

COMMONWEALTH OF KENTUCKY  
FISCAL COURT OF COUNTY OF LIVINGSTON  
ORDINANCE NO. 2011.O.09-27-01

**AN ORDINANCE REGULATING THE  
SALE OF ALCOHOLIC BEVERAGES AT, BUT NOT LIMITED TO,  
DRAKE CREEK GOLF CLUB**

**WHEREAS**, KRS 242.123 permits a local option election in a precinct (within a county that contains a city that has, in whole or in part, voted to discontinue prohibition) for the limited sale of alcoholic beverages by a qualified golf course within that precinct; and

**WHEREAS**, pursuant to KRS 242.123, an election was held on June 21, 2011, in the Ledbetter precinct, with 272 votes being in favor of and 266 votes being opposed to the sale of alcoholic beverages by the drink, at Drake Creek Golf Club; and

**WHEREAS**, the results of the election were certified on June 22, 2011; and

**WHEREAS**, Drake Creek Golf Club will, at this time, be the only holder of a golf course alcoholic beverage license in the County of Livingston; and

**WHEREAS**, the County may impose certain restrictions, regulations, and license fees on such establishments that wish to sell alcoholic beverages;

**NOW THEREFORE**, Be it ordained by the Fiscal Court of County of Livingston, Kentucky, as follows:

**DIVISION 1. GENERALLY**

**Sec. 1. Short title.**

This article shall be known and may be cited as the alcoholic beverage ordinance of the County of Livingston.

**Sec. 2. Definitions.**

As used in this article, unless the context clearly indicates or requires a different meaning, the words and terms defined in KRS 241.010, shall apply.

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**Sec. 3. Incorporation of state law.**

- (a) The provisions of the state alcoholic beverage control laws contained in KRS chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the state alcoholic beverage control board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the Alcoholic Beverage Control Ordinance of the County except as otherwise lawfully provided herein.
- (b) No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this article and all statutes and regulations of the state applicable thereto. Penalty, see Section 50.

**OCCUPATIONAL LICENSES, TAXES AND REGULATIONS**

**Sec. 4. Scope of coverage.**

- (a) This article shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such applications.
- (b) Nothing contained in this article shall excuse or relieve the owner, proprietor, employee or person in charge of the licensed premises in the county, where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinances of the county or of any other statutes of the state relating to violations pertaining to alcoholic beverages.

**DIVISION 2. ADMINISTRATION AND CONTROL**

**Sec. 5. Alcoholic beverage control administrator.**

The duties of the county alcoholic beverage control (ABC) administrator shall be assigned to the office of the Judge Executive who shall have the power to designate additional county officials to assist in the responsibilities of the office. The local ABC administrator and/or his designee shall have the power and authority to promulgate such regulations as many be necessary to implement this article.

**Sec. 6. Oath and bond of local ABC administrator and employees.**

- (a) Each ABC administrator before entering upon his duties as such, shall take the oath prescribed in section 228 of the Constitution, and shall execute a bond with a good corporate surety in the amount of not less than \$1,000.00.



of the orders of the county ABC administrator. The board shall hear matters at issue as upon an original proceeding.

### **DIVISION 3. LICENSE AND TAXES**

#### **Sec. 11. License required for sale.**

No person shall sell or dispense at retail, or have in his possession for sale, any alcoholic or malt beverage, nor manufacture or transport any alcoholic or malt beverages in the county unless he shall first procure and have issued to him a license under the provisions of this article and all statutes of Kentucky and regulations adopted pursuant to this article.

#### **Sec. 12. Types of license; fees.**

- (a) Limited golf course by the drink license. The county shall have the power and authority to issue licenses for the sale of alcoholic beverages by the drink at qualified golf clubs. The fee for this county license will be \$400.00 per year.
- (b) The county license fee for the sale of alcohol beverages during extended hours will be \$0.00 per year.

#### **Sec. 13. Date licenses expire; proration.**

All licenses issued by the county shall be valid for a period of no more than one year. All licenses shall expire on January 15<sup>th</sup> of each year. Applications for renewal are to be filed with the county at least 15 days prior to expiration. When any person applies for a new license he shall be charged the full fee for the respective license if six months or more remain before the license is due to be renewed and one-half the fee if less than six months remain before the license is due to be renewed. In the event any licensee shall cease doing business for any reason, no refund of the county license fee shall be granted.

#### **Sec. 14. Persons who may not be licensed.**

A person shall not become a licensee under this article for any of the reasons stated in KRS 243.100.

