures of all the owners or reputable citizens owning property or residing within 400 feet, even though the number is less than ten, who shall certify that they know the applicant to be a person of honesty, probity, good demeanor, and reputation, and are requesting that the license be granted.

(C) Each application shall be accompanied by a certified check, cash, or a postal or express money order for the license fee.

(D) Each application shall remain on file for public inspection, and no license shall be granted within 14 days of the date of the filing of the application. The City Alcoholic Beverage Control Administrator shall present the application to the City Council at a regular meeting for examination by the City Council, and if correct in form, it shall be laid over until the next regular meeting of the City Council. During the period that the application is laid over, there shall be posted by the Chief of Police for not less than seven consecutive days in three conspicuous public places within 300 feet of the premises in which the business for which the license is sought is to be carried on, a notice that the license has been applied for. This notice shall bear the name of the applicant, the kind of license applied for, the address of the premises in which the business is to be carried on, the name of the owner of the premises, and shall give notice of the time of the meeting of the City Council at which the application will be finally considered. The notice shall also be published once in a newspaper as required by law.

(E) Upon final consideration of the question of whether a license applied for shall be granted, any person having good cause or reason to object to the granting of the license may appear before the City Alcoholic Beverage Control Administrator at the regular meeting of the City Council and be heard. If the applicant so desires he shall have the opportunity to be heard by the City Alcoholic Beverage Control Administrator.

(F) If the Alcoholic Beverage Control Administrator refuses to issue the license he shall notify the applicant of his determination by mailing a registered letter to him, directed to the address given in his application. If at the expiration of ten days after the date of the mailing of the notice from the Alcoholic Beverage Control Administrator, no appeal has been filed, the license fee shall be refunded to the applicant. After a license has been granted, no part of the license fee paid thereunder shall be refunded to the licensee.

§ 111.06 CONTENTS OF LICENSE.

(A) All licenses under this chapter shall be in such form as may be prescribed by regulations of the City Alcoholic Beverage Control Administrator and shall contain the following.

- (1) The name and address of the licensee.
- (2) The number of the license.
- (3) The type of the 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.

(B) Each kind of license shall be printed so as to be readily distinguishable from the other kinds.

§ 111.07 CAUSES FOR REFUSAL.

A license that might be issued under this chapter shall be refused under the following conditions.

(A) If the applicant or the premises for which the license is sought do not comply fully with all alcoholic beverage control statutes; the regulations of the State Alcoholic Beverage Control Board; all ordinances relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages; and all regulations of the City Alcoholic Beverage Control Administrator.

(B) If the applicant has done any act for which a revocation of license would be authorized.

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

(D) A license that might be issued under this chapter may be refused by the Alcoholic Beverage Control Administrator for any reason which he, in the exercise of his sound discretion, may deem sufficient.

§ 111.08 PERSONS OR PREMISES WHICH MAY NOT BE LICENSED.

(A) No license under this chapter shall be issued to any of the following.

(1) A person who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years preceding the application.

(2) A person who is under the age of 21 years.

(3) A person who is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his application for a license is made.

(4) A partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, or a felony, is 21 years of age or more, and is a citizen of the United States.

(5) A person who has had any license issued under a statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been

convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(6) A partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(B) 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 licensed period. No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises conforms with the physical requirements as set forth in the applicable statutes and regulations of the State Alcoholic Beverage Control Board.

§ 111.09 HOURS OF OPERATION

(A) No holder of a NQ-2 Retail Drink License, NQ-3 Retail Drink License, NQ-4 Retail Malt Beverage Drink License, Quota Retail Drink License, Microbrewery License or Special Temporary License may sell alcoholic beverages at retail by the drink between the hours of 2:30 a.m. and 6:00 a.m. of any day, except Sunday. On Sunday, no alcoholic beverages may be sold at retail by the drink between the hours of 2:30 a.m. and 1:00 p.m.

(B) No holder of a NQ Retail Malt Beverage Package License or Quota Retail Package License may sell alcoholic beverages at retail by the package between the hours of 12:00 a.m. and 6:00 a.m. of any day, except Sunday. On Sunday, no alcoholic beverages may be sold at retail by the package, except between the hours of 11:00 a.m. and 12:00 a.m.

§ ~~111.09~~ 111.10 LICENSE PERIOD.

(A) All licenses issued under this chapter shall expire on ~~June~~ November 30 each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to the renewal, and shall not prevent subsequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued under this chapter, after ~~July~~ December 1 of any year, he 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 ~~July~~ December 1. However, no license shall be issued for a shorter period than six months and no license fee shall be less than one-half the annual fee.

§ ~~111.10~~ 111.11 POSTING OF LICENSE.

After the issuance of any license under this chapter and prior to commencement of business thereunder, the licensee shall post the license in a conspicuous place in his place of business and shall keep it thus posted and displayed in the principal room in which the business is carried on.

§ ~~111.11~~ 111.12 LOST OR DESTROYED LICENSE.

If a license shall be lost or destroyed without fault on the part of the holder thereof, upon due proof made to the City Alcoholic Beverage Control Administrator of the loss or destruction, a duplicate license may be issued to the licensee under order of the Alcoholic Beverage Control Administrator directed to the City Clerk. A charge of \$2 shall be made for the duplicate license.

§ ~~111.12~~ 111.13 TRANSFER OF LICENSE.

No license provided for in this chapter shall be transferred from one person to another or from one premise to another except by obtaining the necessary signatures as provided for herein. The application for transfer shall be filed with the City Alcoholic Beverage Control Administrator for approval. In the granting of a transfer of any license, all restrictions under this chapter concerning the granting of the license are applicable to the transfer. A fee of \$10 shall accompany all applications for transfer of license.

§ ~~111.13~~ 111.14 SUPPLEMENTAL STATEMENT.

If after a license has been issued there is a change in any of the facts required to be set forth in the application for the license, a verified supplemental statement in writing giving notice of the change shall be filed with the City Alcoholic Beverage Control Administrator within ten days after the change. In giving the notice, or taking any action in reference to a license, the Alcoholic Beverage Control Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct.

§ ~~111.14~~ 111.15 CAUSES FOR REVOCATION; PROCEDURE.

(A) Any of the licenses issued under this chapter may be revoked by the City Alcoholic Beverage Control Administrator for any of the following reasons.

(1) If the licensee shall have violated any of the provisions under this chapter or of the Alcoholic Beverage Control Act, as set out in KRS Chapters 241, 242, and 243, or if the state license is revoked for any of the other reasons set out by the State Alcoholic Beverage Control Board.

(2) Conviction of the licensee or his agent or employee for making an illegal sale of alcoholic beverages on the premises licensed.

(3) Making any false, material statement in an application for a license.

(4) Transferring, assigning, pledging, depositing, or hypothecating a license, or paying for the license of another, or permitting another to pay for one's own license.

(5) Selling or agreeing to sell alcoholic beverages to a wholesaler or retailer or to any person for resale who is not licensed to do so at that time.

(6) Willful or deliberate failure or default of a licensee to pay an ad valorem or excise tax, or any part thereof, or any penalties imposed by or under the provisions of any statutes or ordinances relative to taxation.

(7) 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.

(B) The City Alcoholic Beverage Control Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke any license issued under this chapter. Revocation shall be had only upon five days notice to the licensee, and an opportunity shall be given him to be heard at a public hearing.

(C) Within three days after any order of revocation of a license issued under this chapter 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 notice. The licensee shall at once surrender his license to the City Alcoholic Beverage Control Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of the Police Department shall, at the request of the Alcoholic Beverage Control Administrator, immediately cause one of his police officers to take physical possession of the license and return it to the Alcoholic Beverage Control Administrator.

§ ~~44.15~~ 111.16 AGENTS AND EMPLOYEES.

(A) Any violation of this chapter by a duly-authorized agent or employee of a licensee shall be deemed and shall constitute a violation of the licensee.

(B) All licensees shall superintend in person the managing of the business licensed under this chapter. If the licensee is a firm or corporation, the licensee shall cause the names and addresses of the current members of the firm or officers of the corporation to be on file with the City Alcoholic Beverage Control Administrator. If licensee is a club, or a fraternal, civic, military, or social organization, the names and addresses of the members who are in charge of the sale of alcoholic beverages shall be filed with the City Alcoholic Beverage Control Administrator.

§ 111.16 LIMITATION ON NUMBER OF LICENSES.

~~—(A)— Malt beverage retail license. The number of malt beverage retail licenses for consumption on the licensed premises shall not exceed nine in number. The number of malt beverage retail package licenses for consumption off of the licensed premises shall not exceed nine in number.~~

~~—(B)— Distilled spirits and wine retail drink license. The number of distilled spirits and wine retail drink licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.~~

~~—(C)— Special private club license. The number of special private club licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.~~

~~—(D)— Distilled spirits and wine retail package license. The number of distilled spirits and wine retail package licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.~~

§ 111.17 ALLOWING MINORS TO REMAIN ON PRIVATE PROPERTY WHILE IN POSSESSION OF ALCOHOLIC BEVERAGES.

(A) The words "alcoholic beverages" and "malt beverages" as used in this section shall have the meaning given to them in KRS 241.010.

(B) No person being the owner or occupant or otherwise in possession and/or control of any property located within the city, who knows or should know, through the exercise of reasonable diligence, shall allow any person under the age of 21 years to remain on such property while in possession of alcoholic or malt beverages, or while consuming alcoholic or malt beverages, unless such alcoholic or malt beverages are given by a physician in the regular line of medical practice, or by a parent, or by a legal guardian.

(C) No person being the parent or guardian or otherwise having the care, custody or control of any minor knowingly shall allow such minor to violate any provisions of this section or shall aid, abet, induce, cause, encourage or contribute to such minor violating any provisions of this section, including, without limitation, allowing a minor having a proclivity for possession or consumption of alcoholic or malt beverages to be in possession of property located within the city under circumstances such that a reasonably responsible adult should have known that a violation of this section was likely to occur thereon.

§ 111.99 PENALTY.

(A) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of this chapter for which another penalty is not provided shall be fined not less than \$15 nor more than \$200, or be imprisoned for not more than 60 days, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license.

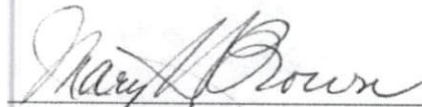
(B) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of §§ 111.03 (A), 111.08 (A), 111.10, or 111.12 shall be fined not less than \$100 nor more than \$200, or be imprisoned not more than six months, or be both fined and imprisoned, for the first offense. For the second offense, that person shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than six months, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license.

(C) Any person who has violated § 111.17(B) or (C) for the first time, shall be guilty of a violation and be punished by a fine of not less than \$250 nor more than \$500. Any person who has violated § 111.17(B) or (C) the second time, or any subsequent time, shall be guilty of a violation and punished by a fine of not less than \$500 nor more than \$1000.

SECTION II

All ordinances or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed. This ordinance shall become effective upon passage, approval and publication as required by law.

