

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 19-01

AN ORDINANCE AMENDING CODE OF ORDINANCES §231.11

SUMMARY

This Ordinance amends Code of Ordinance §231.11 to name the City Clerk as the City's Alcohol Beverage Control Administrator.

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:

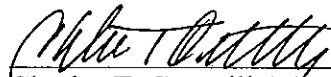
1. Code of Ordinances §231.11 is hereby amended to read in its entirety as follows:

231.11 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The [~~Mayor~~] City Clerk shall be the city's Alcoholic Beverage Control Administrator.

(B) The Alcoholic Beverage Control Administrator shall have the same powers and duties with respect to suspension and revocation for cause of city licenses as the State Alcoholic Beverage Control Board has with respect to State licenses under KRS 241.060. The City Alcoholic Beverage Control Administrator, on his own initiative or on the complaint of any person, may institute proceedings to provoke or suspend any license issued under this chapter. Appeals from the Orders of the Alcoholic Beverage Control Administrator may be taken to the State Alcoholic Beverage Control Board by filing with the Board within 30 days a certified copy of the orders of the city's Alcoholic Beverage Control Administrator if the license suspended is a state license. Matters at issue shall be heard by the Board upon an original proceeding. Appeals from the City's Alcoholic Beverage Control Administrator shall be governed by KRS Chapter 13B if it is appealed to the state Alcoholic Beverage Control Board. The City may suspend or revoke City licenses or permission granted through the Entertainment Destination Center license. If an appeal is made on the suspension or revocation of the city permission or city license to sell alcoholic beverages in the Entertainment Destination Center, the appeal shall be made to Mason Circuit Court.


ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE,
KENTUCKY, this 10 January 2019.



Charles T. Cotterill, Mayor

| | |
|------------------------------------|-------------------|
| Passed on 1 st reading | 13 December 2018. |
| Adopted on 2 nd reading | 10 January 2019. |
| Recorded by Clerk | 10 January 2019. |
| Signed by Mayor | 11 January 2019. |
| Published by Summary | 14 January 2019. |

ATTEST:

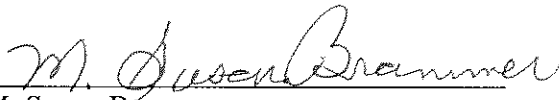


Lisa Dunbar, City Clerk

INDEX: Chapter 231

CERTIFICATE

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky, that I prepared the Summary above of the foregoing Ordinance of the City of Maysville, Kentucky, and that such Summary constitutes a general summary of the essential provisions of said Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.



M. Susan Brammer
City Attorney
ROYSE, ZWEIGART, KIRK,
BRAMMER & CAUDILL
215 Stanley Reed Court
Maysville, Kentucky 41056
606 564-4012

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 13-30

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION
231.09

Summary

This Ordinance amends Code of Ordinances §231.09 to repeal the requirement that premises cannot sell alcohol on election days.

RECEIVED
CITY OF MAYSVILLE
FEB 10 PM 2 41

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:

(1) Code of Ordinances Section 231.09 is hereby amended to read in its entirety as follows:

§ 231.09 HOURS FOR SALE AND CONSUMPTION.

~~(A) No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open during the hours the polls are open on any regular, primary, school or special election day.~~

(B) ~~(A)~~(1) The sale of alcoholic beverages at all places offering the same for sale shall not commence on Monday through Sunday prior to 6:00 a.m. and not prior to 1:00 p.m. on Sunday and may not continue after the following hours:

| | |
|---|------------|
| Monday through Thursday | 12:01 a.m. |
| Friday, Saturday, Sunday and following mornings | 1:00 a.m. |

(2) Consumption of alcoholic beverages on licensed premises may not continue for more than 30 minutes after the respective hours above for sales thereof to stop.

~~(C)~~ ~~(B)~~ The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Year's Eve occurs, provided that the appropriate licenses have been obtained from both the city and state ABC Board.

(D) (C) Provided, that if a distilled spirits or wine licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and all fixtures and apparatus connected with his or her business as such licensee, and the department is kept locked during the times mentioned above, he or she shall be deemed to have complied with this section. Further provided, that if a malt beverage licensee provides a separate department within his or her licensed premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his or her business or the licenses, and the department is kept covered or closed during the times mentioned above, he or she shall be deemed to have complied with this section.

(1991 Code, § 231.09) (Am. Ord. 00C-6, passed 7-13-2000; Am. Ord. 04C-47, passed 1-13-2005; Am. Ord. 05C-15, passed 9-29-2005; Am. Ord. 08C-25, passed 12-11-2008)

Opinion reference:

Liquor establishments only in voting precincts must close on election day, see OAG 43-004

Statutory reference:

Liquor establishments only in voting precincts must close on election day, see KRS 119.215, 242.100

Time when delivery and sale of malt beverages prohibited, see KRS 244.480

Time when retail alcoholic beverage premises to be closed, see KRS 244.290

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE, KENTUCKY, this 10 October 2013.

