

ORDINANCE NO. 2013-O-15

AN ORDINANCE OF THE CITY OF INDEPENDENCE AMENDING ORDINANCE 2010-O-06 RELATING TO ALCOHOL BEVERAGE CONTROL

Whereas the General Assembly has enacted revisions to state law relating to alcoholic beverage control, and

Whereas, the City of Independence deems it proper to so revise its Ordinance so as to be consistent therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF INDEPENDENCE AS FOLLOWS:

SECTION ONE

That Section II of Ordinance 2010-O-06 is amended as follows:

~~243.070 City and consolidated local government licenses -- Kinds -- Fees.~~

The legislative body of any city or a consolidated local government in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only those licenses set out in this section shall be issued, and the fee for each shall not exceed the specified amount:

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

- ~~(a) Distiller's license, per annum\$500.00~~
- ~~(b) Rectifier's license, per annum\$3,000.00~~
- ~~(c) Blender's license, per annum\$3,000.00~~
- ~~(d) Wholesaler's distilled spirits and wine license, per annum\$3,000.00~~
- ~~(e) Distilled spirits and wine retail package license, per annum:~~

- ~~1. In counties containing cities of the first class or a consolidated local government.....\$1,200.00~~
- ~~2. In counties containing cities of the second class\$1,000.00~~
- ~~3. In counties containing cities of the third class\$800.00~~
- ~~4. In counties containing cities of the fourth class.....\$600.00~~
- ~~5. In all other counties.....\$400.00~~

~~(2) Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum:~~

- ~~(a) In counties containing cities of the first class or a consolidated local government\$1,600.00~~
- ~~(b) In counties containing cities of the second class.....\$1,000.00~~
- ~~(c) In counties containing cities of the third class\$800.00~~
- ~~(d) In counties containing cities of the fourth class.....\$600.00~~

~~(3) Distilled spirits and wine special temporary liquor license, per event:~~

- ~~(a) In counties containing cities of the first class or a consolidated local Government.....\$266.66~~
- ~~(b) In counties containing cities of the second class\$166.66~~
- ~~(c) In counties containing cities of the third class\$133.33~~
- ~~(d) In counties containing cities of the fourth class\$100.00~~
- ~~(4) Special temporary wine license, per event\$50.00~~

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(5) Distilled spirits and wine special temporary auction license, per event.....	\$200.00
(6) Special private club license, per annum	\$300.00
(7) Distilled spirits and wine special Sunday retail drink license, per annum.....	\$300.00
(8) Extended hours supplemental license, per annum	\$2,000.00
(9) Nonresident special agent or solicitor's license, per annum.....	\$40.00
(10) Restaurant wine license, per annum:	
(a) New applicants.....	\$600.00
(b) Applicants for renewal	\$400.00
(11) Caterer's license, per annum	\$800.00
(12) Riverboat license, per annum.....	\$1,200.00
(13) Horse race track license, per annum	\$2,000.00
(14) Convention center or convention hotel complex license, per annum.....	\$2,000.00
(15) Bottling house distilled spirits license or wine storage license, per annum	\$1,000.00
(16) Automobile race track license, per annum	\$2,000.00
(17) Souvenir retail liquor license, per annum	\$1,000.00
(18) Malt beverage licenses as follows:	
(a) Brewer's license, per annum.....	\$500.00
(b) Microbrewery license, per annum	\$500.00
(c) Malt beverage distributor's license, per annum	\$400.00
(d) Retail malt beverage license, per annum	\$200.00
(e) Special temporary retail malt beverage license, per event	\$25.00
(f) Malt beverage brew-on-premises license, per annum	\$100.00
(19) Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages), new applicants:	
(a) In counties containing cities of the first class or a consolidated local government	\$1,800.00
(b) In counties containing cities of the second class	\$1,200.00
(c) In counties containing cities of the third class	\$1,000.00
(d) In counties containing cities of the fourth, fifth or sixth class	\$800.00

The following kinds of distilled spirits and wine licenses may be issued by the City of Independence, the fees for which shall be:

(1) Distiller's license, per annum	3,090.00
(2) Rectifier's license, per annum	2,580.00
(3) Winery license, per annum	1,030.00
(4) Small farm winery license, per annum	110.00
(a) Small farm winery off-premises retail license, per annum	30.00
(5) Wholesaler's license, per annum	2,060.00
(6) Quota retail package license, per annum	570.00
(7) Quota retail drink license, per annum	620.00
(8) Transporter's license, per annum	210.00
(9) Special nonbeverage alcohol license, per annum	60.00
(10) Special agent's or solicitor's license, per annum	30.00
(11) Bottling house or bottling house storage license, per annum	1,030.00
(12) Special temporary license, per event	\$90.00
(13) Special Sunday retail drink license, per annum	\$520.00

(14) Caterer's license, per annum	\$830.00
(15) Special temporary distilled spirits and wine auction license, per event	110.00
(16) Extended hours supplemental license, per annum	2,060.00
(17) Hotel in-room license, per annum	210.00
(18) Air transporter license, per annum	520.00
(19) Sampling license, per annum	110.00
(20) Replacement or duplicate license	25.00
(21) Entertainment destination license, per annum	7,730.00
(22) Limited restaurant license, per annum	\$780.00
(23) Limited golf course license, per annum	\$720.00
(24) Small farm winery wholesaler's license, per annum	110.00
(25) Qualified historic site license (includes distilled spirits, wine, and malt beverages by the drink), per annum	1,030.00
(26) Nonquota type 1 license, per annum	\$4,120.00
(27) Nonquota type 2 license, per annum	\$830.00
(28) Nonquota type 3 license, per annum	\$310.00
(29) Distilled spirits and wine storage license, per annum	\$620.00
(30) Out-of-state distilled spirits and wine supplier's license, per annum	\$1,550.00
(31) Limited out-of-state distilled spirits and wine supplier's license, per annum	\$260.00
(32) Micro out-of-state distilled spirits and wine supplier's license, per annum	\$10.00

(33) A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new transitional license pursuant to KRS 243.045.