#### **Sec. 15. Premises that may not be licensed for sales at retail.**

No license for the sale of alcoholic beverages at golf courses shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease or a permit for a term of not less than the license period.

**Sec. 16. Businesses authorized by golf course drink license.**

A limited golf course alcoholic beverage by the drink license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits and wine only from licensed wholesalers. A licensee may purchase wine in containers not smaller than 100 milliliters if the wine does not exceed 14 percent alcohol by volume. A licensee may buy mixed drinks in containers of a capacity not smaller than 355 milliliters if the mixed drinks contain a substantial proportion of carbonated water. A golf course drink license shall not authorize the licensee to sell distilled spirits or wine by the package.

**Sec. 17. Public notice of intent to apply for license.**

Any person, corporation, partnership, or any other entity, except an applicant for the same license for the same premises, or an applicant for a supplemental bar license shall before applying for a license advertise, by publication in The Livingston Ledger, his or her intention to apply for a license as stipulated in KRS 243.360.

**Sec. 18. Local administrator to first approve application.**

An applicant for an alcoholic beverage license must have his county license approved by the county alcoholic beverage control administrator before he is eligible to apply for a state license.

**Sec. 19. Application for state license.**

All applicants for alcoholic beverage licenses must submit an application to the state as stipulated in KRS 243.380.

**Sec. 20. Submittal of application.**

An applicant for a license under this article shall file with the county alcoholic beverage control administrator a copy of his state license application containing the information required by KRS 243.380 and KRS 243.390. The county application shall include the consent of the applicant permitting the county ABC administrator to inspect and search the licensed premises at any reasonable time, to confiscate articles found on the premises in violation of any ordinance or statute, and to order an emergency temporary closure of the premises if the public health safety, morals and welfare is threatened by one or more violations of any ordinance or statute involving disturbance of the peace or public disorder. The temporary closure shall remain in effect until review of the alleged violations by the county ABC administrator within 36 hours.

**Sec. 21. Causes for refusal to issue or renew license; suspension or revocation of license.**

- (a) State law references. Causes for refusal to issue or renew a license and for suspension or revocation of a county license shall be the same as provided for state licenses according to KRS 243.450, KRS 243.490, KRS 243.500, as well as violation of any county ordinance regarding beverage licensing, sales, or the administration of licenses.
- (b) Delinquent taxes or fees. No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the county at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the county. If a licensee becomes delinquent in the payment of any taxes or any fees due to the county at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The county ABC administrator may, in his discretion, approve a license to sell after receiving from the Livingston County Judge Executive's Office, a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the county for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees, which are due and payable by the licensee.
- (c) Appeals. Appeals may be taken from decisions of the county ABC administrator to the state alcoholic beverage control board according to the provisions of KRS 241.200 and KRS 243.550.
- (d) Failure to meet golf course standards. A cause for refusal to issue or renew a license and for suspension or revocation of a county license shall occur if the licensee ceases to maintain a nine (9) or an eighteen (18) hole golf course that meets the United States Golf Association criteria as a regulation golf course.

**Sec. 22. Approval or denial of application.**

- (a) If upon review of the application, the county ABC administrator determines that the applicant has complied with all requirements of the alcoholic beverage control law, as well as all regulatory provisions of this article, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and KRS 242.185(6), and/or that a license may be issued within the rules fixed by the state alcoholic beverage control board, and that there are no causes for denial of the license, the county ABC administrator shall approve the application.

- (b) If the county ABC administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, he may issue to the applicant a written order setting forth such violation and requiring the applicant to show cause why the requested license should be issued. The county ABC administrator shall have the right to order, and the applicant shall have the right to request, an evidentiary hearing to examine the violation set forth in the show cause order issued by the county ABC administrator. Any decision by the county ABC administrator on the application shall be subject to appeal as provided by law.

**Sec. 23. Payment of fees, refund of fee.**

- (a) Upon approval of the application by the county ABC administrator, the applicant shall pay the amount of the license fee provided in this article in the form of a certified check, money order or cash. Payment shall be held in deposit by the county pending state license approval and issuance of the county license by the county ABC administrator.
- (b) If the payment of a license fee was erroneously made or the licenses are not issued, the county shall authorize the payment of the refundable amount.

**Sec. 24. Issuance of county licenses.**

The county licenses shall be issued and the fees collected by the clerk of the Fiscal Court. No license shall be issued by the clerk without the approval of the county ABC administrator. The license shall be in a form of a standard county business license and a business license category shall hereby be established as "Limited Golf Course Alcohol by the Drink License." The fees shall be those established by this article and shall not replace any standard business license fees.