APPROVED:



Mary H. Brown, Mayor

1st Reading:

Sept. 16, 2013

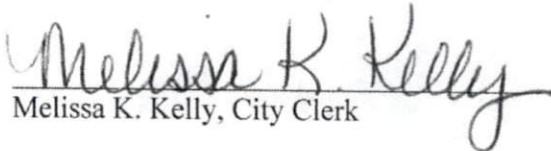
Adopted:

Oct. 7, 2013

Publication:

Oct. 17, 2013

ATTEST:



Melissa K. Kelly, City Clerk

CITY OF FORT THOMAS

ABC LICENSE FEES & HOURS OF OPERATION

Revised 2014-02-03

LICENSE TYPE	FEE
Distributor's License	\$ 200.00
NQ-4 Retail Malt Beverage Drink License	\$ 125.00
NQ Retail Malt Beverage Package License	\$ 100.00
Microbrewery License	\$ 300.00
NQ-2 Retail Drink License <i>(Distilled Spirits, Wine, & Malt Beverages)</i>	\$ 1,000.00
Quota Retail Drink License <i>(Distilled Spirits & Wine)</i>	\$ 1,000.00
Quota Retail Package License <i>(Distilled Spirits & Wine)</i>	\$ 200.00
NQ-3 Retail Drink License - Private Club <i>(Distilled Spirits, Wine, & Malt Beverages)</i>	\$ 300.00
Special Sunday Retail Drink License	\$ 300.00
Supplemental Bar License <i>(Distilled Spirits & Wine)</i>	\$ 350.00
Special Temporary License <i>(Distilled Spirits, Wine, & Malt Beverages/Beer)</i>	\$ 50.00
Special Temporary Auction Distilled Spirits and Wine License	\$ 50.00

License Period: December 1st to November 30th

HOURS OF OPERATION		
	Monday - Saturday	Sunday
Distilled Spirits & Wine	6:00 AM - 2:30 AM	12:00 AM - 2:30 AM 11:00 AM - 2:30 AM Monday
Malt Beverages/Beer	6:00 AM - 12:00 AM	11:00 AM - 12:00 AM

ORDINANCE O-6-2009**AN ORDINANCE AMENDING CHAPTER 111 OF THE FORT THOMAS CODE OF ORDINANCES PERTAINING TO THE CLASSIFICATION OF ALCOHOLIC BEVERAGE LICENSES AND ANNUAL FEES BY ESTABLISHING A "MICROBREWERY LICENSE" AND A "SUPPLEMENTAL BAR LICENSE" CLASSIFICATION IN THE CITY OF FORT THOMAS.**

WHEREAS, the Commonwealth of Kentucky has promulgated statutes pertaining to the issuance of a "microbrewery license" and a "supplemental bar license" and has established regulations for same; and

WHEREAS, the City of Fort Thomas' Alcoholic Beverages ordinance does not recognize nor allow the issuance of a "microbrewery license" nor a "supplemental bar license" within the city; and

WHEREAS, interest in the recognition and establishment of the classification of a "microbrewery license" and a "supplemental bar license" has been expressed to the city; and

WHEREAS, the Board of Council of the City of Fort Thomas has reviewed the request to establish the classification of a "microbrewery license" and a "supplemental bar license" and determined it would be beneficial to establish same.

NOW, THEREFORE, BE IT ORDAINED by the Board of Council of the City of Fort Thomas, Campbell County, Kentucky, as follows:

SECTION I

That Chapter 111 Section 4 of the Fort Thomas Code of Ordinances shall be amended as indicated below.

§ 111.04 LICENSE CLASSIFICATIONS; ANNUAL FEES.

(A) There shall be issued by the ABC Administrator the following kinds of licenses to traffic in alcoholic beverages:

(1) Malt beverage retailer license. A malt beverage retailer's license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises. The license fee shall be \$125 per annum. A malt beverage package license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises only, and for consumption off of the licensed premises. In addition, no malt beverages may be sold at retail by the package on Sunday except between the hours of 11:00 a.m. and 7:00 p.m. The license fee shall be \$100 per annum.

(2) Retail package license. A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. The license fee shall be \$200 per annum.

(3) Distilled spirits and wine retail drink license. A distilled spirits and wine retail drink license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine

at retail by the drink for consumption on the licensed premises. A retail drink license shall not authorize the sale of distilled spirits or wine by the package. The license fee shall be \$1,000 per annum.

(4) Special private club license. A special private club license may be issued to any nonprofit social, fraternal, military, or political organization or club, which for more than one year prior to the date of application has continuously maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink licensee at the designated premises if the general public is excluded. The license fee shall be \$300 per annum.

(5) Malt beverage distributor license. A distributor's license shall authorize the licensee to purchase, import, or store malt beverages and to sell them only to other distributors or to licensed retailers. 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. The license fee shall be \$200 per annum.

(6) Special Sunday retail drink license. The following regulations apply to the special Sunday retail drink license:

(a) Any person, firm, or corporation presently holding a retail drink license issued by the State Alcoholic Beverage Control Board and the city for the sale of distilled spirits and wine by the drink for consumption on the premises, may apply for a special Sunday retail drink license as permitted by KRS 243.030. The fee to be paid for the license shall be \$300 per annum for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.

(b) It shall be unlawful for any person, firm, or corporation to sell or traffic in distilled spirits or wine by the drink for consumption on the premises on a Sunday without first having obtained this license. A violation hereof shall be deemed a misdemeanor and upon conviction therefore shall be punishable as set forth in § 111.99.

(7) Restaurant wine license. The following regulations apply to the restaurant wine license:

(a) A restaurant wine license may be issued to an applicant who is an owner or lessee or a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables. The issuance of a restaurant wine license shall be subject to the limitations established by the State Alcoholic Beverage Control Board pursuant to KRS 241.060 (2), and the applicant must meet all other qualifications required by law.

(b) A restaurant wine license shall authorize the licensee to purchase, receive, and sell wine at retail for consumption on the licensed premises. The licensee shall purchase wine only from licensed wholesalers.

(c) Any licensee who is a new applicant for a restaurant wine license shall pay a licensee fee of \$300 prorated and payable as provided in § 111.09. Any person who is a holder of a restaurant wine license shall pay an annual renewal fee of \$200, prorated and payable as provided in § 111.09.

(8) Microbrewery license. The following regulations apply to the microbrewery license:

(a) A Microbrewery license shall authorize the licensee to perform the following functions:

(i) Engage in the business of a brewer under the terms and conditions of KRS 243.150, provided that production of malt beverages at such microbrewery shall not exceed twenty-five thousand (25,000) barrels in one (1) year;

(ii) Serve on the premises complimentary samples of malt beverages produced by such microbrewery in amounts not to exceed sixteen (16) ounces per patron; and

(iii) Sell malt beverages produced on the premises of the microbrewery to licensed distributors.

(b) The fee to be paid for the microbrewery license shall be \$300 per annum for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.

(9) Supplemental bar license. A supplemental bar license shall authorize the licensee to sell or serve distilled spirits or wine by the drink at retail for consumption on the licensed premises from an additional location other than the main bar of an existing retail drink licensed premises. A supplemental bar license is a non-quota license and shall not be transferable to other premises. The fee to be paid for the supplemental license shall be \$350 per annum for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09

(B) All license fees provided for in division (A) above shall be paid annually in advance on or before July 1 of each year. All licenses issued hereunder shall be signed by the ABC Administrator, upon approval by the City Administrator and the receipt of the proper license fee. All monies received by the ABC Administrator from the issuance of these licenses shall be accounted for to the City Treasurer, and the latter shall place the funds in the General Fund of the city.

SECTION II

That all ordinances, or parts thereof, in conflict with the provisions of this ordinance are to the extent of such conflict hereby repealed.

SECTION III

That this ordinance shall take effect from and after its adoption and publication as provided by law.

APPROVED:

ATTEST:

Mary H. Brown, Mayor

Melissa K. Kelly, City Clerk

1st Reading: _____

Adoption: _____

Publication: _____

TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: ALCOHOLIC BEVERAGES

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Adoption of state law
- 111.02 Definitions
- 111.03 License required
- 111.04 License classifications; annual fees
- 111.05 Application procedure
- 111.06 Contents of license
- 111.07 Causes for refusal
- 111.08 Persons or premises which may not be licensed
- 111.09 License period
- 111.10 Posting of license
- 111.11 Lost or destroyed license
- 111.12 Transfer of license
- 111.13 Supplemental statement
- 111.14 Causes for revocation; procedure
- 111.15 Agents and employees
- 111.16 Limitation on number of licenses
- 111.17 Allowing minors to remain on private property while in possession of alcoholic beverages
- 111.99 Penalty

§ 111.01 ADOPTION OF STATE LAW.

All of the provisions of the Kentucky Alcoholic Beverage Control Act, KRS Chapters 241, 242, and

243, and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, purchase, or other traffic in alcoholic beverages, are adopted and made a part of this chapter insofar as they may apply herein or be pertinent to the government of the city, and are made a part of this chapter, by reference, as if fully set out herein.

('83 Code, § 111.01) (Ord. 1134, passed 4-1-63)

§ 111.02 DEFINITIONS.

The definitions of words and phrases used in this chapter unless otherwise indicated, shall be the same as are set out in KRS Chapters 241, 242, and 243, of the Alcoholic Beverage Control Act aforesaid.

('83 Code, § 111.02) (Ord. 1134, passed 4-1-63)

§ 111.03 LICENSE REQUIRED.

(A) No person, firm, or corporation shall vend, sell, or traffic in alcoholic beverages without having first procured a license as provided in this chapter, nor without complying with all the provisions of this chapter, and all statutes, ordinances, and regulations applicable thereto.

(B) The holding of any permit or license from the United States government or the state, to traffic in alcoholic beverages without the corresponding requisite city license shall in all cases raise a prima facie presumption that the holder of the United States government or state permit or license, is unlawfully trafficking in alcoholic beverages.

(C) No person, firm, or corporation conducting a place of business patronized by the public, who does not hold a license to sell alcoholic beverages, shall permit any person to sell, barter, loan, give away, or drink alcoholic beverages on the premises of his place of business.

('83 Code, § 111.03) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Federal license presumptions, see KRS 243.020

§ 111.04 LICENSE CLASSIFICATIONS; ANNUAL FEES.

(A) There shall be issued by the ABC Administrator the following kinds of licenses to traffic in alcoholic beverages:

(1) Malt beverage retailer license. A malt beverage retailer's license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises. The license fee shall be \$125 per annum. A malt beverage package license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises only, and for consumption off of the licensed premises. In addition, no malt beverages may be sold at retail by the package on Sunday except between the hours of 11:00 a.m. and 7:00 p.m. The license fee shall be \$100 per annum.

(2) Retail package license. A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. The license fee shall be \$200 per annum.

(3) Distilled spirits and wine retail drink license. A distilled spirits and wine retail drink license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. A retail drink license shall not authorize the sale of distilled spirits or wine by the package. The license fee shall be \$1,000 per annum.

(4) Special private club license. A special private club license may be issued to any nonprofit social, fraternal, military, or political organization or club, which for more than one year prior to the date of application has continuously maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink licensee at the designated premises if the general public is excluded. The license fee shall be \$300 per annum.

(5) Malt beverage distributor license. A distributor's license shall authorize the licensee to purchase, import, or store malt beverages and to sell them only to other distributors or to licensed retailers. 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. The license fee shall be \$200 per annum.

(6) Special Sunday retail drink license. The following regulations apply to the special Sunday retail drink license:

(a) Any person, firm, or corporation presently holding a retail drink license issued by the State Alcoholic Beverage Control Board and the city for the sale of distilled spirits and wine by the drink for consumption on the premises, may apply for a special Sunday retail drink license as permitted by KRS 243.030. The fee to be paid for the license shall be \$300 per annum for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.

(b) It shall be unlawful for any person, firm, or corporation to sell or traffic in distilled spirits or wine by the drink for consumption on the premises on a Sunday without first having obtained this license. A violation hereof shall be deemed a misdemeanor and upon conviction therefore shall be punishable as set forth in § 111.99.

(7) Restaurant wine license. The following regulations apply to the restaurant wine license:

(a) A restaurant wine license may be issued to an applicant who is an owner or lessee or a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables. The issuance of a restaurant wine license shall be subject to the limitations established by the State Alcoholic Beverage Control Board pursuant to KRS 241.060 (2), and the applicant must meet all other qualifications required by law.