The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary retail 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 holder of a nonquota retail malt beverage license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50.00). The holder of a nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50.00)

SECTION TWO

The following sections of Ordinance 2010-O-06 shall also be amended as follows:

(A) Issuance date for new licenses: The issuance date and due date for fees for all annual licenses shall be as follows:

(1) All new licenses shall be issued when approved under the provisions of this chapter and the fee shall be due at the time of issuance.

(2) The issuance date for all such licenses for which, as of the effective date of January 1, 2008, the licensee holds a valid corresponding state license, shall be ~~July 1, 2010.~~

November 1. The license fee shall be due at the time of issuance.

INFORMATION REQUIRED IN APPLICATION

(A) All applications for licenses shall be on forms furnished by the City. They shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as the City ABC Administrator may require. In addition to other information the ABC Administrator may require, every application for the issuance of a license shall contain the following information, given under oath.

~~(1) The name, age, address, and residence of each applicant, and, if there is more than one and they are partners, the partnership name and address.~~

~~_____ (2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses, and ages of each officer, director, and administrative employee, and the State under the laws of which the corporate applicant is incorporated.~~

~~_____ (3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise a description that will reasonably indicate the location of the premises. The applicant shall also state the nature of his interest in the premises, and the name, age, and address of any other person, either as a principal or associate, who is interested with the applicant either in the premises or in the business to be licensed.~~

~~_____ (4) A statement that neither the applicant nor any other person referred to in this section has been convicted of any misdemeanor directly or indirectly attributable to the use, manufacture, sale of, or traffic in alcoholic beverages, or any felony within two years preceding the application, and that he was not had any license that has been issued to him under any alcoholic beverage statute revoked for cause within two years prior to the date of the application.~~

TERMS OF LICENSE.

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

(B) When any person applies for a license authorized to be issued hereunder on or after ~~July~~ June 1 of any year, he shall be charged, if the license is issued, an amount equal to one half ~~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 December 1 ~~July 1~~, except that ~~no license shall be issued for a shorter period than six months.~~ No abatement of license fees shall be permitted to any person who held a license of the same kind of the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

DISPLAY OF LICENSE; LOST OR DESTROYED LICENSE.

(A) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in the conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license.

(B) No licensee shall post the license or permit it to be posted upon premises other than the licensed premises, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

~~(C) Whenever a license is lost or destroyed without the fault of the licensee or his agents or employees, a duplicate license shall be issued upon proof of loss satisfactory to the City ABC Administrator.~~

HOURS WHEN SALES PERMITTED

A licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each such license.

(A) ~~No holder of a retail malt beverage license or a temporary malt beverage license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have, possess, use or consume on or about the licensed premises any malt beverage; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday, except as otherwise permitted in division (C) of this section.~~

(B) ~~No holder of a retailer's regular drink license or a temporary liquor license, or any of his or her agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have possession, use or consume on or about the licensed premises any vinous or distilled beverages; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. on Sunday.~~

(C) ~~No holder of a retailer's package license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to purchase distilled~~

~~spirits and wines; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday.~~

(1) Distilled spirits package license: During the period between 6:00 am to 1:00 am, daily, except Sunday and from 11:00 am to midnight on Sunday.

(2) Distilled spirits drink license: During the period between 6:00 am to 2:30 am, daily except Sunday and from 1:00 pm to midnight on Sunday.

(3) Distilled spirits and wine wholesaler's license and malt beverage distributor's license: During the period between 6:00 am and midnight every day except Sunday.

(4) Retail Malt beverage licenses: During the period between the hours of 6:00 am to 2:30 am daily, except Sunday and from 11:00 am to midnight on Sunday.

(5) Extended hours supplemental license: During the period between 6:00 am to 4:30 am daily, except Sunday and from 1:00 pm to midnight on Sunday.

(A) ~~(D)~~ However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the City, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatus connected with his or her business as a licensee and the area shall be secure.

(B) ~~(E)~~ If a licensee provides a separate department within his licensed premises capable of being locked and closed of, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a licensee, and this department is kept locked during all times when his premises are open and he

is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

SECTION III

This Ordinance shall become effective when passed, published and recorded in accordance with Kentucky law.

SECTION IV

The provisions of this ordinance are severable, and the invalidity of a provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION V

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**CITY OF INDEPENDENCE, KENTUCKY
A MUNICIPAL CORPORATION OF THE THIRD
CLASS**

Donne G. Yeager, Mayor

ATTEST:

Patricia H. Taney, City Clerk

First Reading: November 4, 2013

Second Reading: December 2, 2013

Ayes: 5

Nays: 0

Publication Date: _____ 2013

City of Independence, Ky.
ORDINANCE NO. 2010-O-06

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF INDEPENDENCE, KY., ESTABLISHING AN ALCOHOLIC BEVERAGE CONTROL LICENSE AND THE RESPECTIVE FEES AND LICENSES REQUIRED FOR ALCOHOL SALES WITHIN THE CITY LIMITS OF THE CITY OF INDEPENDENCE, KY. AND REVISING THE HOURS WHEN ALCOHOL SALES ARE PERMITTED, AND

WHEREAS, the City of Independence, Kentucky, having attained classification as a third class city, has responsibility under Chapter 244 of the Kentucky Revised Statutes to regulate, license and control of sales of alcoholic beverages within the city limits of the City of Independence, Kentucky; *and*,

WHEREAS, the City Council for the City of Independence hereby finds that orderly regulation of alcoholic beverage sales within the jurisdiction of the City of Independence is necessary to promote and protect the public health, safety, and welfare of the community, as well as the citizens and businesses located within the City of Independence, and those persons visiting the City of Independence, Ky.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION I

DEFINITIONS

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

"ALCOHOL." Ethyl alcohol, hydrated oxide of ethyl or spirit of win, from whatever source or by whatever process it is produced.