David W. Cartmell, Mayor

Passed on the 1st reading: 12 September 2013.
Adopted on the 2nd reading: 10 October 2013.
Recorded by Clerk: 11 October 2013.
Signed by Mayor: 11 October 2013.
Published in Full: 14 October 2013.

ATTEST:

Lisa R. Dunbar, City Clerk

INDEX: Alcohol Beverage Control, Hours for selling consumption

TITLE XXIII: BUSINESS REGULATIONS

CHAPTER 231: ALCOHOLIC BEVERAGES

in Mason Co.

CHAPTER 231: ALCOHOLIC BEVERAGES

Section

- 231.01 Definitions
- 231.02 License required
- 231.03 Licenses; license fees
- 231.04 Proration and abatement of licenses
- 231.05 No refund of license fees
- 231.06 Use of moneys collected
- 231.07 Application for and issuance of licenses
- 231.08 Dance permits
- 231.09 Hours for sale and consumption
- 231.10 Police Department to enforce
- 231.11 Alcoholic Beverage Control Administrator
- 231.99 Penalty

§ 231.01 DEFINITIONS.

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

ALCOHOLIC BEVERAGES. Every liquid or solid containing alcohol in an amount in excess of that permitted in KRS Chapter 242 and capable of being consumed by a human being, and including specifically, but not limited to, beverages commonly known as beer, wine, liquor and whiskey.

DISTILLED SPIRITS. Any alcoholic beverage except malt beverages and wine.

(1991 Code, § 231.01)

§ 231.02 LICENSE REQUIRED.

It shall be unlawful for any person, firm or corporation to engage in the business of trafficking in alcoholic and malt beverages within the corporate limits of the city, without having obtained the license or licenses as required in this chapter. It shall be unlawful for any person, firm or corporation to sell alcoholic beverages on any public way.

(1991 Code, § 231.02) (Ord. 56, passed 5-22-1939; Am. Ord. 85C-14, passed 8-21-1985) Penalty, see § 231.99

Statutory reference:

Malt beverage special temporary license, see KRS 243.290

§ 231.03 LICENSES; LICENSE FEES.

(A) (1) The following kinds of alcoholic beverage licenses, to expire on June 30 of each year, may be issued under this chapter upon payment of the following annual license fees:

| <i>License</i> | <i>Fee</i> |
|---|------------|
| Sale of distilled spirits and wine at wholesale | \$750 |
| Sale of distilled spirits and wine at retail by the package, for consumption off the premises | \$450 |
| Sale of distilled spirits and wine at retail by the glass, for consumption on the premises | \$450 |
| Distribution of beer and malt beverages | \$150 |
| Sale of beer and malt beverages at retail | \$75 |

(2) Provided, that private clubs shall pay half of the above fees for license years beginning July 1, 1983, and thereafter.

(B) No license listed above shall be deemed to include any other listed license, and any person applying for more than 1 above-listed license shall pay the aggregate fees therefor.

(1991 Code, § 231.03) (Ord. 95C-5, passed 3-20-1995; Am. Ord. 99C-26, passed 10-14-1999)

Case reference:

State wholesale liquor license precludes city taxation of non-resident wholesaler which transports alcoholic beverages in its own trucks into city, see Commonwealth v. Day, 152 S.W. 2d 597 (Ky. 1941)

Statutory reference:

City license fees, see KRS 243.070

§ 231.04 PRORATION AND ABATEMENT OF LICENSES.

(A) When any person applies for any alcoholic beverage license after July 1 of any year, he or she shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the full month in which the license is granted, until the following July 1, except that the minimum fee for any part-year licensee shall be 50% of the annual fee, under § 231.03.

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

(1991 Code, § 231.04) (Ord. 628, passed 4-9-1970) Penalty, see § 231.99

Statutory reference:

Proration of state licenses for less than 1 year, see KRS 243.090

§ 231.05 NO REFUND OF LICENSE FEES.

No refund of any license fee authorized under this chapter shall be made after any license shall have been granted, except to the extent erroneously paid when due.

(1991 Code, § 231.05) (Ord. 56, passed 5-22-1939)

§ 231.06 USE OF MONEYS COLLECTED.

All license fees collected under this chapter shall be paid into the general fund of the city and used as other moneys in that fund.

(1991 Code, § 231.06) (Ord. 56, passed 12-8-1947) Penalty, see § 231.99

§ 231.07 APPLICATION FOR AND ISSUANCE OF LICENSES.