(b) A restaurant wine license shall authorize the licensee to purchase, receive, and sell wine at retail for consumption on the licensed premises. The licensee shall purchase wine only from licensed wholesalers.

(c) Any licensee who is a new applicant for a restaurant wine license shall pay a licensee fee of \$300 prorated and payable as provided in § 111.09. Any person who is a holder of a restaurant wine license shall pay an annual renewal fee of \$200, prorated and payable as provided in § 111.09.

(Ord. 0-2-73, passed 2-5-73; Am. Ord. 0-17-78, passed 7-17-78; Am. Ord. O-15-2005, passed 6-20-05)

(B) All license fees provided for in division (A) above shall be paid annually in advance on or before July 1 of each year. All licenses issued hereunder shall be signed by the ABC Administrator, upon approval by the City Administrator and the receipt of the proper license fee. All monies received by the ABC Administrator from the issuance of these licenses shall be accounted for to the City Treasurer, and the latter shall place the funds in the General Fund of the city. ('75 Code, § 110.18)

('83 Code, § 111.04) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Cross-reference:

Limitation on number of licenses issued, see § 111.16

Statutory reference:

City licenses; fees, see KRS 243.070

§ 111.05 APPLICATION PROCEDURE.

(A) Application for licenses provided for in this chapter shall be made to the City Alcoholic Beverage Control Administrator on forms furnished by the city. Each application shall be verified and contain the same information concerning the applicant and the premises as that required on application for state licenses, and any other information that the City Alcoholic Beverage Control Administrator may, by regulation, require.

(B) Each application must be accompanied by the signatures of at least ten reputable citizens living within 400 feet of the place in which the business is to be conducted, or ten persons owning real estate within 400 feet of the place in which the business is to be conducted. If there are not ten reputable citizens living within 400 feet of the place in which the business is to be conducted or if there are not ten persons owning real estate within 400 feet of the place in which the business is to be conducted, the application provided for herein will be sufficient if accompanied by the signatures of all the owners or reputable citizens owning property or residing within 400 feet, even though the number is less than ten, who shall certify that they know the applicant to be a person of honesty, probity, good demeanor, and reputation, and are requesting that the license be granted.

(C) Each application shall be accompanied by a certified check, cash, or a postal or express money order for the license fee.

(D) Each application shall remain on file for public inspection, and no license shall be granted within 14 days of the date of the filing of the application. The City Alcoholic Beverage Control Administrator shall present the application to the City Council at a regular meeting for examination by the City Council, and if correct in form, it shall be laid over until the next regular meeting of the City Council. During the period that the application is laid over, there shall be posted by the Chief of Police for not less than seven consecutive days in three conspicuous public places within 300 feet of the premises in which the business for which the license is sought is to be carried on, a notice that the license has been applied for. This notice shall bear the name of the applicant, the kind of license applied for, the address of the premises in which the business is to be carried on, the name of the owner of the premises, and shall give notice of the time of the meeting of the City Council at which the application will be finally considered. The notice shall also be published once in a newspaper as required by law.

(E) Upon final consideration of the question of whether a license applied for shall be granted, any person having good cause or reason to object to the granting of the license may appear before the City Alcoholic Beverage Control Administrator at the regular meeting of the City Council and be heard. If

the applicant so desires he shall have the opportunity to be heard by the City Alcoholic Beverage Control Administrator.

(F) If the Alcoholic Beverage Control Administrator refuses to issue the license he shall notify the applicant of his determination by mailing a registered letter to him, directed to the address given in his application. If at the expiration of ten days after the date of the mailing of the notice from the Alcoholic Beverage Control Administrator, no appeal has been filed, the license fee shall be refunded to the applicant. After a license has been granted, no part of the license fee paid thereunder shall be refunded to the licensee.

('83 Code, § 111.05) (Ord. 1134, passed 4-1-63)

§ 111.06 CONTENTS OF LICENSE.

(A) All licenses under this chapter shall be in such form as may be prescribed by regulations of the City Alcoholic Beverage Control Administrator and shall contain the following.

- (1) The name and address of the licensee.
- (2) The number of the license.
- (3) The type of the 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.

(B) Each kind of license shall be printed so as to be readily distinguishable from the other kinds.

('83 Code, § 111.06) (Ord. 1134, passed 4-1-63)

§ 111.07 CAUSES FOR REFUSAL.

A license that might be issued under this chapter shall be refused under the following conditions.

(A) If the applicant or the premises for which the license is sought do not comply fully with all alcoholic beverage control statutes; the regulations of the State Alcoholic Beverage Control Board; all ordinances relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages; and all regulations of the City Alcoholic Beverage Control Administrator.

(B) If the applicant has done any act for which a revocation of license would be authorized.

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

(D) A license that might be issued under this chapter may be refused by the Alcoholic Beverage Control Administrator for any reason which he, in the exercise of his sound discretion, may deem sufficient.

(KRS 243.450) ('83 Code, § 111.07) (Ord. 1134, passed 4-1-63)

§ 111.08 PERSONS OR PREMISES WHICH MAY NOT BE LICENSED.

(A) No license under this chapter shall be issued to any of the following.

(1) A person who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years preceding the application.

(2) A person who is under the age of 21 years.

(3) A person who is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his application for a license is made.

(4) A partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, or a felony, is 21 years of age or more, and is a citizen of the United States.

(5) A person who has had any license issued under a statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(6) A partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(KRS 243.100)

(B) 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 licensed period. No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises conforms with the physical requirements as set forth in the applicable statutes and regulations of the State Alcoholic Beverage Control Board.

('83 Code, § 111.08) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.09 LICENSE PERIOD.

(A) All licenses issued under this chapter shall expire on June 30 each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to the renewal, and shall not prevent sub-sequent proceedings against the licensee

therefor.

(B) When any person applies for a license authorized to be issued under this chapter, after July 1 of any year, he 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 July 1. However, no license shall be issued for a shorter period than six months and no license fee shall be less than one-half the annual fee.

('83 Code, § 111.09) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

License expiration; renewal, see KRS 243.090

§ 111.10 POSTING OF LICENSE.

After the issuance of any license under this chapter and prior to commencement of business thereunder, the licensee shall post the license in a conspicuous place in his place of business and shall keep it thus posted and displayed in the principal room in which the business is carried on.

('83 Code, § 111.10) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Posting of license, see KRS 243.620 (1)

§ 111.11 LOST OR DESTROYED LICENSE.

If a license shall be lost or destroyed without fault on the part of the holder thereof, upon due proof made to the City Alcoholic Beverage Control Administrator of the loss or destruction, a duplicate license may be issued to the licensee under order of the Alcoholic Beverage Control Administrator directed to the City Clerk. A charge of \$2 shall be made for the duplicate license.

('83 Code, § 111.11) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Lost or destroyed licenses, see KRS 243.620 (3)

§ 111.12 TRANSFER OF LICENSE.

No license provided for in this chapter shall be transferred from one person to another or from one premise to another except by obtaining the necessary signatures as provided for herein. The application for transfer shall be filed with the City Alcoholic Beverage Control Administrator for approval. In the granting of a transfer of any license, all restrictions under this chapter concerning the granting of the license are applicable to the transfer. A fee of \$10 shall accompany all applications for transfer of license.

('83 Code, § 111.12) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Transfer of license without authorization, see KRS 243.630

§ 111.13 SUPPLEMENTAL STATEMENT.

If after a license has been issued there is a change in any of the facts required to be set forth in the application for the license, a verified supplemental statement in writing giving notice of the change shall be filed with the City Alcoholic Beverage Control Administrator within ten days after the change. In giving the notice, or taking any action in reference to a license, the Alcoholic Beverage Control Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct.

('83 Code, § 111.13) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.14 CAUSES FOR REVOCATION; PROCEDURE.

(A) Any of the licenses issued under this chapter may be revoked by the City Alcoholic Beverage Control Administrator for any of the following reasons.

(1) If the licensee shall have violated any of the provisions under this chapter or of the Alcoholic Beverage Control Act, as set out in KRS Chapters 241, 242, and 243, or if the state license is revoked for any of the other reasons set out by the State Alcoholic Beverage Control Board.

(2) Conviction of the licensee or his agent or employee for making an illegal sale of alcoholic beverages on the premises licensed.

(3) Making any false, material statement in an application for a license.

(4) Transferring, assigning, pledging, depositing, or hypothecating a license, or paying for the license of another, or permitting another to pay for one's own license.

(5) Selling or agreeing to sell alcoholic beverages to a wholesaler or retailer or to any person for resale who is not licensed to do so at that time.

(6) Willful or deliberate failure or default of a licensee to pay an ad valorem or excise tax, or any part thereof, or any penalties imposed by or under the provisions of any statutes or ordinances relative to taxation.

(7) 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.

(B) The City Alcoholic Beverage Control Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke any license issued under this chapter. Revocation shall be had only upon five days notice to the licensee, and an opportunity shall be given him to be heard at a public hearing.

(C) Within three days after any order of revocation of a license issued under this chapter 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 notice. The licensee shall at once surrender his license to the City Alcoholic Beverage Control Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of the Police Department shall, at the request of the Alcoholic Beverage Control Administrator, immediately cause one of his police officers to take physical possession of the license and return it to the Alcoholic Beverage Control Administrator.

('83 Code, § 111.14) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Causes for revocation, see KRS 243.500

Revocation proceedings, see KRS 243.520, 243.530

§ 111.15 AGENTS AND EMPLOYEES.

(A) Any violation of this chapter by a duly-authorized agent or employee of a licensee shall be deemed and shall constitute a violation of the licensee.

(B) All licensees shall superintend in person the managing of the business licensed under this chapter. If the licensee is a firm or corporation, the licensee shall cause the names and addresses of the current members of the firm or officers of the corporation to be on file with the City Alcoholic Beverage Control Administrator. If licensee is a club, or a fraternal, civic, military, or social organization, the names and addresses of the members who are in charge of the sale of alcoholic beverages shall be filed with the City Alcoholic Beverage Control Administrator.

('83 Code, § 111.15) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.16 LIMITATION ON NUMBER OF LICENSES.

(A) Malt beverage retail license. The number of malt beverage retail licenses for consumption on the licensed premises shall not exceed nine in number. The number of malt beverage retail package licenses for consumption off of the licensed premises shall not exceed nine in number.

(B) Distilled spirits and wine retail drink license. The number of distilled spirits and wine retail drink licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

(C) Special private club license. The number of special private club licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

(D) Distilled spirits and wine retail package license. The number of distilled spirits and wine retail package licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

('83 Code, § 111.16) (Ord. 1134, passed 4-1-63; Am. Ord. 0-5-75, passed 1-20-75; Am. Ord. 0-33-76, passed 12-6-76)

§ 111.17 ALLOWING MINORS TO REMAIN ON PRIVATE PROPERTY WHILE IN POSSESSION OF ALCOHOLIC BEVERAGES.

(A) The words "alcoholic beverages" and "malt beverages" as used in this section shall have the meaning given to them in KRS 241.010.

(B) No person being the owner or occupant or otherwise in possession and/or control of any property located within the city, who knows or should know, through the exercise of reasonable diligence, shall allow any person under the age of 21 years to remain on such property while in possession of alcoholic or malt beverages, or while consuming alcoholic or malt beverages, unless such alcoholic or malt beverages are given by a physician in the regular line of medical practice, or by a parent, or by a legal guardian.

