

**CITY OF HIGHLAND HEIGHTS, KENTUCKY  
ORDINANCE NO. 02-2014**

AN ORDINANCE REPEALING ORDINANCES 1958-237, 1968-359, 1973 -422, 1978 -506, 2005-12, and 18-2013 REGARDING ALCOHOLIC BEVERAGE ADMINISTRATION, REGULATION, LICENSES AND FEES, SOME OF WHICH WERE NOT IN CONFORMITY WITH STATE LAW; AND REPLACING THEM WITH ONE ORDINANCE THAT CONFORMS TO RECENTLY ENACTED STATUTES.

WHEREAS, Kentucky Revised Statutes regarding alcoholic beverage administration, regulation, licenses and fees were substantially revised by Senate Bill 13 enacted by the 2013 Kentucky General Assembly; and

WHEREAS, the current laws of the City of Highland Heights regarding alcoholic beverages consist of many ordinances, some of which are inconsistent with current state law and therefore need to be repealed and replaced with an ordinance in conformity with the law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY AS FOLLOWS:**

**SECTION I - Definitions**

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

Administrator – Shall mean the office of city alcoholic beverage control administrator as required by Kentucky Revised Statute 241.160 and assigned to the City Clerk pursuant to Section II of this ordinance.

Person – Shall mean any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

Many additional words and phrases used in this ordinance are also used and defined in Kentucky Revised Statute chapters 241, 242, 243, and 244. The meanings of these words and phrases as defined by Kentucky Revised Statute have the same meaning in this ordinance.

**SECTION II – Alcoholic Beverage Control Administrator**

Pursuant to Kentucky Revised Statute 241.160, the office of city alcoholic beverage control administrator is hereby created and the duties required thereby are assigned to the office of the City Clerk.

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**SECTION III – City Alcoholic Beverage Licenses**

For the privilege of causing, permitting, and engaging in the actions, business and transactions regarding alcoholic beverages in Highland Heights and pursuant to Kentucky Revised Statute 243.070, all of the alcoholic beverage licenses authorized for cities are hereby established and required by the city of Highland Heights. The business authorized by each license shall be the same as the business authorized by the corresponding state license.

No Person, shall by either act or omission, cause, permit, allow, aid, assist, encourage, or engage in any business authorized by such license in the city of Highland Heights without a valid license to engage in such business.

**SECTION IV – Qualifications for City Alcoholic Beverage License(s)**

The qualifications and disqualifications of persons and places for a city of Highland Heights alcoholic beverage license(s) shall be the same as those for the corresponding alcoholic beverage licenses issued by the state.

**SECTION V – Application for City Alcoholic Beverage License(s)**

Applications for city of Highland Heights alcoholic beverage license(s) required by this ordinance shall be on a form provided by the Administrator, which shall include all of the information required in the application for a corresponding alcoholic beverage license issued by the state. In addition, applications shall include any other information required by the Administrator. The application shall be signed by the applicant on a line immediately following a declaration that false statements in the application shall constitute the crime of perjury, and the signature of the applicant shall be notarized according to law.

The application shall be submitted to the Administrator along with the fee established in accordance with Section IX for the alcoholic beverage license that is requested in the application. The fee shall be paid to the City by cash, cashier check or credit card.

**SECTION VI – Denial of License Application**

Provided that the applicant has been afforded a due process hearing, the alcoholic beverage license that is requested in the application shall be denied for any of reasons authorized for refusing a state license under Kentucky Revised Statute 243.450. In addition, a license may be denied for any non-arbitrary reasons which the Administrator deems sufficient in the exercise of sound discretion.

**SECTION VII –License Suspension or Revocation**

(A) Provided that the licensee has been afforded a due process hearing, any alcoholic beverage license that has been issued by the Administrator may be suspended or revoked by the

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Administrator for any reason for which the corresponding state license may be suspended or revoked by the state under KRS 243.490 or KRS 243.500

(B) The Administrator may, in its sole discretion, provide the licensee of a suspended license with the alternative of paying in lieu of part or all of the days of any suspension the same sums that may be provided to a state licensee in lieu of the suspension of a corresponding state license in accordance with KRS 243.480

**SECTION VIII – Term of Alcoholic Beverage License(s)**

All city of Highland Heights alcoholic beverage license(s) that have been issued by the Administrator pursuant to this ordinance and has not previously been suspended or revoked shall expire at the same time as the corresponding state license.