"ALCOHOLIC BEVERAGE." Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of that permitted under KRS 242 and capable of being consumed by a human being. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing

the public and which does not hold a license to sell distilled spirits, and wine or malt beverages shall permit any person to sell, barter, loan, or give away, or drink distilled spirits, wine, or malt beverages on the premises of his place of business.

SECTION II

TYPES OF LICENSES; FEES

Pursuant to the authority of K.R.S. 243.070, no person shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any of the business, transactions or occurrences authorized by the state alcoholic beverage licenses identified in K.R.S. 243.070 without a corresponding city license therefore. The expiration dates of the city licenses shall be the same as the state licenses to which they conform; and the fees for the city licenses shall be the maximum fees allowed by K.R.S. 243.070.

The amount of each annual fee for a city license shall be reduced a monthly pro rata basis, so that such annual fee is reduced by 1/12 thereof for each complete calendar month of the license year which has passed prior to the issuance of such city license; provided, however, that no such pro-rata reduction shall ever exceed 50% of the annual fee.

The renewal dates for all city licenses for traffic in alcoholic beverages shall be the same as the renewal dates for the corresponding state licenses.

(A) Issuance date for new licenses: The issuance date and due date for fees for all annual licenses shall be as follows:

(1) All new licenses shall be issued when approved under the provisions of this chapter and the fee shall be due at the time of issuance.

(2) The issuance date for all such licenses for which, as of the effective date of January 1, 2008, the licensee holds a valid corresponding state license, shall be July 1, 2010. The license fee shall be due at the time of issuance.

(3) Applications for renewal of annual licenses shall be filed with the City's ABC Administrator not later than 15 days prior to the issuance date.

(B) If the applicant for any city alcoholic beverage license is indebted to the city for any reason such as unpaid taxes, assessments, fees or fines, or similar obligations, the license applied for shall not be issued until all such indebtedness, together with any penalty or interest associated therewith, shall have been paid in full.

(C) If any section, paragraph or clause of this section is held by a proper Court to be invalid, such invalidity shall not affect the remaining sections, paragraphs or clauses, it being hereby expressly declared that the remainder of this section would have been passed despite such invalidity.

Statutory reference: City licenses; fees, see KRS 243.070

ISSUE OF LICENSE

Application for the issuance or renewal of all licenses provided for in this chapter shall be made to the City ABC Administrator on forms as may be prescribed by the City ABC Administrator. Licenses shall be issued or renewed and fees collected by the Office of the City Clerk. No license shall be issued in such form as may be prescribed by the ABC Administrator. All license fees collected pursuant hereto shall be placed in the general fund of the city.

INFORMATION REQUIRED IN APPLICATION

(A) All applications for licenses shall be on forms furnished by the City. They shall be verified and shall set forth in detail such information concerning the applicant

and the premises for which the license is sought as the City ABC Administrator may require. In addition to other information the ABC Administrator may require, every application for the issuance of a license shall contain the following information, given under oath.

(1) The name, age, address, and residence of each applicant, and, if there is more than one and they are partners, the partnership name and address.

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses, and ages of each officer, director, and administrative employee, and the State under the laws of which the corporate applicant is incorporated.

(3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise a description that will reasonably indicate the location of the premises. The applicant shall also state the nature of his interest in the premises, and the name, age, and address of any other person, either as a principal or associate, who is interested with the applicant either in the premises or in the business to be licensed.

(4) A statement that neither the applicant nor any other person referred to in this section has been convicted of any misdemeanor directly or indirectly attributable to the use, manufacture, sale of, or traffic in alcoholic beverages, or any felony within two years preceding the application, and that he was not had any license that has been issued to him under any alcoholic beverage statute revoked for cause within two years prior to the date of the application.

(B) If, after a license has been issued there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing

giving notice of the change shall be filed with the City ABC Administrator within ten days after the change.

(C) In giving any notice or taking any action in reference to a license, the City ABC Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licenses or applicant, shall be conclusively presumed to be correct.

TERMS OF LICENSE.

(A) All license issued hereunder shall expire on June 30 of each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonation of any violation which occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee therefore.

(B) When any person applies for a license authorized to be issued hereunder 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 six months. No abatement of license fees shall be permitted to any person who held a license of the same kind of the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(C) No live entertainment shall be permitted after 11:00 p.m. on Sunday through Thursday, or after 1:00 a.m. on Friday and Saturday for those establishments located in a residential zone or in a commercial zone that also permits residential uses.

(D) All permit holders shall regulate noise levels to assure that noises emanating from the establishment do not disturb the surrounding residents.

(E) All permit holders shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in the conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, using excessive profanity or trespassing upon private property in the immediate area.

(F) If the City's ABC Administrator, upon review and a hearing, shall find repeated violations of provisions (A) through (E), he or she may suspend or fail to renew any existing permit.

DISPLAY OF LICENSE; LOST OR DESTROYED LICENSE.

(A) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in the conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license.

(B) No licensee shall post the license or permit it to be posted upon premises other than the licensed premises, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

(C) Whenever a license is lost or destroyed without the fault of the licensee or his agents or employees, a duplicate license shall be issued upon proof of loss satisfactory to the City ABC Administrator.

STATE LICENSE REQUIREMENT

(A) No license provided for hereunder shall be issued, renewed, or transferred to any person, firm or corporation until the person, firm or corporation shall have obtained

the issuance, renewal, or transfer of the state license corresponding thereto. In each instance the licensed premises covered by the city license must be the same as the licensed premises covered by the corresponding state license.