(C) No person being the parent or guardian or otherwise having the care, custody or control of any minor knowingly shall allow such minor to violate any provisions of this section or shall aid, abet, induce, cause, encourage or contribute to such minor violating any provisions of this section, including, without limitation, allowing a minor having a proclivity for possession or consumption of alcoholic or malt beverages to be in possession of property located within the city under circumstances such that a reasonably responsible adult should have known that a violation of this section was likely to occur thereon.

(Ord. 0-18-86, passed 9-15-86; Am. Ord. O-25-91, passed 1-6-92) Penalty, see § 111.99

Cross-reference:

Possession of alcoholic beverages by person under certain age, see § 130.04

§ 111.99 PENALTY.

(A) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of this chapter for which another penalty is not provided shall be fined not less than \$15 nor more than \$200, or be imprisoned for not more than 60 days, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license. (Ord. 1134, passed 4-1-63)

(B) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of §§ 111.03 (A), 111.08 (A), 111.10, or 111.12 shall be fined not less than \$100 nor more than \$200, or be imprisoned not more than six months, or be both fined and imprisoned, for the first offense. For the second offense, that person shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than six months, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license. (KRS 243.020, 243.100, 243.620 (1), 243.630)

('83 Code, § 111.99)

(C) Any person who has violated § 111.17(B) or (C) for the first time, shall be guilty of a violation and be punished by a fine of not less than \$250 nor more than \$500. Any person who has violated § 111.17(B) or (C) the second time, or any subsequent time, shall be guilty of a violation and punished by a fine of not less than \$500 nor more than \$1000. (Ord. 0-18-86, passed 9-15-86; Am. Ord. O-18-91, passed 9-5-91)

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TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: ALCOHOLIC BEVERAGES

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Adoption of state law
- 111.02 Definitions
- 111.03 License required
- 111.04 License classifications; annual fees
- 111.05 Application procedure
- 111.06 Contents of license
- 111.07 Causes for refusal
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- 111.13 Supplemental statement
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- 111.15 Agents and employees
- 111.16 Limitation on number of licenses
- 111.17 Allowing minors to remain on private property while in possession of alcoholic beverages
- 111.99 Penalty

§ 111.01 ADOPTION OF STATE LAW.

All of the provisions of the Kentucky Alcoholic Beverage Control Act, KRS Chapters 241, 242, and 243, and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, purchase, or

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other traffic in alcoholic beverage, are adopted and made a part of this chapter insofar as they may apply herein or be pertinent to the government of the city, and are made a part of this chapter, by reference, as if fully set out herein.

('83 Code, § 111.01) (Ord. 1134, passed 4-1-63)

§ 111.02 DEFINITIONS.

The definitions of words and phrases used in this chapter unless otherwise indicated, shall be the same as are set out in KRS Chapters 241, 242, and 243, of the Alcoholic Beverage Control Act aforesaid.

('83 Code, § 111.02) (Ord. 1134, passed 4-1-63)

§ 111.03 LICENSE REQUIRED.

(A) No person, firm, or corporation shall vend, sell, or traffic in alcoholic beverages without having first procured a license as provided in this chapter, nor without complying with all the provisions of this chapter, and all statutes, ordinances, and regulations applicable thereto.

(B) The holding of any permit or license from the United States government or the state, to traffic in alcoholic beverages without the corresponding requisite city license shall in all cases raise a prima facie presumption that the holder of the United States government or state permit or license, is unlawfully trafficking in alcoholic beverages.

(C) No person, firm, or corporation conducting a place of business patronized by the public, who does not hold a license to sell alcoholic beverages, shall permit any person to sell, barter, loan, give away, or drink alcoholic beverages on the premises of his place of business.

('83 Code, § 111.03) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Federal license presumptions, see KRS 243.020

§ 111.04 LICENSE CLASSIFICATIONS; ANNUAL FEES.

(A) There shall be issued by the ABC Administrator the following kinds of licenses to traffic in alcoholic beverages:

(1) Malt beverage retailer license. A malt beverage retailer's license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises. The license fee shall be \$125 per annum. A malt beverage package license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises only, and for consumption off of the licensed premises. In addition, no malt beverages may be sold at retail by the package on Sunday except between the hours of 11:00 a.m. and 7:00 p.m. The license fee shall be \$100 per annum.

(2) Retail package license. A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. The license fee shall be \$200 per annum.

(3) Distilled spirits and wine retail drink license. A distilled spirits and wine retail drink license shall

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authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. A retail drink license shall not authorize the sale of distilled spirits or wine by the package. The license fee shall be \$1,000 per annum.

(4) Special private club license. A special private club license may be issued to any nonprofit social, fraternal, military, or political organization or club, which for more than one year prior to the date of application has continuously maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink licensee at the designated premises if the general public is excluded. The license fee shall be \$300 per annum.

(5) Malt beverage distributor license. A distributor's license shall authorize the licensee to purchase, import, or store malt beverages and to sell them only to other distributors or to licensed retailers. 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. The license fee shall be \$200 per annum.

(6) Special Sunday retail drink license. The following regulations apply to the special Sunday retail drink license:

(a) Any person, firm, or corporation presently holding a retail drink license issued by the State Alcoholic Beverage Control Board and the city for the sale of distilled spirits and wine by the drink for consumption on the premises, may apply for a special Sunday retail drink license as permitted by KRS 243.030. The fee to be paid for the license shall be \$300 per annum for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.

(b) It shall be unlawful for any person, firm, or corporation to sell or traffic in distilled spirits or wine by the drink for consumption on the premises on a Sunday without first having obtained this license. A violation hereof shall be deemed a misdemeanor and upon conviction therefore shall be punishable as set forth in § 111.99.

(7) Restaurant wine license. The following regulations apply to the restaurant wine license:

(a) A restaurant wine license may be issued to an applicant who is an owner or lessee of a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables. The issuance of a restaurant wine license shall be subject to the limitations established by the State Alcoholic Beverage Control Board pursuant to KRS 241.060 (2), and the applicant must meet all other qualifications required by law.

(b) A restaurant wine license shall authorize the licensee to purchase, receive, and sell wine at retail for consumption on the licensed premises. The licensee shall purchase wine only from licensed wholesalers.

(c) Any licensee who is a new applicant for a restaurant wine license shall pay a licensee fee of \$300 prorated and payable as provided in § 111.09. Any person who is a holder of a restaurant wine license shall pay an annual renewal fee of \$200, prorated and payable as provided in § 111.09.

(Ord. 0-2-73, passed 2-5-73; Am. Ord. 0-17-78, passed 7-17-78; Am. Ord. O-15-2005, passed 6-20-05)

(B) All license fees provided for in division (A) above shall be paid annually in advance on or before

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July 1 of each year. All licenses issued hereunder shall be signed by the ABC Administrator, upon approval by the City Administrator and the receipt of the proper license fee. All monies received by the ABC Administrator from the issuance of these licenses shall be accounted for to the City Treasurer, and the latter shall place the funds in the General Fund of the city. ('75 Code, § 110.18)

('83 Code, § 111.04) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Cross-reference:

Limitation on number of licenses issued, see § 111.16

Statutory reference:

City licenses; fees, see KRS 243.070

§ 111.05 APPLICATION PROCEDURE.

(A) Application for licenses provided for in this chapter shall be made to the City Alcoholic Beverage Control Administrator on forms furnished by the city. Each application shall be verified and contain the same information concerning the applicant and the premises as that required on application for state licenses, and any other information that the City Alcoholic Beverage Control Administrator may, by regulation, require.

(B) Each application must be accompanied by the signatures of at least ten reputable citizens living within 400 feet of the place in which the business is to be conducted, or ten persons owning real estate within 400 feet of the place in which the business is to be conducted. If there are not ten reputable citizens living within 400 feet of the place in which the business is to be conducted or if there are not ten persons owning real estate within 400 feet of the place in which the business is to be conducted, the application provided for herein will be sufficient if accompanied by the signatures of all the owners or reputable citizens owning property or residing within 400 feet, even though the number is less than ten, who shall certify that they know the applicant to be a person of honesty, probity, good demeanor, and reputation, and are requesting that the license be granted.

(C) Each application shall be accompanied by a certified check, cash, or a postal or express money order for the license fee.

(D) Each application shall remain on file for public inspection, and no license shall be granted within 14 days of the date of the filing of the application. The City Alcoholic Beverage Control Administrator shall present the application to the City Council at a regular meeting for examination by the City Council, and if correct in form, it shall be laid over until the next regular meeting of the City Council. During the period that the application is laid over, there shall be posted by the Chief of Police for not less than seven consecutive days in three conspicuous public places within 300 feet of the premises in which the business for which the license is sought is to be carried on, a notice that the license has been applied for. This notice shall bear the name of the applicant, the kind of license applied for, the address of the premises in which the business is to be carried on, the name of the owner of the premises, and shall give notice of the time of the meeting of the City Council at which the application will be finally considered. The notice shall also be published once in a newspaper as required by law.

(E) Upon final consideration of the question of whether a license applied for shall be granted, any person having good cause or reason to object to the granting of the license may appear before the City Alcoholic Beverage Control Administrator at the regular meeting of the City Council and be heard. If the applicant so desires he shall have the opportunity to be heard by the City Alcoholic Beverage Control

Administrator.

(F) If the Alcoholic Beverage Control Administrator refuses to issue the license he shall notify the applicant of his determination by mailing a registered letter to him, directed to the address given in his application. If at the expiration of ten days after the date of the mailing of the notice from the Alcoholic Beverage Control Administrator, no appeal has been filed, the license fee shall be refunded to the applicant. After a license has been granted, no part of the license fee paid thereunder shall be refunded to the licensee.

('83 Code, § 111.05) (Ord. 1134, passed 4-1-63)

§ 111.06 CONTENTS OF LICENSE.

(A) All licenses under this chapter shall be in such form as may be prescribed by regulations of the City Alcoholic Beverage Control Administrator and shall contain the following.

- (1) The name and address of the licensee.
- (2) The number of the license.
- (3) The type of the 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.

(B) Each kind of license shall be printed so as to be readily distinguishable from the other kinds.

('83 Code, § 111.06) (Ord. 1134, passed 4-1-63)

§ 111.07 CAUSES FOR REFUSAL.

A license that might be issued under this chapter shall be refused under the following conditions.

(A) If the applicant or the premises for which the license is sought do not comply fully with all alcoholic beverage control statutes; the regulations of the State Alcoholic Beverage Control Board; all ordinances relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages; and all regulations of the City Alcoholic Beverage Control Administrator.

(B) If the applicant has done any act for which a revocation of license would be authorized.

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

(D) A license that might be issued under this chapter may be refused by the Alcoholic Beverage

Control Administrator for any reason which he, in the exercise of his sound discretion, may deem sufficient.

(KRS 243.450) ('83 Code, § 111.07) (Ord. 1134, passed 4-1-63)

§ 111.08 PERSONS OR PREMISES WHICH MAY NOT BE LICENSED.

(A) No license under this chapter shall be issued to any of the following.

(1) A person who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years preceding the application.

(2) A person who is under the age of 21 years.

(3) A person who is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his application for a license is made.

(4) A partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, or a felony, is 21 years of age or more, and is a citizen of the United States.

(5) A person who has had any license issued under a statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(6) A partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(KRS 243.100)

(B) 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 licensed period. No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises conforms with the physical requirements as set forth in the applicable statutes and regulations of the State Alcoholic Beverage Control Board.

('83 Code, § 111.08) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.09 LICENSE PERIOD.

(A) All licenses issued under this chapter shall expire on June 30 each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to the renewal, and shall not prevent sub-sequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued under this chapter, after July 1 of any year, he 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 July 1. However, no license shall be issued for a shorter period than six months and no license fee

shall be less than one-half the an fee.