**Sec. 25. Posting of licenses.**

Each county license in the same form prescribed by KRS 243.440 for state licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each county license shall remain in the Judge Executive's office as part of the public record.

**Sec. 26. Transfer, assign, or acquire existing license.**

The transfer, assigning or acquisition of a county license shall be the same as provided for in state licenses in KRS 243.630, KRS 243.650, and KRS 660.

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**Sec. 27. Applicant to pay for own license.**

The license fee for a county license shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued under these sections.

**Sec. 28. Deposit of fees.**

All moneys derived from license fees or from fines as provided in this article shall be paid to the treasury of the county and become a part of the general funds of the county.

**Sec. 29. License to become void if business dormant; license renewal.**

- (a) Surrender of license and exceptions. Any license under which no business is transacted during a period of 90 days shall become null and void. At the expiration of the 90-day period the license shall be surrendered to the county ABC administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to 804 KAR 4:1110, as amended, from time to time to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the ABC administrator to the licensee, the licensee shall immediately notify the county ABC administrator. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the county ABC administrator and a fee shall be due and payable to the county for the period the license was in dormancy in the same amount due had the license remained active for the same period.
- (b) Applications based on pending construction or development. Applications approved by the county ABC administrator and based on pending construction or development on the premises shall be null and void after 90 days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. The ABC administrator may grant extensions, as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.
- (c) Renewals; time for filing. All renewal of licenses and payment of license fees must be on file with county ABC administrator fifteen (15) days before the expiration of the license for the preceding license period or the license shall be canceled, except that the licensee may file a written, verified statement fifteen (15) days prior to the expiration date of the license, setting forth the facts justifying an extension. The ABC administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The licensee shall pay the license fee from the expiration date of the former license or licenses and payment shall be



refunded to the licensee in the event that the license or licenses are not renewed at, or before, the end of the extension period.

## DIVISION 4. PROHIBITIONS, RESTRICTIONS AND REGULATIONS

### Sec. 30. Hours of sale.

- (a) Golf Course sales for consumption on licensed premises. Premises for which there had been granted a license for the retail sales of alcoholic beverages by the drink, shall be permitted to remain open between the hours of 7:00 a.m. and 9:00 p.m. each weekday. However, sales may not be conducted at any time when the polls are open for any election in the precinct in which the license is granted. However, if the licensee provides a separate area within his licensed premises capable of being locked and closed off within which is kept all stocks of alcoholic beverages and malt beverages and if the department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with this subsection.
- (b) Sunday sales. No alcoholic beverages may be sold or dispensed on Sundays.
- (c) Control of premises during closing hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.
- (d) Wholesale deliveries on Sundays prohibited. There shall be no deliveries of alcoholic or malt beverages on Sunday.

### Sec. 31. Hours of sale; exceptions; requirements.

The licensee shall be allowed to remain open during hours when the sale of alcoholic beverages is prohibited for the sole purpose of providing golfing or food services to the public. However, all stocks of alcoholic beverages shall be locked and closed off from the public during said time period.

**Sec. 32. Golfing service requirement.**

All license holders of a limited golf course alcoholic beverage by the drink license shall be required to maintain golfing service during all hours that alcohol is served.

**Sec. 33. Confiscation authorized if violations occur.**

If any alcoholic or malt beverages are found on the outside of the locked or closed off area of any licensed premises at any hours during which the licensee is prohibited by the state alcoholic beverage control act or by this ordinance from selling alcoholic or malt beverages, a prima facie presumption shall arise that such alcoholic or malt beverages, were kept outside the locked or closed-off section for the purpose of sale in violation of this article and the state alcoholic beverage control act and shall be grounds for revocation or suspension of the license. In addition to other penalties provided for the violation of this article, the county alcoholic beverage control administrator is hereby authorized to confiscate the alcoholic or malt beverages.

**Sec. 34. Advertising restrictions.**

- (a) Signage which refers directly, or indirectly, to alcoholic beverages shall be limited to one two-square-foot sign, for each 50 square feet of glass window, that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of display advertising which refers either directly, or indirectly, to alcoholic beverages shall be displayed on, nor shall it be visible from, the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing, in the windows of the licensed premises, business price cards not larger than two and one-half inches in size, setting forth the price at which he offers alcoholic beverages for sale.
- (b) No flashing lights shall be used to illuminate the exterior of any premises licensed under this article.
- (c) It shall be unlawful for a licensee under this ordinance to distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.
- (d) It shall be unlawful for any person, holding a license under this ordinance to sell alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.
- (e) Any advertising by any licensee under this ordinance shall be in compliance with KRS 244.130.