(B) The city license issued to any person, firm, or corporation shall remain valid only so long as the state license corresponding thereto, issued to the person, firm, or corporation shall be valid. Any revocation, suspension, nonrenewal, or other action which makes the state license null and void shall operate to revoke, suspend, make nonrenewable or null and void the city license corresponding thereto. Any city license which is revoked, suspended, not renewed, or so made invalid shall be immediately surrendered to the City ABC Administrator.

HOURS WHEN SALES PERMITTED

(A) No holder of a retail malt beverage license or a temporary malt beverage license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have, possess, use or consume on or about the licensed premises any malt beverage; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday, except as otherwise permitted in division (C) of this section.

(B) No holder of a retailer's regular drink license or a temporary liquor license, or any of his or her agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have possession, use or consume on or about the licensed premises any vinous or distilled beverages; nor shall the premises

remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. on Sunday.

(C) No holder of a retailer's package license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to purchase distilled spirits and wines; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday.

(D) However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the City, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatus connected with his or her business as a licensee and the area shall be secure.

(E) If a licensee provides a separate department within his licensed premises capable of being locked and closed of, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a licensee, and this department is kept locked during all times when his premises are open and he

is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

Statutory references: 244.290(6); 242.185(3)

CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES

It is unlawful for any employee or independent contractor of an establishment with a liquor by the drink license to solicit patrons of the establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the liquor by the drink license.

RETAIL PREMISES TO FURNISH CLEAR VIEW

(A) (1) Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance, whether at street level or otherwise.

(2) No partition, box, stall, screen, curtain or other device shall be installed or placed so as to obstruct the view or the general observation of persons.

(3) However, partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing a view or the general observation of persons from the front inside entrance of the licensed premise.

(B) In the event the premises shall have a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

(C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any

person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

INSPECTION OF PREMISES

(A) All licensed premises shall be subject to the entry of police and other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and at all times during the operation of business at the licensed premises.

(B) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time, nor shall violations of any law be permitted

LIMITED SPECIAL OUTDOOR EVENTS

The City Administrator may grant, in writing, upon application to the City's Alcoholic Beverage Control (ABC) Administrator, no later than 14 days prior to the commencement date of any limited special outdoor event, the sale of distilled spirits, malt beverages or wine, by any valid license holder, at such limited special outdoor event, the parameters of which shall be determined by and coordinated with the Alcoholic Beverage Control Administrator, which shall include, but not be limited to the size and proposed location, access for ingress and egress, availability of parking, security and fees or admission charges.

EXTENDED HOURS PERMIT

(A) No person shall operate or maintain a business establishment within the City permitting the sale of any alcoholic beverages between the hours of 1:00 a.m. and 2:30 a.m. without first obtaining an extended hours permit (EHP) from the City ABC Administrator who shall be responsible for the issuance of all such permits.

(B) (1) All applications for an extended hours permit shall be in writing and made directly to the City's ABC Administrator. Applications can be obtained from the office of the ABC Administrator. The ABC Administrator shall request a confidential police report and recommendation from the Chief of Police with respect to the considered applicant's eligibility and the written certification of approval from the City's Zoning Administrator.

(2) In order to be eligible for an extended hours permit, the applicant must have a current and valid City and State alcoholic beverage license for the sale of liquor by the drink, retail or package.

(3) All fees and license charges in connection with the applicant's business establishment due to the City, including annual minimum occupational license, must be paid before an applicant shall be considered.

(4) Effective upon the passage of this section, no new permits shall be issued without the written certification of the City's Zoning Administrator upon the application that the proposed site requesting issuance of the permit is not located within any residential zone of the City. All existing extended hours permits in residential zones are hereby grandfathered and may be transferred to a new owner at the same location.

(5) No applicant shall be granted an extended hours permit who has been convicted of any felony until 5 years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the 2 years immediately preceding the application; or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the 2 years immediately preceding the application.

(6) No applicant shall be granted an extended hours permit unless the person is an actual resident of the State or is a corporation licensed to do business within the commonwealth.

(7) The approval or denial of any extended hours permit application shall be made by the City's ABC Administrator.

(8) The City ABC Administrator, for just cause, may delay the issuance of any requested extended hours permit for a period of time not to exceed 45 days.

(C) Persons holding extended hours permits prior to the enactment of this section shall be granted the privilege of continuing operation without regard to the zoning requirements of division (B)(4) of this section.

(D) The fee for an extended hours permit shall be \$2,000 per year, payable on or before July 1 of each year.

(E) Proceeds of the permit fees so collected shall be deposited in the City's general fund account. All applications and permits issued pursuant to the provisions herein shall contain the following:

- (1) Name and address of applicant;
- (2) Number of the permit;
- (3) Street address of the licensed premises which holds the permit;
- (4) The name and address of the owner of the building, business establishment or licensed premises in which the permit is located;
- (5) The expiration date of the permit; and
- (6) A statement that the permit shall not be a property right, and that it may be revoked or suspended, at any time, pursuant to the law.

(F) All permits issued herein shall be accepted by the applicant subject to the following. (1) No licensee shall sell any alcoholic beverages between the hours of 2:30 a.m. and 6:00 a.m. Monday through Saturday, or from 2:30 a.m. to 11:00 a.m. on Sunday.

(G) (1) No live entertainment shall be permitted after 11:00 p.m. on Sunday through Thursday, or after 1:00 a.m. on Friday and Saturday for those establishments located in a residential zone or in a commercial zone that also permits residential uses.

(2) All extended hours permit holders shall make every reasonable effort to arrange for orderly closing of the establishment, including, but not limited to instructions to customers and patrons that they should depart the licensed premises in a quiet and orderly fashion.