('83 Code, § 111.09) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

License expiration; renewal, see KRS 243.090

§ 111.10 POSTING OF LICENSE.

After the issuance of any license under this chapter and prior to commencement of business thereunder, the licensee shall post the license in a conspicuous place in his place of business and shall keep it thus posted and displayed in the principal room in which the business is carried on.

('83 Code, § 111.10) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Posting of license, see KRS 243.620 (1)

§ 111.11 LOST OR DESTROYED LICENSE.

If a license shall be lost or destroyed without fault on the part of the holder thereof, upon due proof made to the City Alcoholic Beverage Control Administrator of the loss or destruction, a duplicate license may be issued to the licensee under order of the Alcoholic Beverage Control Administrator directed to the City Clerk. A charge of \$2 shall be made for the duplicate license.

('83 Code, § 111.11) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Lost or destroyed licenses, see KRS 243.620 (3)

§ 111.12 TRANSFER OF LICENSE.

No license provided for in this chapter shall be transferred from one person to another or from one premise to another except by obtaining the necessary signatures as provided for herein. The application for transfer shall be filed with the City Alcoholic Beverage Control Administrator for approval. In the granting of a transfer of any license, all restrictions under this chapter concerning the granting of the license are applicable to the transfer. A fee of \$10 shall accompany all applications for transfer of license.

('83 Code, § 111.12) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Transfer of license without authorization, see KRS 243.630

§ 111.13 SUPPLEMENTAL STATEMENT.

If after a license has been issued there is a change in any of the facts required to be set forth in the application for the license, a verified supplemental statement in writing giving notice of the change shall be filed with the City Alcoholic Beverage Control Administrator within ten days after the change. In giving the

notice, or taking any action in reference to a license, the Alcoholic Beverage Control Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct.

('83 Code, § 111.13) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.14 CAUSES FOR REVOCATION; PROCEDURE.

(A) Any of the licenses issued under this chapter may be revoked by the City Alcoholic Beverage Control Administrator for any of the following reasons.

(1) If the licensee shall have violated any of the provisions under this chapter or of the Alcoholic Beverage Control Act, as set out in KRS Chapters 241, 242, and 243, or if the state license is revoked for any of the other reasons set out by the State Alcoholic Beverage Control Board.

(2) Conviction of the licensee or his agent or employee for making an illegal sale of alcoholic beverages on the premises licensed.

(3) Making any false, material statement in an application for a license.

(4) Transferring, assigning, pledging, depositing, or hypothecating a license, or paying for the license of another, or permitting another to pay for one's own license.

(5) Selling or agreeing to sell alcoholic beverages to a wholesaler or retailer or to any person for resale who is not licensed to do so at that time.

(6) Willful or deliberate failure or default of a licensee to pay an ad valorem or excise tax, or any part thereof, or any penalties imposed by or under the provisions of any statutes or ordinances relative to taxation.

(7) 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.

(B) The City Alcoholic Beverage Control Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke any license issued under this chapter. Revocation shall be had only upon five days notice to the licensee, and an opportunity shall be given him to be heard at a public hearing.

(C) Within three days after any order of revocation of a license issued under this chapter 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 notice. The licensee shall at once surrender his license to the City Alcoholic Beverage Control Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of the Police Department shall, at the request of the Alcoholic Beverage Control Administrator, immediately cause one of his police officers to take physical possession of the license and return it to the Alcoholic Beverage Control

Administrator.

('83 Code, § 111.14) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Causes for revocation, see KRS 243.500

Revocation proceedings, see KRS 243.520, 243.530

§ 111.15 AGENTS AND EMPLOYEES.

(A) Any violation of this chapter by a duly-authorized agent or employee of a licensee shall be deemed and shall constitute a violation of the licensee.

(B) All licensees shall superintend in person the managing of the business licensed under this chapter. If the licensee is a firm or corporation, the licensee shall cause the names and addresses of the current members of the firm or officers of the corporation to be on file with the City Alcoholic Beverage Control Administrator. If licensee is a club, or a fraternal, civic, military, or social organization, the names and addresses of the members who are in charge of the sale of alcoholic beverages shall be filed with the City Alcoholic Beverage Control Administrator.

('83 Code, § 111.15) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.16 LIMITATION ON NUMBER OF LICENSES.

(A) Malt beverage retail license. The number of malt beverage retail licenses for consumption on the licensed premises shall not exceed nine in number. The number of malt beverage retail package licenses for consumption off of the licensed premises shall not exceed nine in number.

(B) Distilled spirits and wine retail drink license. The number of distilled spirits and wine retail drink licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

(C) Special private club license. The number of special private club licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

(D) Distilled spirits and wine retail package license. The number of distilled spirits and wine retail package licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

('83 Code, § 111.16) (Ord. 1134, passed 4-1-63; Am. Ord. 0-5-75, passed 1-20-75; Am. Ord. 0-33-76, passed 12-6-76)

§ 111.17 ALLOWING MINORS TO REMAIN ON PRIVATE PROPERTY WHILE IN POSSESSION OF ALCOHOLIC BEVERAGES.

(A) The words "alcoholic beverages" and "malt beverages" as used in this section shall have the meaning given to them in KRS 241.010.

(B) No person being the owner or occupant or otherwise in possession and/or control of any property

located within the city, who know or should know, through the exercise of reasonable diligence, shall allow any person under the age of 21 years to remain on such property while in possession of alcoholic or malt beverages, or while consuming alcoholic or malt beverages, unless such alcoholic or malt beverages are given by a physician in the regular line of medical practice, or by a parent, or by a legal guardian.

(C) No person being the parent or guardian or otherwise having the care, custody or control of any minor knowingly shall allow such minor to violate any provisions of this section or shall aid, abet, induce, cause, encourage or contribute to such minor violating any provisions of this section, including, without limitation, allowing a minor having a proclivity for possession or consumption of alcoholic or malt beverages to be in possession of property located within the city under circumstances such that a reasonably responsible adult should have known that a violation of this section was likely to occur thereon.

(Ord. 0-18-86, passed 9-15-86; Am. Ord. O-25-91, passed 1-6-92) Penalty, see § 111.99

Cross-reference:

Possession of alcoholic beverages by person under certain age, see § 130.04

§ 111.99 PENALTY.

(A) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of this chapter for which another penalty is not provided shall be fined not less than \$15 nor more than \$200, or be imprisoned for not more than 60 days, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license. (Ord. 1134, passed 4-1-63)

(B) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of §§ 111.03 (A), 111.08 (A), 111.10, or 111.12 shall be fined not less than \$100 nor more than \$200, or be imprisoned not more than six months, or be both fined and imprisoned, for the first offense. For the second offense, that person shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than six months, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license. (KRS 243.020, 243.100, 243.620 (1), 243.630)

('83 Code, § 111.99)

(C) Any person who has violated § 111.17(B) or (C) for the first time, shall be guilty of a violation and be punished by a fine of not less than \$250 nor more than \$500. Any person who has violated § 111.17(B) or (C) the second time, or any subsequent time, shall be guilty of a violation and punished by a fine of not less than \$500 nor more than \$1000. (Ord. 0-18-86, passed 9-15-86; Am. Ord. O-18-91, passed 9-5-91)

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ORDINANCE NO. O-6-2005

AN ORDINANCE AMENDING ORDINANCE NO. 1134, KNOWN AS THE CITY OF FORT THOMAS "ALCOHOLIC BEVERAGE CONTROL" ORDINANCE, ADOPTED 4/1/63, AND AMENDED BY ORDINANCE O-2-1973, ADOPTED 2/5/73, AND BY ORDINANCE O-5-1975, ADOPTED 1/20/75, AND BY ORDINANCE O-33-76, ADOPTED 12/6/76, AND BY ORDINANCE O-17-1978, ADOPTED 7/17/78, AND BY ORDINANCE O-18-86, ADOPTED 9/15/86, AND BY ORDINANCE O-18-91, ADOPTED 9/5/91, AND BY ORDINANCE O-25-91, ADOPTED 1/6/92, BY REGULATING SUNDAY SALES AS PART OF A RETAIL PACKAGE LICENSE

BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF FORT THOMAS, CAMPBELL COUNTY, KENTUCKY:

SECTION I

That the City of Fort Thomas "Alcoholic Beverage Control" Ordinance No. 1134, adopted April 1, 1963, and subsequently amended, be and the same is hereby amended by adding and deleting the following words and phrases:

LICENSE CLASSIFICATIONS; ANNUAL FEES

- (2) Retail package license. A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. In addition, no distilled spirits and wine may be sold at retail by the package on Sunday except between the hours of 11:00 a.m. and 7:00 p.m. The license fee shall be \$200 per annum.

SECTION II

The provisions of this Ordinance are severable. If any provision, section, paragraph, or part thereof be held invalid, such decision shall not affect or impair the validity of the remainder of this Ordinance.

SECTION III

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law.

APPROVED:

Mary H. Brown, Mayor

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ALCOHOLIC BEVERAGE CONTROL

First Reading: March 7, 2005
ADOPTED: March 21, 2005

ATTEST:

Dorothy A. Ivie, City Clerk

MINUTES OF A REGULAR MEETING
OF THE BOARD OF COUNCIL OF THE
CITY OF FORT THOMAS, CAMPBELL
COUNTY, KENTUCKY, ON MONDAY,
MARCH 21, 2005.

Mayor Mary H. Brown called the Regular Meeting to order at 8:00 P.M. on Monday, March 21, 2005. She asked the City Clerk to call the Roll; and then led those attending in the Pledge of Allegiance to the flag. The following Councilmembers were present: Barbara Runge, Jim Doepker, Karen Lied, Eric Haas, Roger Peterman; Tom Lampe was absent.

She asked for disposition of the Minutes of the previous Regular Meeting; it was moved (Doepker) and seconded (Peterman) that they be approved and upon unanimous Aye voice vote, the motion carried.

She asked the Clerk to read a Municipal Order appointing Tim Mattingly and presented a framed copy of the Order to him. He introduced his family members who were attending. Mr. Earlywine commented that he had been chosen out of approximately 80 applicants and has good experience in private sector worker supervision as well as current experience with the Kenton County Public Works Department. Mayor Brown welcomed him to the City's work force.

Mr. Bob Heil, Military Commons/Green Street Homeowners Association, addressed Council with a slide presentation and request from the Association for the participation in the City in a number of changes they are proposing to improve the streetscape of their homeowners common area. After some discussion and comments, it was moved (Runge) and seconded (Peterman) to refer this request to both the Public Works Committee and the Finance Committee for their review and recommendations.

Mr. Paul Kruse, the owner of an 11-unit apartment building in the Midway CBD area, addressed Council regarding his concerns over the publicized changes for more aggressive enforcement and possible fines for his tenants who park in front of their residence. A parking study, completed recently by the Edwards and Kelcey Co., to better enforce the parking violations that were pointed to within the Parking Study conducted recently. Mrs. Carol Deel, who is the owner of a tax accounting firm in the area also spoke, objecting to her employees not being permitted to park more than 2 hours at a time when they park in front of the business.

A letter was presented from St. Catherine's Church, requesting permission for a 5K Race on Saturday, June 11, 2005, and it was approved upon motion (Doepker), second (Peterman) and unanimous Aye voice vote.

A letter received by the Finance Office from Bonnie and Greg Johnson, requesting that the interest and penalty on their real estate tax bill be reduced or removed due to financial hardship. After discussion of the City's policy of consistent enforcement of the penalty rules in fairness to all citizens, their request was denied, upon motion (Runge), second (Lied) and unanimous Aye voice vote. Mr. Ewald, Director of Finance, will inform the taxpayers of this decision.