Applications for licenses shall be made to the Board of Commissioners in writing, on forms furnished by the City Clerk, and setting forth in detail such information concerning the applicant and the premises sought to be licensed as required by the Kentucky Alcoholic Beverage Control Law, and any amendment as may be added thereto. Each application shall be accompanied by payment of the fee required by this chapter for a license of the kinds or class applied for. Any license authorized to be issued under this chapter shall be refused if the applicant therefor, or the premises for which same is sought, does not comply fully with the rules and regulations of the Kentucky Alcoholic Control Board or if the applicant shall have done any act for which refusal or revocation of licenses would be authorized under Kentucky law.

(1991 Code, § 231.07) (Ord. 56, passed 5-22-1939; Am. Ord. 89C-19, passed 6-26-1989)

Case references:

Statutory delegation of veto power to churches

to prohibit retail sale of alcoholic beverages within certain radius of church unconstitutional, see Larkin v. Grendel's Den, Inc., 459 U.S. 116, 74 L.Ed.2d 297 (1982)

Statute authorizing church veto of alcoholic beverage applications violates establishment clause of First Amendment, see Larkin v. Grendel's Den, Inc., 459 U.S. 116, 74 L.Ed.2d 297 (1982)

Form reference:

Application for Alcoholic Beverage License, see Form 25

Opinion reference:

School veto over alcoholic beverage applications, see OCA 4-17-85

Statutory references:

Refusal of state licenses, see KRS 243.450

Revocation of state license, see KRS 243.490

§ 231.08 DANCE PERMITS.

No dancing in connection with the sale of alcoholic or malt beverages shall be allowed unless a permit shall have been obtained from the Director of Finance.

(1991 Code, § 231.08) (Ord. 386, passed 5-14-1963) Penalty, see § 231.99

Cross-reference:

Occupational license tax for dancing, see § 134.03

§ 231.09 HOURS FOR SALE AND CONSUMPTION.

(A) No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open during the hours the polls are open on any regular, primary, school or special election day.

(B) (1) The sale of alcoholic beverages at all places offering the same for sale shall not commence on Monday through Sunday prior to 6:00 a.m. and not prior to 1:00 p.m. on Sunday and may not continue after the following hours:

| | |
|------------------------------|------------|
| Monday through Thursday | 12:01 a.m. |
| Friday, Saturday, Sunday and | 1:00 a.m. |

| | |
|--------------------|--|
| following mornings | |
|--------------------|--|

(2) Consumption of alcoholic beverages on licensed premises may not continue for more than 30 minutes after the respective hours above for sales thereof to stop.

(C) Provided, that if a distilled spirits or wine licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and all fixtures and apparatus connected with his or her business as such licensee, and the department is kept locked during the times mentioned above, he or she shall be deemed to have complied with this section. Further provided, that if a malt beverage licensee provides a separate department within his or her licensed premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his or her business or the licenses, and the department is kept covered or closed during the times mentioned above, he or she shall be deemed to have complied with this section.

(1991 Code, § 231.09) (Am. Ord. 00C-6, passed 7-13-2000; Am. Ord. 04C-47, passed 1-13-2005; Am. Ord. 05C-15, passed 9-29-2005)

Opinion reference:

Liquor establishments only in voting precincts must close on election day, see OAG 43-004

Statutory reference:

Liquor establishments only in voting precincts must close on election day, see KRS 119.215, 242.100

Time when delivery and sale of malt beverages prohibited, see KRS 244.480

Time when retail alcoholic beverage premises to be closed, see KRS 244.290

§ 231.10 POLICE DEPARTMENT TO ENFORCE.

It shall be the duty of the Police Department to keep all premises licensed under this chapter under surveillance, and to thoroughly acquaint themselves with the prohibitions, restrictions and regulations of this chapter. Any police officer who knowingly permits any infraction of this chapter shall be removable from the force, and subject to other penalties provided herein.

(1991 Code, § 231.10) (Ord. 150, passed 12-8-1947) Penalty, see § 231.99

§ 231.11 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

The Mayor shall be the city's Alcoholic Beverage Control Administrator.

(1991 Code, § 231.11)

Statutory reference:

ABC Administrator, see KRS 241.160

§ 231.99 PENALTY.

Violation of any provision of this chapter shall be a Class I violation punishable under § 11.01.

(1991 Code, § 231.99)

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City of Maysville
216 Bridge St.
Maysville, KY 41056
606-564-9419 606-564-9416 fax
Lisa R. Dunbar, City Clerk

Fax Cover Sheet

Date: 1/18/07

No. pages (including cover): 25

To: Kentucky ABC

From: Lisa

Attn: Sam Crain

Subject: Maysville Ordinance

Phone:

Fax: 502-564-7479

Attached is copy of our ABC ordinance. If you have further questions, don't hesitate to call me.