(3) All extended hours permit holders shall regulate noise levels to assure that noises emanating from the establishment do not disturb the surrounding residents.

(4) All extended hours permit holders shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in the conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, using excessive profanity or trespassing upon private property in the immediate area.

(5) If the City's ABC Administrator, upon review and a hearing, shall find repeated violations of divisions (H)(1) through (4), he or she may suspend or fail to renew any existing extended hours permit.

(H) (1) It shall be the responsibility of the ABC Administrator to investigate initial applications, to investigate transfers and renewals of existing extended hours permits and to investigate and make determinations upon suspensions and/or revocations of the extended hours permits. He or she shall also make determinations

upon verified complaints, filed with the City's from citizens or upon complaints received by the Police Department or other enforcement personnel regarding the violation of law by an extended hours permit holder for the purpose of issuing suspensions and/or revocations of the same.

(2) The City's ABC Administrator shall conduct an annual review before the renewal of any extended hours permit and if it is found, upon the review, that the extended hours permit holder has had three or more criminal violations occur at the business establishment and/or within the licensed premises, within the annual period, upon a hearing, he or she shall revoke the extended hours permit, and no renewal of the same shall be granted.

(3) The decision of the City's ABC Administrator shall be reduced to writing. In the event that the City's ABC Administrator shall deny any initial application for an extended hours permit or, at his or her discretion, delay the issuance thereof, or shall revoke or suspend any existing extended hours permit, for cause, or shall fail to renew any existing extended hours permit, the applicant or holder shall be permitted to appeal the decision of the City's ABC Administrator to the City Administrator, in writing, within ten days of the decision. The City Administrator shall have the final determination and shall notify the applicant or holder of his or her decision, in writing, within 10 days thereof. If the City Administrator shall approve the appeal, he or she shall instruct the City's ABC Administrator to grant the initial application or issue or renew the existing permit. In the event of further denial of the initial application or suspension or revocation of the existing permit, the applicant or holder shall be notified of his or her right to further appeal to the Kenton Circuit Court within 30 days thereof.

(I) Whenever transfer of an extended hours permit to a different transferee is proposed at the same location, the extended hours permit may be transferred only if the transferee meets all eligibility requirements herein and if the transferee has the approval of the City's ABC Administrator.

(J) The time changes brought into effect by the provisions within an extended hours permit and such establishments shall be permitted to remain open and operating for the additional hour, lost or gained, as if the same did not exist. Therefore, at 2:00 a.m. on the day when Daylight Savings Time takes effect and the hour advances to 3:00 a.m., those establishments operating within an extended hours permit shall be permitted to remain open for business until 3:30 a.m. Eastern Daylight Time. They shall, however, be required to close the business immediately thereafter. At 2:00 a.m. on the day when Daylight Savings Time changes back to Eastern Standard Time and the hour reverts to 1:00 a.m., those establishments operating with an extended hours permit shall be permitted to remain open for business until 1:30 a.m. Eastern Standard Time. They shall, however, be required to close the business immediately thereafter. On the day immediately following each, the hours of operation for establishments operating with an extended hours permit shall be required to return to the normal operating hours of 1:00 a.m. to 2:30 a.m. Eastern Daylight Time or Eastern Standard Time, whichever is applicable. The purpose of this division (M) is to enable extended hours permit holders to continue normal business operating hours, in terms of the usual actual time they are open, without regard to the time changes brought about by the conversion to and from Eastern Daylight Time and Eastern Standard Time.

VIOLATIONS OF STATE OR FEDERAL LAW.

Nothing herein shall be construed to condone the violation by any person, firm or corporation within the city of any federal or state statute, law, or regulation, now, heretofore or hereafter in effect applicable to any person, firm or corporation relating to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages. Any violation of any statute, law, or regulation shall be deemed a violation of this chapter. If any clerk, agent, servant, or employee of any licensee shall violate any provision of this chapter, or such statute, law, or regulation, the violation shall be a violation by the licensee. Any license issued hereunder may be revoked by the City ABC Administrator if the licensee violates any provision of this chapter or any provision of any statute, law, or regulation.

MINORS

It shall be unlawful for any person, firm or corporation who is the owner, occupant or who is otherwise in possession of any property located in the city to knowingly allow any other person under the age of 21 years, except members of the immediate family (spouse or children) of such owner, occupant or possessor, to remain on such property while the possession of any alcoholic beverage or while consuming any alcoholic beverage.

PENALTY

(A) Pursuant to KRS 83A.065(2) the offense of violating any provision of this ordinance is designated as a misdemeanor and a criminal fine not to exceed the amount set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1), or both, may be imposed on any person, firm or corporation who, acting by himself or through another, directly or indirectly, commits the offense.

243.070 City and consolidated local government licenses -- Kinds -- Fees.

The legislative body of any city or a consolidated local government in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of manufacturing and trafficking in alcoholic beverages. Only those licenses set out in this section shall be issued, and the fee for each shall not exceed the specified amount:

- (1) Distilled spirit licenses as set forth in KRS 243.030:
 - (a) Distiller's license, per annum\$500.00
 - (b) Rectifier's license, per annum\$3,000.00
 - (c) Blender's license, per annum\$3,000.00
 - (d) Wholesaler's distilled spirits and wine license, per annum\$3,000.00
 - (e) Distilled spirits and wine retail package license, per annum:
 - 1. In counties containing cities of the first class or a consolidated local government.....\$1,200.00
 - 2. In counties containing cities of the second class\$1,000.00
 - 3. In counties containing cities of the third class\$800.00
 - 4. In counties containing cities of the fourth class.....\$600.00
 - 5. In all other counties\$400.00

- (2) Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum:
 - (a) In counties containing cities of the first class or a consolidated local government\$1,600.00
 - (b) In counties containing cities of the second class\$1,000.00
 - (c) In counties containing cities of the third class\$800.00
 - (d) In counties containing cities of the fourth class\$600.00