The Fire Department Monthly Report for February, 2005, was presented by Chief Mark Bailey, who reported 117 emergency responses during the month. Of those, 84 were EMS runs. He reported that the Department's annual fundraiser for MDA was successful in raising and turning over to that agency \$2,600. Training for the month included classes in Pharmacology and Hazardous Materials Operations. In addition, several of the fire personnel attended University Hospital's Annual Trauma Seminar. Upon motion (Lied), second (Doepker) and unanimous Aye voice vote, the report was received and filed.

The Annual Report of the Police Department was presented by Police Chief Steve Schmidt. In his message, Chief Schmidt noted, "...proactive traffic stops are a large part of what keeps Fort Thomas such a safe community" (despite a large number of crimes in some neighboring communities). He said that "flashing lights serves as a visual reminder to the violator, to residents, passing autos and even pedestrians that the police are actively working to keep our city safe." He pointed out that for every citation issued, our Police officer wrote 2+ warnings, and this serves the purpose of reminding the public to slow down, to watch for kids, to pay attention to their driving. He also stated that the City took a "giant technological leap forward" as during the past year, the Department placed Mobile Data Terminals (MDTs) in their cruisers. This equipment serves as an interface with State and National computer systems and also provide a database of citations and reports that help the officer make information checks out on the street instantaneously.

During the past year, our Police Department responded to 23,162 dispatched calls for service. Fort Thomas detectives cleared 70% of the crimes they investigated as compared to the national average of 46.5%. The 15% increase in caseload was largely from increased computer scams. Officers are still present at all of the schools, teaching drug and firearm safety. It was moved (Doepker) and seconded (Lied) that it be received and made a part of the City Record; upon unanimous Aye voice vote, the motion carried.

Director Don Brindle presented the 2004 Annual Report of the Recreation Department, and pointed out several new programs that were begun for the citizens, including Popcorn and a Movie, Guts Frisbee, and a Puppet Show. About 30 softball leagues were held in the parks, as well as a Junior Baseball League; 887 ball field permits were issued. In addition, the Department runs soccer leagues, football leagues, basketball leagues, tennis leagues and volleyball leagues.

Mr. Brindle reviewed several youth programs including the summer activity program (368 children attended last summer), Junior Olympics, and the very popular Teeter Tots and Kinder Gym classes. The Department issued 213 permits for park shelters during 2004 with an estimated total use of 11,500 people at shelters in the three larger parks, Tower Park, Highland Hills Park and Rossford Park. Events such as the Jack-O-Lantern Walk, Spring Egg Hunt, and Touch-A-Truck attracted a total of 4,500 participants. Since 1999, there has been an active Seniors group meeting at the Community Center and the Community Center was scheduled for 138 events (such as wedding receptions, parties, and fund-raisers during 2005. Don expressed his appreciation to his staff and announced that he plans to retire in 2005, having worked for the City since January 8, 1973. Council members voiced their regrets and reluctance to letting him go after what will be 35 years of dedication as our City's first and only Director of Recreation. His report was received and made a part of the record, upon motion (Doepker) and second (Lied) and unanimous Aye voice vote.

Under Old Business, Mr. Earlywine spoke regarding a proposed contribution to NKADD of \$3,000 this year. He reminded Council that the recommendation of the Finance Committee was to provide incrementally increased contributions as warranted and for this period, the increase would result in an amount of \$3,000. It was moved (Haas) and seconded (Peterman) to approve this contribution, and upon Roll Call vote, all voted Aye; motion carried.

Under New Business, Mr. Earlywine addressed changes in Cable Franchise Fees due to some new legislation. Jay Treft, Assistant to the CAO presented a requested handicapped parking request on Hawthorne; however, it was felt that not enough information was presented for decision-making, so this request will be carried over to the next meeting. .

The Finance Committee presented a Report on Vouchers and upon motion (Doepker), second (Lied) and unanimous Aye Roll Call Vote; all voted Aye motion carried. Ordinance O-6-2005, Amending the City's ABC Ordinance, Setting Sunday Sales hours, was adopted upon motion (Haas), second (Doepker) and unanimous Aye Roll Call vote. Municipal Order Moj-13-2005, Adopting an Increase in Cable Franchise Fees was approved upon motion (Lied), second (Doepker) and unanimous Aye vote. There being no further business to come before Council, the meeting was adjourned.

APPROVED:

Mary H. Brown, Mayor

ATTEST:

Dorothy A. Ivie, City Clerk

CITY OF FORT THOMAS, KENTUCKY

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Adoption of state law
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- 111.03 License required
- 111.04 License classifications; annual fees
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- 111.06 Contents of license
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- 111.14 Causes for revocation; procedure
- 111.15 Agents and employees
- 111.16 Limitation on number of licenses
- 111.17 Allowing minors to remain on private property while in possession of alcoholic beverages

- 111.99 Penalty

§ 111.01 ADOPTION OF STATE LAW.

All of the provisions of the Kentucky Alcoholic Beverage Control Act, KRS Chapters 241, 242, and 243, and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, purchase, or other traffic in alcoholic beverages, are adopted and made a part of this chapter insofar as they may apply herein or be pertinent to the government of the city, and are made a part of this chapter, by reference, as if fully set out herein.
(’83 Code, § 111.01) (Ord. 1134, passed 4-1-63)

§ 111.02 DEFINITIONS.

The definitions of words and phrases used in this chapter unless otherwise indicated, shall be the same as are set out in KRS Chapters 241, 242, and 243, of the Alcoholic Beverage Control Act aforesaid.
(’83 Code, § 111.02) (Ord. 1134, passed 4-1-63)

§ 111.03 LICENSE REQUIRED.

(A) No person, firm, or corporation shall vend, sell, or traffic in alcoholic beverages without having first procured a license as provided in this chapter, nor without complying with all the provisions of this chapter, and all statutes, ordinances, and regulations applicable thereto.

(B) The holding of any permit or license from the United States government or the state, to traffic in alcoholic beverages without the corresponding requisite city license shall in all cases raise a prima facie presumption that the holder of the United States government or state permit or license, is unlawfully trafficking in alcoholic beverages.

(C) No person, firm, or corporation conducting a place of business patronized by the public, who does not hold a license to sell alcoholic beverages, shall permit any person to sell, barter, loan, give away, or drink alcoholic beverages on the premises of his place of business.

('83 Code, § 111.03) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Federal license presumptions, see KRS 243.020

§ 111.04 LICENSE CLASSIFICATIONS; ANNUAL FEES.

(A) There shall be issued by the ABC Administrator the following kinds of licenses to traffic in alcoholic beverages:

(1) Malt beverage retailer license. A malt beverage retailer's license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises. The license fee shall be \$125 per annum. A malt beverage package license shall authorize the licensee to sell beer, ale, and porter at retail from the licensed premises only, and for consumption off of the licensed premises. The license fee shall be \$100 per annum.

(2) Retail package license. A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. The license fee shall be \$200 per annum.

(3) Distilled spirits and wine retail drink license. A distilled spirits and wine retail drink license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. A retail drink license shall not authorize the sale of distilled spirits or wine by the package. The license fee shall be \$1,000 per annum.

(4) Special private club license. A special private club license may be issued to any nonprofit social, fraternal, military, or political organization or club, which for more than one year prior to the date of application has continuously maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink licensee at the designated premises if the general public is excluded. The license fee shall be \$300 per annum.

(5) Malt beverage distributor license. A distributor's license shall authorize the licensee to purchase, import, or store malt beverages and to sell them only to other distributors or to licensed retailers. 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. The license fee shall be \$200 per annum.

(6) Special Sunday retail drink license. The following regulations apply to the special Sunday retail drink license:

(a) Any person, firm, or corporation presently holding a retail drink license issued by the State Alcoholic Beverage Control Board and the city for the sale of distilled spirits and wine by the drink for consumption on the premises, may apply for a special Sunday retail drink license as permitted by KRS 243.030. The fee to be paid for the license shall be \$300 per annum for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 111.09.

(b) It shall be unlawful for any person, firm, or corporation to sell or traffic in distilled spirits or wine by the drink for consumption on the premises on a Sunday without first having obtained this license. A violation hereof shall be deemed a misdemeanor and upon conviction therefore shall be punishable as set forth in § 111.99.

(7) Restaurant wine license. The following regulations apply to the restaurant wine license:

(a) A restaurant wine license may be issued to an applicant who is an owner or lessee of a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables. The issuance of a restaurant wine license shall be subject to the limitations established by the State Alcoholic Beverage Control Board pursuant to KRS 241.060 (2), and the applicant must meet all other qualifications required by law.

(b) A restaurant wine license shall authorize the licensee to purchase, receive, and sell wine at retail for consumption on the licensed premises. The licensee shall purchase wine only from licensed wholesalers.

(c) Any licensee who is a new applicant for a restaurant wine license shall pay a licensee fee of \$300 prorated and payable as provided in § 111.09. Any person who is a holder of a restaurant wine license shall pay an annual renewal fee of \$200, prorated and payable as provided in § 111.09.

(Ord. 0-2-73, passed 2-5-73; Am. Ord. 0-17-78, passed 7-17-78)

(B) All license fees provided for in division (A) above shall be paid annually in advance on or before July 1 of each year. All licenses issued hereunder shall be signed by the ABC Administrator, upon approval by the City Administrator and the receipt of the proper license fee. All monies received by the ABC Administrator from the issuance of these licenses shall be accounted for to the City Treasurer, and the latter shall place the funds in the General Fund of the city. ('75 Code, § 110.18) ('83 Code, § 111.04) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Cross-reference:

Limitation on number of licenses issued, see § 111.16

Statutory reference:

City licenses; fees, see KRS 243.070

§ 111.05 APPLICATION PROCEDURE.

(A) Application for licenses provided for in this chapter shall be made to the City Alcoholic Beverage Control Administrator on forms furnished by the city. Each application shall be verified and contain the same information concerning the applicant and the premises as that required on application for state licenses, and any other information that the City Alcoholic Beverage Control Administrator may, by regulation, require.

(B) Each application must be accompanied by the signatures of at least ten reputable citizens living within 400 feet of the place in which the business is to be conducted, or ten persons owning real estate within 400 feet of the place in which the business is to be conducted. If there are not ten reputable citizens living within 400 feet of the place in which the business is to be conducted or if there are not ten persons owning real estate within 400 feet of the place in which the business is to be conducted, the application provided for herein will be sufficient if accompanied by the signatures of all the owners or reputable citizens owning property or residing within 400 feet, even though the number is less than ten, who shall certify that they know the applicant to be a person of honesty, probity, good demeanor, and reputation, and are requesting that the license be granted.

(C) Each application shall be accompanied by a certified check, cash, or a postal or express money order for the license fee.

(D) Each application shall remain on file for public inspection, and no license shall be granted within 14 days of the date of the filing of the application. The City Alcoholic Beverage Control Administrator shall present the application to the City Council at a regular meeting for examination by the City Council, and if correct in form, it shall be laid over until the next regular meeting of the City Council. During the period that the application is laid over, there shall be posted by the Chief of Police for not less than seven consecutive days in three conspicuous public places within 300 feet of the premises in which the business for which the license is sought is to be carried on, a notice that the license has been applied for. This notice shall bear the name of the applicant, the kind of license applied for, the address of the premises in which the business is to be carried on, the name of the owner of the premises, and shall give notice of the time of the meeting of the City Council at which the application will be finally considered. The notice shall also be published once in a newspaper as required by law.