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**Sec. 35. Treating prohibited.**

No license holder shall give away any alcoholic beverage in any quantity for less than a full monetary consideration.

**Sec. 36. Licensee to purchase from and sell only to persons authorized to sell or purchase.**

- (a) No license shall purchase or agree to purchase any alcoholic beverages from any person within or without this state, who is not licensed to sell the beverages to the particular purchaser at the time of the agreement to sell, nor give any order for any alcoholic beverages to any person who is not a holder of a special agent's or solicitor's license if such a license is required.
- (b) No licensee shall sell, or agree to sell, any alcoholic beverage to any person within or without this state who is not legally authorized to buy and receive the beverages at the time of the agreement to sell, nor secure any order for the sale of any alcoholic beverages through any person who is not the holder of a special agent's or solicitor's license.

**Sec. 37. Retail sales to certain persons prohibited.**

No retail licensee shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

- (1) A minor, except that in any prosecution for selling alcoholic beverages to a minor it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. The evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.
- (2) A person actually or apparently under the influence of alcoholic beverages.
- (3) A habitual drunkard or any person convicted of drunkenness as many as three times within the most recent twelve (12) month period.
- (4) Except as provided in subsection (3) above, anyone known to the seller to have been convicted of D.U.I. or any other misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or for a felony within the preceding 12 months.

**Sec. 38. Sale to person not providing for his family prohibited.**

No licensee shall sell or agree to sell any alcoholic beverages or cause or permit any alcoholic beverage to be sold to any person who has been reported to the licensee by any court or by any officer acting at the direction of a court as having failed to make proper provision for his family.

**Sec. 39. Licensee to display notice as to sale to minors; warning of dangers of drinking during pregnancy to be posted.**

(a) Every golf course licensee shall display at all times in a prominent place a printed card at least eight inches by 11 inches in size which shall show, in 30-point or larger type, substantially as follows: Persons under the age of 21 are subject to a fine up to \$100.00 if they:

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

(b) All licensed retail vendors of alcoholic beverages shall post in a prominent place easily seen by patrons a printed sign at least 11 inches by 14 inches in size, with letters at least one-inch high, supplied by the alcoholic beverage control commission, and with gender-neutral language supplied by the cabinet for health services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

**Sec. 40. Minors not to possess or purchase liquor nor to misrepresent age; use of fraudulent identification.**

(a) As used in KRS 244.083 and this section, premises has the meaning it is given in KRS 241.010 and also means the place of business of a person licensed to sell alcoholic beverages.

(b) A person under 21 years of age shall not enter any premises licensed for the

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

(b) All licensed retail vendors of alcoholic beverages shall post in a prominent place easily seen by patrons a printed sign at least 11 inches by 14 inches in size, with letters at least one-inch high, supplied by the alcoholic beverage control commission, and with gender-neutral language supplied by the cabinet for health services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

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(a) As used in KRS 244.083 and this section, premises has the meaning it is given in KRS 241.010 and also means the place of business of a person licensed to sell alcoholic beverages.

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

(c) A person under 21 years of age shall not possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years

of age in purchasing or having delivered or served to him or her any alcoholic beverages.

- (d) A person under 21 years of age shall not misrepresent his or her age for the purpose of inducing any licensee, or the licensee's agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person.
- (e) A person under 21 years of age shall not use any false, fraudulent, or altered identification card, paper, or any other document, or purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

**Sec. 41. Persons whom licensees may not employ.**

- (a) A person holding any county license shall not knowingly employ in connection with his or her business any person who:
  - (1) Has been convicted of any felony within the last two years.
  - (2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two years.
  - (3) Is under the age of 20 years, unless the person is employed in a capacity that does not involve the sale or serving alcoholic beverages.
  - (4) Within two years prior to the date of his employment, has had any license issued under KRS 243.020 to KRS 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.
- (b) The provisions of paragraph (1) and (2) of subsection (a) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.
- (c) Violation of this section shall subject both employer and employee to penalties provided in this article and shall be cause for revocation of license.