**SECTION IX – Alcoholic Beverage License Fee**

An annual fee is hereby imposed for each of the alcoholic beverage licenses hereby established and required. The amount of the fee for each license(s) is listed in the table below.

LICENSE TYPE	FEE
Distiller's License	500.00
Rectifier's License	3,000.00
Wholesaler's distilled spirits & wine license	3,000.00
Quota Retail Package License (Liquor Stores)	52.50
Quota Retail Drink License (Bars/Taverns)	210.00
Special Temporary License	52.50
NQ1 Retail Drink License (includes distilled spirits, wine and malt beverages)	2,000.00
NQ2 Retail Drink License (includes distilled spirits, wine and malt beverages)	210.00
NQ3 Retail Drink License (includes distilled spirits, wine and malt beverages)	300.00
Special Temporary Auction License (distilled spirits and wine)	200.00
Special Sunday Retail Drink License	157.50
Extended Hours Supplemental License	2,000.00
Caterer's License	800.00
Bottling House or Bottling House Storage License	1,000.00
Brewer's License	500.00
Microbrewery License	500.00
Malt Beverage Distributor's License	400.00
NQ Retail Malt Beverage Package License*	52.50
NQ4 Retail Malt Beverage Drink License*	26.25
Malt Beverage Brew-On-Premises License	100.00

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Limited Restaurant License (includes distilled spirits, wine and malt beverages)	1,200.00
Limited Golf Course License	1,200.00

*\* Pursuant to KRS 243.070(18), the holder of a Non-Quota Retail Malt Beverage Package License may obtain a Non-Quota Type 4 Malt Beverage Drink License for a fee of fifty dollars (\$50). The holder of a Non-Quota Type 4 Malt Beverage Drink License may obtain a Non-Quota Retail Malt Beverage Package License for a fee of fifty dollars (\$50).*

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

The amount of the fee shall not exceed the maximum allowed by KRS 243.070, unless the application for license is within six months of the licenses expiration date. In the event this occurs, the amount of the fee shall be one-half of the maximum allowed by state law.

**SECTION X – Times When Retail Sales of Alcoholic Beverages Are Prohibited**

No person, with or without a alcoholic beverage license shall by act or omission cause, permit, allow, aid, assist, encourage or engage in the retail sale of any distilled spirits, wine or malt beverages in the city of Highland Heights during the period of time:

- (A) On any Sunday after 2:30 A.M. and before 11:00 A.M.; or
- (B) On any other day after 2:30 A.M. and before 6:00 A.M.

**SECTION XI – Penalties**

Each and every violation of this ordinance shall be a misdemeanor for which a person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in Kentucky Revised Statute 534.050(2)(a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in Kentucky Revised Statute 532.090(1), or both. The penalties provided in this section shall be in addition to any suspension or revocation of the offender’s license.

**SECTION XII – Conflicting Ordinances Repealed**

Highland Heights ordinances 1958-237, 1968-359, 1973-422, 1978-506, 2005-12, and 18-2013 are hereby repealed in their entirety; and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

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**SECTION XII – Publication and Effective Date**

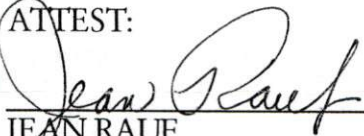
That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded and published. Same shall be in effect at the earliest time provided by law.

First reading on this 3rd day of June, 2014.

Second reading on this 17<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
MAYOR GREGORY V. MEYERS

ATTEST:

  
\_\_\_\_\_  
JEAN RAUF  
CITY CLERK/TREASURER  
ORD14.02

**PUBLISH : CCR**

JUN 26 2014

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## TITLE XI: BUSINESS REGULATIONS

## CHAPTER 112: ALCOHOLIC BEVERAGE CONTROL

**CHAPTER 112: ALCOHOLIC BEVERAGE CONTROL****GENERAL PROVISIONS****§ 112.01 DEFINITIONS.**

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

(A) As used herein the words and phrases defined in KRS 241.01 and 243.010 have the meanings indicated therein. m

(B) The following words and phrases have the meanings indicated:

(1) **BOARD.** The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

(2) **CITY ADMINISTRATOR.** The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to § 112.60. m

(3) **CITY LICENSE.** A license established and authorized pursuant to the terms hereof.