(E) Upon final consideration of the question of whether a license applied for shall be granted, any person having good cause or reason to object to the granting of the license may appear before the City Alcoholic Beverage Control Administrator at the regular meeting of the City Council and be heard. If the applicant so desires he shall have the opportunity to be heard by the City Alcoholic Beverage Control Administrator.

(F) If the Alcoholic Beverage Control Administrator refuses to issue the license he shall notify the applicant of his determination by mailing a registered letter to him, directed to the address given in his application. If at the expiration of ten days after the date of the mailing of the notice from the Alcoholic Beverage Control Administrator, no appeal has been filed, the license fee shall be refunded to the applicant. After a license has been granted, no part of the license fee paid thereunder shall be refunded to the licensee.

('83 Code, § 111.05) (Ord. 1134, passed 4-1-63)

§ 111.06 CONTENTS OF LICENSE.

(A) All licenses under this chapter shall be in such form as may be prescribed by regulations of the City Alcoholic Beverage Control Administrator and shall contain the following.

- (1) The name and address of the licensee.
- (2) The number of the license.
- (3) The type of the 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.

(B) Each kind of license shall be printed so as to be readily distinguishable from the other kinds. ('83 Code, § 111.06) (Ord. 1134, passed 4-1-63)

§ 111.07 CAUSES FOR REFUSAL.

A license that might be issued under this chapter shall be refused under the following conditions.

(A) If the applicant or the premises for which the license is sought do not comply fully with all alcoholic beverage control statutes; the regulations of the State Alcoholic Beverage Control Board; all ordinances relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages; and all regulations of the City Alcoholic Beverage Control Administrator.

(B) If the applicant has done any act for which a revocation of license would be authorized.

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

(D) A license that might be issued under this chapter may be refused by the Alcoholic Beverage Control Administrator for any reason which he, in the exercise of his sound discretion, may deem sufficient.

(KRS 243.450) ('83 Code, § 111.07) (Ord. 1134, passed 4-1-63)

§ 111.08 PERSONS OR PREMISES WHICH MAY NOT BE LICENSED.

(A) No license under this chapter shall be issued to any of the following.

(1) A person who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years preceding the application.

(2) A person who is under the age of 21 years.

(3) A person who is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his application for a license is made.

(4) A partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, or a felony, is 21 years of age or more, and is a citizen of the United States.

(5) A person who has had any license issued under a statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(6) A partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction.

(KRS 243.100)

(B) 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 licensed period. No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises conforms with the physical requirements as set forth in the applicable statutes and regulations of the State Alcoholic Beverage Control Board.

('83 Code, § 111.08) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.09 LICENSE PERIOD.

(A) All licenses issued under this chapter shall expire on June 30 each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to the renewal, and shall not prevent sub-sequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued under this chapter, after July 1 of any year, he 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 July 1. However, no license shall be issued for a shorter period than six months and no license fee shall be less than one-half the annual fee.

('83 Code, § 111.09) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

License expiration; renewal, see KRS 243.090

§ 111.10 POSTING OF LICENSE.

After the issuance of any license under this chapter and prior to commencement of business thereunder, the licensee shall post the license in a conspicuous place in his place of business and shall keep it thus posted and displayed in the principal room in which the business is carried on. ('83 Code, § 111.10) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Posting of license, see KRS 243.620 (1)

§ 111.11 LOST OR DESTROYED LICENSE.

If a license shall be lost or destroyed without fault on the part of the holder thereof, upon due proof made to the City Alcoholic Beverage Control Administrator of the loss or destruction, a duplicate license may be issued to the licensee under order of the Alcoholic Beverage Control Administrator directed to the City Clerk. A charge of \$2 shall be made for the duplicate license.

('83 Code, § 111.11) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Lost or destroyed licenses, see KRS 243.620 (3)

§ 111.12 TRANSFER OF LICENSE.

No license provided for in this chapter shall be transferred from one person to another or from one premise to another except by obtaining the necessary signatures as provided for herein. The application for transfer shall be filed with the City Alcoholic Beverage Control Administrator for approval. In the granting of a transfer of any license, all restrictions under this chapter concerning the granting of the license are applicable to the transfer. A fee of \$10 shall accompany all applications for transfer of license.

('83 Code, § 111.12) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Transfer of license without authorization, see KRS 243.630

§ 111.13 SUPPLEMENTAL STATEMENT.

If after a license has been issued there is a change in any of the facts required to be set forth in the application for the license, a verified supplemental statement in writing giving notice of the change shall be filed with the City Alcoholic Beverage Control Administrator within ten days after the change. In giving the notice, or taking any action in reference to a license, the Alcoholic Beverage Control Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct.

('83 Code, § 111.13) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.14 CAUSES FOR REVOCATION; PROCEDURE.

(A) Any of the licenses issued under this chapter may be revoked by the City Alcoholic Beverage Control Administrator for any of the following reasons.

(1) If the licensee shall have violated any of the provisions under this chapter or of the Alcoholic Beverage Control Act, as set out in KRS Chapters 241, 242, and 243, or if the state license is revoked for any of the other reasons set out by the State Alcoholic Beverage Control Board.

(2) Conviction of the licensee or his agent or employee for making an illegal sale of alcoholic beverages on the premises licensed.

(3) Making any false, material statement in an application for a license.

(4) Transferring, assigning, pledging, depositing, or hypothecating a license, or paying for the license of another, or permitting another to pay for one's own license.

(5) Selling or agreeing to sell alcoholic beverages to a wholesaler or retailer or to any person for resale who is not licensed to do so at that time.

(6) Willful or deliberate failure or default of a licensee to pay an ad valorem or excise tax, or any part thereof, or any penalties imposed by or under the provisions of any statutes or ordinances relative to taxation.

(7) 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.

(B) The City Alcoholic Beverage Control Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke any license issued under this chapter. Revocation shall be had only upon five days notice to the licensee, and an opportunity shall be given him to be heard at a public hearing.

(C) Within three days after any order of revocation of a license issued under this chapter 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 notice. The licensee shall at once surrender his license to the City Alcoholic Beverage Control Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of the Police Department shall, at the request of the Alcoholic Beverage Control Administrator, immediately cause one of his police officers to take physical possession of the license and return it to the Alcoholic Beverage Control Administrator.

('83 Code, § 111.14) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

Statutory reference:

Causes for revocation, see KRS 243.500

Revocation proceedings, see KRS 243.520, 243.530

§ 111.15 AGENTS AND EMPLOYEES.

(A) Any violation of this chapter by a duly-authorized agent or employee of a licensee shall be deemed and shall constitute a violation of the licensee.

(B) All licensees shall superintend in person the managing of the business licensed under this

chapter. If the licensee is a firm or corporation, the licensee shall cause the names and addresses of the current members of the firm or officers of the corporation to be on file with the City Alcoholic Beverage Control Administrator. If licensee is a club, or a fraternal, civic, military, or social organization, the names and addresses of the members who are in charge of the sale of alcoholic beverages shall be filed with the City Alcoholic Beverage Control Administrator.

('83 Code, § 111.15) (Ord. 1134, passed 4-1-63) Penalty, see § 111.99

§ 111.16 LIMITATION ON NUMBER OF LICENSES.

Quota ~~is~~ *Violates our policy*

(A) Malt beverage retail license. The number of malt beverage retail licenses for consumption on the licensed premises shall not exceed nine in number. The number of malt beverage retail package licenses for consumption off of the licensed premises shall not exceed nine in number.

(B) Distilled spirits and wine retail drink license. The number of distilled spirits and wine retail drink licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

(C) Special private club license. The number of special private club licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

(D) Distilled spirits and wine retail package license. The number of distilled spirits and wine retail package licenses issued to licensees pursuant to the provisions of this chapter shall not exceed three in number.

('83 Code, § 111.16) (Ord. 1134, passed 4-1-63; Am. Ord. 0-5-75, passed 1-20-75; Am. Ord. 0-33-76, passed 12-6-76)

§ 111.17 ALLOWING MINORS TO REMAIN ON PRIVATE PROPERTY WHILE IN POSSESSION OF ALCOHOLIC BEVERAGES.

(A) The words "alcoholic beverages" and "malt beverages" as used in this section shall have the meaning given to them in KRS 241.010.

(B) No person being the owner or occupant or otherwise in possession and/or control of any property located within the city, who knows or should know, through the exercise of reasonable diligence, shall allow any person under the age of 21 years to remain on such property while in possession of alcoholic or malt beverages, or while consuming alcoholic or malt beverages, unless such alcoholic or malt beverages are given by a physician in the regular line of medical practice, or by a parent, or by a legal guardian.

(C) No person being the parent or guardian or otherwise having the care, custody or control of any minor knowingly shall allow such minor to violate any provisions of this section or shall aid, abet, induce, cause, encourage or contribute to such minor violating any provisions of this section, including, without limitation, allowing a minor having a proclivity for possession or consumption of alcoholic or malt beverages to be in possession of property located within the city under circumstances such that a reasonably responsible adult should have known that a violation of this section was likely to occur thereon.

(Ord. 0-18-86, passed 9-15-86; Am. Ord. 0-25-91, passed 1-6-92) Penalty, see § 111.99

Cross-reference:

Possession of alcoholic beverages by person under certain age, see § 130.04

§ 111.99 PENALTY.

(A) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of this chapter for which another penalty is not provided shall be fined not less than \$15 nor more than \$200, or be imprisoned for not more than 60 days, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license. (Ord. 1134, passed 4-1-63)

(B) Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of §§ 111.03 (A), 111.08 (A), 111.10, or 111.12 shall be fined not less than \$100 nor more than \$200, or be imprisoned not more than six months, or be both fined and imprisoned, for the first offense. For the second offense, that person shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than six months, or be both fined and imprisoned. The penalty provided for in this division shall be in addition to the revocation of the offender's license. (KRS 243.020, 243.100, 243.620 (1), 243.630) ('83 Code, § 111.99)

(C) Any person who has violated § 111.17(B) or (C) for the first time, shall be guilty of a violation and be punished by a fine of not less than \$250 nor more than \$500. Any person who has violated § 111.17(B) or (C) the second time, or any subsequent time, shall be guilty of a violation and punished by a fine of not less than \$500 nor more than \$1000. (Ord. 0-18-86, passed 9-15-86; Am. Ord. O-18-91, passed 9-5-91)

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ALCOHOLIC BEVERAGE CONTROL

CHAPTER 110: ALCOHOLIC BEVERAGES

Section

- 110.01 Effect of state legislation
- 110.02 Definitions
- 110.03 License required
- 110.04 Kinds of licenses
- 110.05 Application for license
- 110.06 Form of licenses
- 110.07 Causes for refusal of license
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§ 110.01 Effect of state legislation.

All of the provisions of the Kentucky Alcoholic Beverage Control Act, KRS Chapters 241, 242, and 243 and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, purchase or other traffic in alcoholic beverages, are adopted and made a part of this chapter insofar as they may apply herein or be pertinent to the government of the City of Fort Thomas, and are made a part of this chapter, by reference, as if fully copied herein. (Ord. 1134, passed 4-1-63)

§ 110.02 Definitions.

The definitions of words and phrases used in this chapter unless otherwise indicated, shall be the same as are set out in the Alcoholic Beverage Control Act aforesaid. (Ord. 1134, passed 4-1-63)

§ 110.03 License required.

(A) No person, firm or corporation shall vend, sell, or traffic in alcoholic beverages without having first procured a license as provided in this chapter, nor without complying with all the provisions of this chapter, and all statutes, ordinances and regulations applicable thereto.

(B) The holding of any permit or license from the United States Government or the Commonwealth of Kentucky, to traffic in alcoholic beverages without the corresponding requisite city license shall in all cases raise a prima facie presumption that the holder of the

United States Government or Commonwealth of Kentucky permit or license, is unlawfully trafficking in alcoholic beverages.