**Sec. 42. Retail premises not to be disorderly.**

- (a) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.
- (b) Acts, which constitute disorderly premises, consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

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

**Sec. 43. Mandatory responsible beverage service training.**

(a) All persons employed by golf courses licensed to sell alcoholic beverages by the drink shall, before participating in the selling and serving of, or taking orders for alcoholic beverages, complete a county approved responsible beverage training program. For such a program to be approved by the county, it must effectively train participants in the identification of false documents and recognition of characteristics of intoxication. The county will not require enrollment in a specific class, but only that the training be obtained from a recognized program meeting the goals presented in this article.

(b) All licensed restaurants employing persons required to complete training under subsection (a) above, shall be responsible for all employees completing their training within 120 days of the adoption date of this ordinance. Following the 120-day grace period for compliance, any new employee shall have the required training prior to engaging in the selling and serving of, or taking orders for alcoholic beverages. All persons completing the training required by this section shall be recertified in responsible beverage service training, by a county approved program not less than once every three years thereafter.

(c) Each golf course licensed by this article must at all times that alcoholic beverages are being served have at least one person currently certified in responsible beverage service training, as required in subsections (a) and (b) above, on duty.

(d) The manager of the golf course shall be responsible for compliance with these requirements and shall maintain for inspection by the county ABC administrator a record on each employee that shall contain the pertinent training information.

## **DIVISION 5. REGULATORY LICENSE FEE**

### **Sec. 44. Regulatory license fee imposed.**

(a) A regulatory license fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued for the purpose of insuring full reimbursement to the county for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the county. The Fiscal Court shall adopt, at the budget adoption for the fiscal year, an annual rate for the regulatory license fee as shall be reasonably estimated to insure full reimbursement to the county for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the county. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed under the provisions of this article for the retail sale of alcohol.

(b) The regulatory license fee shall be six percent (6%) for the fiscal year beginning July 1, 2011, and continuing thereafter until amended or repealed.

### **Sec. 45. Payment.**

Payment of such fee shall accompany forms approved for use by the ABC administrator and shall include a tabulation of both gross food sales and alcohol sales for the preceding month. The forms and payment shall be submitted to the Fiscal Court clerk by the twentieth (20<sup>th</sup>) day of each month for the preceding month's sales. The fraction, represented by one divided by the number of months for which the county license was issued, of any fees required under the provisions of this ordinance shall be deducted each month as a credit.

### **Sec. 46. Failure to pay; interest on late payment.**

(a) Failure to pay the monthly remittance within ten days after the due date shall constitute a violation of this article.

(b) Interest shall be assessed upon any past due payments at the rate of 12 per cent (12%) per annum.

### **Sec. 47. Penalty for nonpayment.**

If the holder of any license shall fail to pay the regulatory license fee imposed by this section within ten days of the due date, an automatic penalty of \$50.00 shall be assessed for the first offense. An automatic penalty of \$100.00 shall be assessed on the second offense, and an automatic penalty of \$200.00 shall be assessed on the third offense. In addition to the monetary penalty, the county alcoholic beverage control administrator shall hold a hearing for a second and third offense requiring the licensee to



show cause why the license should not be suspended or revoked with full authority to do so upon appropriate findings. The calculation of the number of offenses for the purpose of invoking the above penalties shall be done on a 12-month basis, with the number of offenses being reduced to zero at the beginning of each new license period.

**Sec. 48. Adequate recordkeeping.**

Every licensee shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the state alcoholic beverage control board, or such rules and regulations as may be from time to time promulgated by the county alcoholic beverage control administrator and approved by a majority of a quorum of the Fiscal Court. Where the sales of alcoholic beverages as they relate to other sales are determinative of the licensee's eligibility to retain a license, the licensee shall maintain adequate records to show that relationship. The books and records shall be available at all reasonable times for inspection by the county alcoholic beverage control administrator or any authorized representative.

**Sec. 49. Audit requirements.**

The city alcoholic beverage control administrator may at his discretion require that a licensee make his records available to the county for the purpose of conducting an audit.

**Sec. 50. Penalties for violation of ordinance.**

(a) Any person who violates any provision of this ordinance, for which no specific penalty is provided, shall be guilty of a misdemeanor and shall, in addition to other penalties provided by law, be subject to the following penalties:

(1) For the first offense, a fine not to exceed \$500.00.

(2) For any subsequent offense, a fine not to exceed \$500.00 or confinement in jail not more than six months, or both.

(b) Any proceeding for the revocation of any license issued hereunder shall be governed in accordance with the provisions of KRS 243.480.



**CHRIS LASHER**  
**LIVINGSTON COUNTY JUDGE EXECUTIVE**

Attest/

H. Quaternou

First Reading: 8-23-2011

Second Reading: 9-27-2011

Date of Publication: 9-6-2011