- (3) Distilled spirits and wine special temporary liquor license, per event:
 - (a) In counties containing cities of the first class or a consolidated local government\$266.66
 - (b) In counties containing cities of the second class\$166.66
 - (c) In counties containing cities of the third class\$133.33
 - (d) In counties containing cities of the fourth class\$100.00
- (4) Special temporary wine license, per event\$50.00
- (5) Distilled spirits and wine special temporary auction license, per event\$200.00
- (6) Special private club license, per annum\$300.00
- (7) Distilled spirits and wine special Sunday retail drink license, per annum\$300.00
- (8) Extended hours supplemental license, per annum\$2,000.00
- (9) Nonresident special agent or solicitor's license, per annum\$40.00

- (10) Restaurant wine license, per annum:
 - (a) New applicants\$600.00
 - (b) Applicants for renewal\$400.00
- (11) Caterer's license, per annum\$800.00
- (12) Riverboat license, per annum\$1,200.00
- (13) Horse race track license, per annum\$2,000.00
- (14) Convention center or convention hotel complex license, per annum\$2,000.00
- (15) Bottling house distilled spirits license or wine storage license, per annum\$1,000.00
- (16) Automobile race track license, per annum\$2,000.00
- (17) Souvenir retail liquor license, per annum\$1,000.00

(18) Malt beverage licenses as follows:

- (a) Brewer's license, per annum.....\$500.00
- (b) Microbrewery license, per annum\$500.00
- (c) Malt beverage distributor's license, per annum\$400.00
- (d) Retail malt beverage license, per annum\$200.00
- (e) Special temporary retail malt beverage license, per event\$25.00
- (f) Malt beverage brew-on-premises license, per annum\$100.00

(19) Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages), new applicants:

- (a) In counties containing cities of the first class or a consolidated local government\$1,800.00
- (b) In counties containing cities of the second class\$1,200.00
- (c) In counties containing cities of the third class\$1,000.00
- (d) In counties containing cities of the fourth, fifth, or sixth class\$800.00

(B) All ordinances, laws, or resolutions of the city relating to alcoholic beverage control inconsistent with these provisions are repealed. However, the repeal of any ordinance, law, or resolution shall not prevent the prosecution, conviction, and imposition of penalties after the date of passage thereof of any person, firm, or corporation which violated such ordinance, law, or resolution prior to the date of passage thereof.

SECTION III

This Ordinance shall become effective when passed, published and recorded in accordance with Kentucky law.

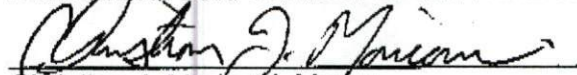
SECTION IV

The provisions of this ordinance are severable, and the invalidity of a provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION V

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

CITY OF INDEPENDENCE, KENTUCKY
A MUNICIPAL CORPORATION OF THE THIRD CLASS


Christian J. Moriconi, Mayor

ATTEST:


Patricia H. Taney, City Clerk

First Reading: April 5, 2010
Second Reading: May 3, 2010
Ayes: 6
Nays: 0

Publication Date: May 14, 2010

ORDINANCE NO. 2003-O-08

AN ORDINANCE OF THE CITY OF INDEPENDENCE, KENTON COUNTY, KENTUCKY ESTABLISHING THE TIME OF 11:00 AM AS THE TIME THAT LIQUOR AND MALT BEVERAGES MAY BEGIN BEING SOLD AND SERVED ON SUNDAY WITHIN THE CITY LIMITS.

WHEREAS, Kentucky law currently provides that liquor and malt beverages may not be sold or served before 1:00 pm on Sundays, and

WHEREAS, Kentucky law further provides that individual municipalities may establish their own times for such sales and service within its boundaries by Ordinance, and

WHEREAS, the City of Independence desires to establish the time of 11:00 am as the time that liquor and malt beverages may begin being sold and served on Sundays.

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

SECTION 1

That no duly licensed organization or individual shall be permitted to sell or serve liquor or malt beverages prior to the hour of 11:00 am on Sundays.

SECTION II

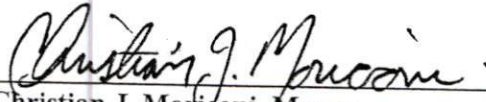
All other licensing, sale, service, and enforcement issues dealing with alcoholic beverages shall remain under the jurisdiction of the Commonwealth of Kentucky.

SECTION III

This ordinance shall be in full force and effect when passed and published according to law.

SECTION IV

This ordinance shall supersede any and all ordinances or measures in conflict herewith.



Christian J. Moriconi, Mayor
City of Independence, Kentucky

ATTEST:



Patricia H. Taney, City Clerk

FIRST READING: June 2, 2003
SECOND READING July 7, 2003

Ayes 4
Nays 3

PUBLICATION DATE: August 13, 2003

CHAPTER 130: GENERAL PROVISIONS

Section

- 130.01 [Reserved].
- 130.02 Toxic substances
- 130.03 Alcoholic Beverages
- 130.04 Discharge of firearms
- 130.05 Portable storage units
- 130.99 Penalty

§ 130.01 [RESERVED].

§ 130.02 TOXIC SUBSTANCES.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"TOXIC GLUE." Any glue, adhesive cement, mucilage, plastic solvent, or other adhesive containing toluene, acetone, xylene, butyl alcohol, hexane, tricresyl phosphate, or other toxic ingredient.

"PAINT THINNER." The chemical substance commercially available for the purpose of diluting or removing paint and which, if used in a manner prohibited by this section, produces intoxication or any other abnormal mental, emotional, or physical state of being.