(C) No person, firm or corporation conducting a place of business patronized by the public, who does not hold a license to sell alcoholic beverages, shall permit any person to sell, barter, loan, give away or drink alcoholic beverages on the premises of his place of business. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.04 Kinds of licenses.

There shall be issued by the clerk of the city the following kinds of licenses to traffic in alcoholic beverages.

(A) Malt beverage retailer license. A malt beverage retailer's license shall authorize the licensee to sell beer, ale and porter at retail from the licensed premises. The license fee shall be \$125 per annum. A malt beverage package license shall authorize the licensee to sell beer, ale and porter at retail from the licensed premises only and for consumption off of the licensed premises. The license fee for same shall be \$100 per annum.

(B) Retail package license. A distilled spirits and wine retail package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises. The license fee shall be \$200 per annum.

(C) Distilled spirits and wine retail drink license. A distilled spirits and wine retail drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. A retail drink license shall not authorize the sale of distilled spirits or wine by the package. The license fee shall be \$1,000 per annum.

(D) Special private club license. A special private club license may be issued to any nonprofit social, fraternal, military or political organization or club, which for more than one year prior to the date of application has continuously maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink licensee at the designated premises if the general public is excluded. The license fee shall be \$300 per annum.

(E) Malt beverage distributor license. A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them only to other distributors or to licensed retailers. 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. The license fee shall be \$200 per annum.

(F) Special Sunday retail drink license.

(1) Any person, firm or corporation presently holding a retail drink license issued by the alcoholic beverage control board and the City of Fort Thomas, for the sale of distilled spirits and wine by the drink for consumption on the premises may apply for a "Special Sunday Retail Drink License" as permitted by KRS 243.030. The fee to be paid for such license shall be \$300 per annum for a term commencing July 1 and expiring June 30 of each year. Terms for less than one year shall be prorated in conformity with § 110.09.

(2) It shall be unlawful for any persons, firm or corporation to sell or traffic in distilled spirits or wine by the drink for consumption on the premises on a Sunday without first having obtained this license, and a violation hereof shall be deemed a misdemeanor and upon conviction therefore shall be punishable as set forth in § 110.99. (Ord. 1134, passed 4-1-63; amend. Ord. 0-2-73, passed 2-5-73) Penalty, see § 110.99

§ 110.05 Application for license.

(A) Application for licenses provided for herein shall be made to the city alcoholic beverage control administrator (hereinafter referred to as city administrator) on forms furnished by the city.

(B) Each application shall be verified and contain the same information concerning the applicant and the premises as that required, on application for state licenses and such other information as the city administrator may, by regulation, require.

(C) Each application must be accompanied by the signatures of at least 10 reputable citizens living within 400 feet of the place in which such business is to be conducted, or 10 persons owning real estate within 400 feet of the place in which such business is to be conducted. If there are not 10 reputable citizens living within 400 feet of the place in which such business is to be conducted or if there are not 10 persons owning real estate within 400 feet of the place in which such business is to be conducted, the application provided for herein will be sufficient if accompanied by the signatures of all such owners or reputable citizens owning property or residing within said 400 feet, even though the number be less than 10, who shall certify that they know the applicant to be a person of honesty, probity, good demeanor, and reputation and requesting that such a license be granted.

(D) Each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee.

(E) Each application shall remain on file for public inspection and no license shall be granted within 14 days of the date of the filing of the application. The city administrator shall present such application to the board of council at a regular meeting for

examination at the board of council, and if correct in form, it shall be laid over until the next regular meeting of the board of council. During the period that the application is laid over, there shall be posted by the chief of police for not less than 7 consecutive days in 3 conspicuous public places within 300 feet of the premises in which the business for which the license is sought is to be carried on, a notice that such license has been applied for. Such notice shall bear the name of the applicant, the kind of license applied for, the address of the premises in which the business is to be carried on, the name of the owner of said premises, and shall give notice of the time of the meeting of the board of council at which the application will be finally considered. The notice shall also be published once in a newspaper as required by law.

(F) Upon final consideration of the question of whether a license applied for shall be granted, any person having good cause or reason to object to the granting of such license may appear before the city administrator at such regular meeting of the board of council and be heard. If the applicant so desires he shall have the opportunity to be heard by the city administrator.

(G) If the city administrator refuses to issue the license he shall notify the applicant of his determination by mailing a registered letter to him, directed to the address given in his application. If at the expiration of 10 days after the date of the mailing of the notice from the city administrator, no appeal has been filed, the license fee shall be refunded to applicant. After a license has been granted no part of the license fee paid thereunder shall be refunded to the licensee. (Ord. 1134, passed 4-1-63)

§ 110.06 Form of licenses.

(A) All licenses under this chapter shall be in such form as may be prescribed by regulations of the city administrator and shall contain:

- (1) The name and address of the licensee;
- (2) The number of the license;
- (3) The type of the 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.

(B) Each kind of license shall be printed so as to be readily distinguishable from the other kinds. (Ord. 1134, passed 4-1-63)

§ 110.07 Causes for refusal of license.

(A) A license that might be issued under this chapter shall be refused:

(1) If the applicant or the premises for which the license is sought do not comply fully with all alcoholic beverage control statutes, the regulations of the Alcoholic Beverage Control Board of Kentucky, all ordinances relative to the regulation of the manufacture, sale and transportation of alcoholic beverages, and all regulations of the city administrator;

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

(3) A license that might be issued under this chapter may be refused by the city administrator for any reason which he, in the exercise of his sound discretion, may deem sufficient. (Ord. 1134, passed 4-1-63)

§ 110.08 Persons who may not be licensed.

No person shall become a licensee under this chapter who:

(A) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or any felony, prior to filing the application;

(B) Is under the age of 21 years;

(C) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his application for a license is made;

(D) Is a partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers and employees of the corporation has not been convicted of any misdemeanor directly attributable to the use of alcoholic beverages, or a felony, is 21 years of age or more and is a citizen of the United States;

(E) Has had any license issued under this statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of 2 years from the date of the revocation or conviction; or

(F) Is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages,

revoked for cause or has been convicted of a violation of any such statute, until the expiration of 2 years from the date of the revocation or conviction. (Ord. 1134, passed 4-1-63)

§ 110.09 License period.

(A) All licenses issued under this chapter shall expire on June 30 each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued under this chapter, after July 1 of any year, he 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 July 1, except that no license shall be issued for a shorter period than 6 months and no license fee shall be less than 1/2 the annual fee. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.10 Premises that may not be licensed for sales at retail.

(A) 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 licensed period.

(B) No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises conforms with the physical requirements as set forth in the applicable statutes and regulations of the Alcoholic Beverage Control Board of Kentucky. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.11 Posting of license.

After the issuance of any license under this chapter and prior to commencement of business thereunder, the licensee shall post such license in a conspicuous place in his place of business and shall keep it thus posted and displayed in the principal room in which such business is carried on. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.12 Lost or destroyed license.

If a license shall be lost or destroyed without fault on the part of the holder thereof, upon due proof made to the city administrator of such loss or destruction, a duplicate license may be issued to such licensee under order of the city administrator directed to the city clerk. A charge of \$2 shall be made for such duplicate license. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.13 Transfer of license.*

No license provided for herein shall be transferred from one person to another or from one premise to another except by obtaining the necessary signatures as provided for herein, and such application for transfer shall be filed with the city administrator for approval. In the granting of a transfer of any license, all restrictions under this chapter concerning the granting of the license are applicable to the transfer. A fee of \$10 shall accompany all applications for transfer of license. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.14 Agents and Employees.

(A) Any violation of this chapter by a duly authorized agent or employee of a licensee shall be deemed and shall constitute a violation of the licensee.

(B) All licensees shall superintend in person the managing of the business licensed under this chapter, and if the licensee be a firm or corporation, the licensee shall cause the names and addresses of the current members of said firm or officers of said corporation to be on file with the city administrator. If licensee be a club, fraternal, civic, military or social organization the names and addresses of the members who are in charge of the sale of alcoholic beverages shall be filed with the city administrator. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.15 Supplemental statement.

(A) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application for such license, a verified supplemental statement in writing giving notice of the change shall be filed with the city administrator within 10 days after the change.

(B) In giving the notice, or taking any action in reference to a license, the city administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. Such information, as against the licensee or applicant, shall be conclusively presumed to be correct. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.16 Institution of revocation proceedings.

(A) The city administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke any license issued under this chapter. Revocation shall be had only upon 5 days notice to the licensee, and an opportunity shall be given him to be heard at a public hearing.

(B) Within 3 days after any order of revocation of a license issued under this chapter 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 notice. The licensee shall at once surrender his license to the city administrator. If the revoked license is not forthwith surrendered by the licensee, the chief of the police department shall, at the request of the city administrator, immediately cause one of his police officers to take physical possession of the license and return it to the city administrator. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.17 Causes for revocation of licenses.

Any of the licenses issued under this chapter may be revoked by the city administrator for any of the following reasons:

(A) If the licensee shall have violated any of the provisions under this chapter or of the Alcoholic Beverage Control Act, or if the state license be revoked for any of the other reasons set out by the Kentucky State Alcoholic Board.

(B) Conviction of the licensee or his agent or employee for making an illegal sale of alcoholic beverages on the premises licensed.

(C) Making any false, material statement in an application for a license.

(D) Transferring, assigning, pledging, depositing or hypothecating a license, or paying for the license of another or permitting another to pay for one's own license.

(E) Selling or agreeing to sell alcoholic beverages to a wholesaler or retailer or to any person for resale who is not licensed so to do at that time.

(F) Willful or deliberate failure or default of a license to pay an ad valorem or excise tax, or any part thereof, or any penalties imposed by or under the provisions of any statutes or ordinances relative to taxation.

(G) 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. (Ord. 1134, passed 4-1-63)

§ 110.18 License fees; manner of payment.

All license fees provided for herein shall be paid annually in advance on or before July 1 of each year. All licenses issued hereunder shall be signed by the city clerk upon approval by the city administrator and the receipt of the proper license fee. All monies received by the city clerk from the issuance of such licenses shall

be accounted for to the city treasurer, and the latter shall place such funds in the general fund of the city. (Ord. 1134, passed 4-1-63) Penalty, see § 110.99

§ 110.19 Limitation of number of retail licenses to be issued for consumption on premises.

(A) Malt beverage retail license. The number of malt beverage retail licenses for consumption on the licensed premises shall not exceed 9 in number. The number of malt beverage retail package licenses for consumption off of the licensed premises shall not exceed 9 in number.

(B) Distilled spirits and wine retail drink license. The number of distilled spirits and wine retail drink licenses issued to licensees pursuant to the provisions of this chapter shall not exceed 3 in number.

(C) Special private club license. The number of special private club licenses issued to licensees pursuant to the provisions of this chapter shall not exceed 3 in number.

(D) Distilled spirits and wine retail package license. The number of distilled spirits and wine retail package licenses issued to licensees pursuant to the provisions of this chapter shall not exceed 3 in number. (Ord. 1134, passed 4-1-63; amend. Ord. 0-3-75, passed 1-20-75; amend. Ord. 0-33-76, passed 12-6-76) Penalty, see § 110.99

§ 110.99 Penalties.

Any person who, by himself or acting through another, directly or indirectly violates any of the provisions of this chapter shall be fined not less than \$15 nor more than \$200, or be imprisoned for not more than 60 days, or by both fine and imprisonment. The penalty provided for in this section shall be in addition to the revocation of the offender's license. (Ord. 1134, passed 4-1-63)