(4) **CITY LICENSEE.** A person who has been issued a city license pursuant to the terms hereof.

(5) **KRS.** Kentucky Revised Statutes.

(6) **PERSON.** Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

(7) **PREMISES.** The premises described in the city license issued pursuant to the terms hereof and the application therefor.

(8) **STATE.** The Commonwealth of Kentucky.

(9) **STATE LICENSE.** A license authorized by KRS 243.030 to 243.680.

(10) **TRAFFIC IN ALCOHOLIC BEVERAGES.** Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

**§ 112.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.**

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefor:

<b>LICENSE DESCRIPTION</b>	<b>STATUTORY AUTHORIZATION</b>	<b>STATUTORY DESCRIPTION OF AUTHORIZED BUSINESS AND TRANSACTIONS (KRS §)</b>	<b>ANNUAL EXPIRATION DATE (KRS § 243.090)</b>	<b>FEE (PER ANNUM)</b>
<i>Distilled Spirits and Wine Licenses</i>				
Distillers	243.030(1), 243.070	243.120 243.130	June 30	\$500.00
Rectifier	243.030(2)	243.120 243.130	June 30	\$3,000.00
Blenders	243.030(3)	243.140	June 30	\$3,000.00
Wholesaler	243.030(6)	243.160 243.170	June 30	\$3,000.00
Retail package	243.030(7)	243.240	June 30	\$1,000.00
Retail drink	243.030(8)	243.250	June 30	\$1,000.00
Special temporary	243.030(16)	243.260	NA	*
Special private club	243.030(17)	243.270	June 30	\$300.00
Special Sunday retail drink	243.030(18), 243.070	243.290	June 30	\$300.00
Nonresident special agent	243.030(19)	243.340	June 30	\$40.00
Brewers	243.040(1), 243.070	243.150	June 30	\$500.00



Microbrewery	243.040(2)	243.157	June 30	\$500.00
Distributors	243.040(3)	243.180	June 30	\$400.00
Retailers (new applicants)	243.040(4), 243.070	243.280	June 30	\$200.00
Retailers (renewal)	243.040(4)	243.280	June 30	\$150.00
Special temporary	243.040(7)	243.290	NA	\$25.00 per month
* 1/6 of retail package license fee (above), per month				

Penalty, see § 112.99

### § 112.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

- (1) Comply with all of the provisions for state licenses required by KRS 243.440; and
- (2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

### § 112.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk-Treasurer and renewed by him upon the expiration thereof upon receipt of the following documents and fees more than thirty (30) days prior to the effective date of an original license and more than fifteen (15) days prior to the expiration date of any license to be renewed.

(A) A written application therefor with the truth of the information statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator; however, provision for the following information, statements and representations shall and must be included therein:

- (1) All information required by KRS 243.390 to be contained in the application for state licenses.
- (2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.
- (3) The names, addresses, photographs, and fingerprints of the applicant and all shareholders,



officers, agents, servants, and employees thereof.

(B) The approval of the applicant, the application, and the premises described therein by the City Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

#### **§ 112.23 APPROVAL OF APPLICATION.**

Within thirty (30) days of the date of the application for an original city license and fifteen (15) days of the date of an application for renewal of a city license, the City Administrator shall, by mail or personal delivery thereof, notify the applicant in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

#### **§ 112.24 DENIAL OF APPLICATION.**

As is similarly set forth in KRS 243.450, the City Administrator shall not approve any application for a city license if:

(A) The applicant, the application, or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages;

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two (2) years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false; or

(E) In the exercise of sound discretion, the City Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City Administrator shall consider in the exercise of his discretion are: public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

#### **§ 112.25 TRANSFER OF LICENSE.**

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of ten dollars (\$10.00) shall be paid to the city for the transfer of the city license.



Penalty, see § 112.99

### **§ 112.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.**

(A) As prohibited in KRS 243.230, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than five thousand dollars (\$5,000.00) of food, groceries, and related products valued at cost.

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connecting with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

### ***SALE OF ALCOHOLIC BEVERAGES***

#### **§ 112.40 HOURS.**

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday, and the hours after 11:00 a.m. and before 2:30 a.m. prevailing time on any Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

(B) During the hours before 6:00 a.m. and after 2:30 a.m. prevailing time on any day except Sunday, and the hours after 2:30 a.m. and before 11:00 a.m. prevailing time on any Sunday, and the hours when any polls are open in the city on any election day, no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (30) minutes thereafter for the sole purpose of the consumption of the drink purchased.