(B) No person shall drink, eat, or otherwise introduce into his or her body any toxic glue or paint thinner for the purpose of becoming intoxicated, elated, paralyzed, irrational, or for the purpose of abnormally affecting his or her senses of sight and equilibrium.

(C) No person shall inhale or by any other means introduce toxic glue or paint thinner and vapors therefrom into his or her respiratory system for the purpose of becoming intoxicated, elated, paralyzed, irrational, or for the purpose of abnormally affecting his or her senses of sight and equilibrium.

(D) No person shall possess, buy, sell, transfer possession or receive possession of toxic glue or paint thinner for the purpose of violating or aiding and abetting another to violate any provision of this section.

(E) No person shall sell or transfer possession of any toxic glue to another person under twenty-one (21) years of age, except that one (1) tube of glue containing not in excess of two (2) fluid ounces may be sold at any one time to a person under twenty-one (21) years of age, provided that the tube is included in a kit for the assembly of a model airplane, automobile, boat, or other unassembled model, or when a kit not having glue packaged therein is sold in conjunction with the sale.

(F) No person shall sell or transfer possession of paint thinner to another person under twenty-one (21) years of age unless the buyer or transferee presents a bona fide order to the seller from his or her employer whose occupation is that of a painter or painting contractor.

(Ord. 4-7-72, passed 7-13-72) Penalty, see § 130.99

§ 130.03 ALCOHOLIC BEVERAGES.

(A) No person being the owner, occupant, or otherwise having the care, custody, or control of any property located in the city, shall knowingly allow any person under twenty-one (21) years of age to remain on such property while in the possession of any alcoholic beverage or while consuming any alcoholic beverage.

(B) No duly licensed organization or individual shall be permitted to sell or serve liquor or malt beverages prior to the hour of 11:00 a.m. on Sundays. All other licensing, sale, service, and enforcement issues dealing with alcoholic beverages shall remain under the jurisdiction of the Commonwealth of Kentucky.

(Ord. 1-1-87, passed 1-27-87; Am. Ord. 2003-O-08, passed 7-7-03) Penalty, see § 130.99

§ 130.04 DISCHARGE OF FIREARMS.

(A) Definitions.

"FIREARM." A weapon which will expel a projectile by the action of an explosive.

"PUBLIC OR PRIVATE SHOOTING RANGE OR GALLERY." An area, either enclosed or out-of-doors, at which firearms are discharged at targets and which is designed in a safety conscious manner so that projectiles fired from firearms at targets are prevented, by means of backstops or other barriers, from going beyond the safe boundaries of the practice area. A shooting range or gallery must be designed in such a way as to prevent the creation of potential for harm to persons or property.

(B) (1) No person shall discharge a firearm when the discharge could reasonably serve to endanger persons or property.

(2) This section is subject to the provisions of division (D) below.

(C) Except as set forth in division (D), no person shall discharge a firearm within one hundred (100') feet of the centerline of a public street.

(D) This chapter shall not prevent the discharge of a firearm:

- (1) In self-defense, defense of others, and defense of property to the extent allowed by local, state and federal law;
- (2) By law enforcement officers in performance of their duty;
- (3) By persons lawfully engaged in hunting or pest control (when such hunting or pest control is accomplished in a safety conscious manner);
- (4) At public or private shooting ranges or galleries as defined in division (A); and
- (5) At lawful turkeyshoots and other lawful community sponsored events requiring the use of firearms, and which are operated in a safety conscious manner.

(Ord. 1995-0-15, passed 9-12-95) Penalty, see § 130.99

§ 130.05 PORTABLE STORAGE UNITS.

(A) A temporary storage unit shall be defined as any portable storage container, unit or other similar device used to temporarily store personal property and which is placed in the front yard, driveway or anywhere on a residential property.

(B) A permit must be obtained from the city Zoning Administrator for the placement of any temporary storage unit as defined herein. The permit shall be valid for fourteen (14) days from the date of issuance. The Zoning Administrator shall grant an extension upon a showing of good cause, but in no event shall the placement of a temporary storage unit exceed twenty-eight (28) days.

(C) The Zoning Administrator shall issue citation(s) to any person(s) violating this section. The citation shall be for immediate removal and imposing a fine of not less than two-hundred fifty dollars (\$250.00) and not more than five-hundred dollars (\$500.00). Should the portable unit not be removed pursuant to the direction in the citation, the Zoning Administrator shall have the right to have the unit removed at the cost of the property owner. Under this section, if the property owner does not reimburse the city within thirty (30) days, the city will have the right to place a lien on the property on which the violation has occurred. Additionally, any citizens with an existing portable storage unit at the time of adoption of this section shall have sixty (60) days to come into compliance.

(Ord. 2006-O-04, passed 3-6-06)

§ 130.99 PENALTY.

(A) Whoever violates any provision of § 130.02 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), or imprisoned for not more than fifty (50) days, or both.

(Ord. 4-7-72, passed 7-13-72)

(B) Any person found to be in violation of § 130.03 shall be guilty of a misdemeanor and shall be fined not more than three hundred dollars (\$300.00), or imprisoned for not more than ninety (90) days, or both.

(Ord. 1-1-87, passed 1-27-87)

(C) Any person who violates § 130.04 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and any parent of any minor who shall knowingly permit such minor to violate this subchapter shall likewise be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

(Ord. 1995-0-15, passed 9-12-95)

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TITLE XIII: GENERAL OFFENSES

CHAPTER 130: GENERAL PROVISIONS

*in Kenton Co.***CHAPTER 130: GENERAL PROVISIONS**

Section

- 130.01 [Reserved].
- 130.02 Toxic substances
- 130.03 Alcoholic Beverages
- 130.04 Discharge of firearms
- 130.05 Portable storage units
- 130.99 Penalty

§ 130.01 [RESERVED].**§ 130.02 TOXIC SUBSTANCES.**

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"TOXIC GLUE." Any glue, adhesive cement, mucilage, plastic solvent, or other adhesive containing toluene, acetone, xylene, butyl alcohol, hexane, tricresyl phosphate, or other toxic ingredient.

"PAINT THINNER." The chemical substance commercially available for the purpose of diluting or removing paint and which, if used in a manner prohibited by this section, produces intoxication or any other abnormal mental, emotional, or physical state of being.

(B) No person shall drink, eat, or otherwise introduce into his or her body any toxic glue or paint thinner for the purpose of becoming intoxicated, elated, paralyzed, irrational, or for the purpose of abnormally affecting his or her senses of sight and equilibrium.

(C) No person shall inhale or by any other means introduce toxic glue or paint thinner and vapors therefrom into his or her respiratory system for the purpose of becoming intoxicated, elated, paralyzed, irrational, or for the purpose of abnormally affecting his or her senses of sight and equilibrium.

(D) No person shall possess, buy, sell, transfer possession or receive possession of toxic glue or paint thinner for the purpose of violating or aiding and abetting another to violate any provision of this section.

(E) No person shall sell or transfer possession of any toxic glue to another person under twenty-

one (21) years of age, except that one (1) tube of glue containing not in excess of two (2) fluid ounces may be sold at any one time to a person under twenty-one (21) years of age, provided that the tube is included in a kit for the assembly of a model airplane, automobile, boat, or other unassembled model, or when a kit not having glue packaged therein is sold in conjunction with the sale.

(F) No person shall sell or transfer possession of paint thinner to another person under twenty-one (21) years of age unless the buyer or transferee presents a bona fide order to the seller from his or her employer whose occupation is that of a painter or painting contractor.

(Ord. 4-7-72, passed 7-13-72) Penalty, see § 130.99

§ 130.03 ALCOHOLIC BEVERAGES.

(A) No person being the owner, occupant, or otherwise having the care, custody, or control of any property located in the city, shall knowingly allow any person under twenty-one (21) years of age to remain on such property while in the possession of any alcoholic beverage or while consuming any alcoholic beverage.

(B) No duly licensed organization or individual shall be permitted to sell or serve liquor or malt beverages prior to the hour of 11:00 a.m. on Sundays. All other licensing, sale, service, and enforcement issues dealing with alcoholic beverages shall remain under the jurisdiction of the Commonwealth of Kentucky.

(Ord. 1-1-87, passed 1-27-87; Am. Ord. 2003-O-08, passed 7-7-03) Penalty, see § 130.99

§ 130.04 DISCHARGE OF FIREARMS.

(A) Definitions.

"FIREARM." A weapon which will expel a projectile by the action of an explosive.

"PUBLIC OR PRIVATE SHOOTING RANGE OR GALLERY." An area, either enclosed or out-of-doors, at which firearms are discharged at targets and which is designed in a safety conscious manner so that projectiles fired from firearms at targets are prevented, by means of backstops or other barriers, from going beyond the safe boundaries of the practice area. A shooting range or gallery must be designed in such a way as to prevent the creation of potential for harm to persons or property.

(B) (1) No person shall discharge a firearm when the discharge could reasonably serve to endanger persons or property.

(2) This section is subject to the provisions of division (D) below.

(C) Except as set forth in division (D), no person shall discharge a firearm within one hundred (100') feet of the centerline of a public street.

(D) This chapter shall not prevent the discharge of a firearm:

(1) In self-defense, defense of others, and defense of property to the extent allowed by local, state and federal law;

- (2) By law enforcement officers in performance of their duty;
- (3) By persons lawfully engaged in hunting or pest control (when such hunting or pest control is accomplished in a safety conscious manner);
- (4) At public or private shooting ranges or galleries as defined in division (A); and
- (5) At lawful turkeyshoots and other lawful community sponsored events requiring the use of firearms, and which are operated in a safety conscious manner.

(Ord. 1995-0-15, passed 9-12-95) Penalty, see § 130.99

§ 130.05 PORTABLE STORAGE UNITS.

(A) A temporary storage unit shall be defined as any portable storage container, unit or other similar device used to temporarily store personal property and which is placed in the front yard, driveway or anywhere on a residential property.

(B) A permit must be obtained from the city Zoning Administrator for the placement of any temporary storage unit as defined herein. The permit shall be valid for fourteen (14) days from the date of issuance. The Zoning Administrator shall grant an extension upon a showing of good cause, but in no event shall the placement of a temporary storage unit exceed twenty-eight (28) days.

(C) The Zoning Administrator shall issue citation(s) to any person(s) violating this section. The citation shall be for immediate removal and imposing a fine of not less than two-hundred fifty dollars (\$250.00) and not more than five-hundred dollars (\$500.00). Should the portable unit not be removed pursuant to the direction in the citation, the Zoning Administrator shall have the right to have the unit removed at the cost of the property owner. Under this section, if the property owner does not reimburse the city within thirty (30) days, the city will have the right to place a lien on the property on which the violation has occurred. Additionally, any citizens with an existing portable storage unit at the time of adoption of this section shall have sixty (60) days to come into compliance.

(Ord. 2006-O-04, passed 3-6-06)

§ 130.99 PENALTY.

(A) Whoever violates any provision of § 130.02 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), or imprisoned for not more than fifty (50) days, or both. (Ord. 4-7-72, passed 7-13-72)

(B) Any person found to be in violation of § 130.03 shall be guilty of a misdemeanor and shall be fined not more than three hundred dollars (\$300.00), or imprisoned for not more than ninety (90) days, or both. (Ord. 1-1-87, passed 1-27-87)

(C) Any person who violates § 130.04 shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense, and any parent of any minor who shall knowingly permit such minor to violate this subchapter shall likewise be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

(Ord. 1995-0-15, passed 9-12-95)

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