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.



(Ord. 12-2005, passed 10-4-05) Penalty, see § 112.99

#### **§ 112.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.**

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.

Penalty, see § 112.99

#### **§ 112.42 MAINTENANCE OF STATE LICENSE.**

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 112.99

#### **§ 112.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.**

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight (8) inches by eleven (11) inches in size with the following message printed or displayed thereon in thirty (30) point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to five hundred dollars (\$500.00) if they:

- (a) Enter licensed premises to buy or have served or delivered to them any alcoholic beverages;
- or
- (b) Possess, purchase or attempt to purchase any alcoholic beverages; or
- (c) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, businesses, and transactions authorized thereby conducted on such

premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 112.99

***Statutory reference:***

*Display of state license required, see KRS 243.620, 244.270 and 244.360*

**§ 112.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.**

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any law, rule, or regulation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

Penalty, see § 112.99

**§ 112.45 CONDUCTING BUSINESS WITH MINOR.**

As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage, or engage in any of the following actions in the city:

(A) The possession or consumption of any alcoholic beverages by any person under twenty-one (21) years of age in or upon any licensed premises or public places; and

(B) The misrepresentation of the name, address, age, or other identification of any person under twenty-one (21) years of age for the purpose of obtaining alcoholic beverages.

Penalty, see § 112.99

**§ 112.46 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.**

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

- (1) The nipple of the female breast.
- (2) The female breast below the nipple.
- (3) The genitalia.
- (4) The pubic hair.
- (5) The anus.



Penalty, see § 112.99

### **§ 112.47 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.**

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of ninety (90) consecutive calendar days, the city license therefor shall become null and void and revoked by the City Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

### ***ADMINISTRATION AND ENFORCEMENT***

### **§ 112.60 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

As required by KRS 241.160, the office of Alcoholic Beverage Control Administrator is hereby established.

### **§ 112.61 RIGHT OF ENTRY; SEARCH AND SEIZURE.**

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

### **§ 112.62 SUSPENSION, REVOCATION OF LICENSE.**

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.



(B) However, city licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, vintners, brewers, and blenders; one thousand dollars (\$1,000.00) per day; wholesale liquor licensees; four hundred dollars (\$400.00) per day; wholesale beer licensees; one hundred dollars (\$100.00) per day; retail drink liquor licensees; twenty-five dollars (\$25.00) per day; retail package liquor licensees; twenty-five dollars (\$25.00) per day; retail beer licensees; ten dollars (\$10.00) per day; and all remaining licensees; ten dollars (\$10.00) per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five (5) days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

#### **§ 112.99 PENALTY.**

(A) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine for each offense or violation of not more than five hundred dollars (\$500.00).

(B) Any person who violates the distillers license fee provision of § 112.20 shall be guilty of a misdemeanor and shall, upon conviction and in accordance with KRS 243.990(2), be sentenced to pay a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or sentenced to imprisonment for not more than six (6) months, or both for the first offense. For the second offense, the person shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or sentenced to imprisonment for not more than six (6) months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) nor more than five thousand dollars (\$5,000.00), or sentenced to imprisonment for not more than five (5) years, or both.

(C) Any person who violates any provision of § 112.20 other than as discussed in division (B) above, or any provision of §§ 112.21 through 112.26, 112.40 through 112.42, 112.44 or 112.45(A) shall be guilty of a misdemeanor and shall, upon conviction and in accordance with KRS 243.990(1) and 244.990(1), be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or be imprisoned for not more than six (6) months, or both for the first offense. On the second and each subsequent offense, the person shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or be imprisoned for not more than six (6) months, or both.

(D) Any person who violates any provision of § 112.43 shall be guilty of a misdemeanor and shall, upon conviction and in accordance with KRS 244.990(5), be fined not less than ten dollars (\$10.00) nor



more than one hundred dollars (\$100.00).

(E) Any person who violates any provision of § 112.45(B) shall be guilty of a violation and shall, upon conviction and in accordance with KRS 244.990(5) and (6), be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for misrepresentation of age. For use of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for a first offense. For a second and each subsequent offense, the person shall be fined not less than two hundred dollars (\$200.00) nor more than two thousand dollars (\$2,000.00).

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