CHAPTER 231: ALCOHOLIC BEVERAGES

Section

- 231.01 Definitions
- 231.02 License required
- 231.03 Licenses; license fees
- 231.04 Proration and abatement of licenses
- 231.05 No refund of license fees
- 231.06 Use of moneys collected
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- 231.08 Dance permits
- 231.09 Hours for sale and consumption
- 231.10 Police Department to enforce
- 231.11 Alcoholic Beverage Control Administrator

231.99 Penalty

limits of the city, without having obtained the license or licenses as required in this chapter. It shall be unlawful for any person, firm, or corporation to sell alcoholic beverages on any public way.
 (Ord. 56, passed 5-22-39; Am. Ord. 85C-14, passed 8-21-85) Penalty, see § 231.99

Statutory reference:

Malt beverage special temporary license, see KRS 243.290

§ 231.03 LICENSES; LICENSE FEES.

(A) (1) The following kinds of alcoholic beverage licenses, to expire on June 30 of each year, may be issued under this chapter upon payment of the following annual license fees:

§ 231.01 DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

ALCOHOLIC BEVERAGES. Every liquid or solid containing alcohol in an amount in excess of that permitted in KRS Chapter 242 and capable of being consumed by a human being, and including specifically, but not limited to, beverages commonly known as beer, wine, liquor, and whiskey.

DISTILLED SPIRITS. Any alcoholic beverage except malt beverages and wine.

§ 231.02 LICENSE REQUIRED.

It shall be unlawful for any person, firm, or corporation to engage in the business of trafficking in alcoholic and malt beverages within the corporate

| <i>License</i> | <i>Fee</i> |
|---|------------|
| Sale of distilled spirits and wine at wholesale | \$750 |
| Sale of distilled spirits and wine at retail by the package, for consumption off the premises | 450 |
| Sale of distilled spirits and wine at retail by the glass, for consumption on the premises | 450 |
| Distribution of beer and malt beverages | 150 |
| Sale of beer and malt beverages at retail | 75 |

(2) Provided, that private clubs shall pay half of the above fees for license years beginning July 1, 1983, and thereafter.

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Maysville - Business Regulations

Case reference:

State wholesale liquor license precludes city taxation of non-resident wholesaler which transports alcoholic beverages in its own trucks into city, Commonwealth v. Day, 152 S.W. 2d 597 (Ky. 1941)

(B) No license listed above shall be deemed to include any other listed license, and any person applying for more than one above-listed license shall pay the aggregate fees therefor.

(C) The text of this ordinance shall be published in full.

(Ord. 95C-5, passed 3-20-95; Am. Ord. 99C-26, passed 10-14-99)

Statutory reference:

City license fees, see KRS 243.070

§ 231.04 PRORATION AND ABATEMENT OF LICENSES.

(A) When any person applies for any alcoholic beverage license 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 full month in which the license is granted, until the following July 1, except that the minimum fee for any part-year licensee shall be 50% of the annual fee under § 231.03.

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

(Ord. 628, passed 4-9-70) Penalty, see § 231.99

Statutory reference:

Proration of state licenses for less than one year, see KRS 243.090

§ 231.05 NO REFUND OF LICENSE FEES.

No refund of any license fee authorized under this chapter shall be made after any license shall have been granted, except to the extent erroneously paid when due.

(Ord. 56, passed 5-22-39)

§ 231.06 USE OF MONEYS COLLECTED.

All license fees collected under this chapter shall be paid into the general fund of the city and used as other moneys in that fund.

(Ord. 56, passed 12-8-47) Penalty, see § 231.99

§ 231.07 APPLICATION FOR AND ISSUANCE OF LICENSES.

Applications for licenses shall be made to the Board of Commissioners in writing, on forms furnished by the City Clerk, and setting forth in detail such information concerning the applicant and the premises sought to be licensed as required by the Kentucky Alcoholic Beverage Control Law, and any amendment as may be added thereto. Each application shall be accompanied by payment of the fee required by this chapter for a license of the kinds or class applied for. Any license authorized to be issued under this chapter shall be refused if the applicant therefor, or the premises for which same is sought, does not comply fully with the rules and regulations of the Kentucky Alcoholic Control Board or if the applicant shall have done any act for which refusal or revocation of licenses would be authorized under Kentucky law.

(Ord. 56, passed 5-22-39; Am. Ord. 89C-19, passed 6-26-89)

Form reference:

Application for Alcoholic Beverage License, Form 25

Alcoholic Beverages

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Statutory references:

Refusal of state licenses, see KRS 243.450
Revocation of state license, see KRS 243.490

Case references:

Statutory delegation of veto power to churches to prohibit retail sale of alcoholic beverages within certain radius of church unconstitutional, Larkin v. Grendel's Den, Inc., 459 U.S. 116, 74 L.Ed.2d 297 (1982)

Statute authorizing church veto of alcoholic beverage applications violates establishment clause of First Amendment, Larkin v. Grendel's Den, Inc., 459 U.S. 116, 74 L.Ed.2d 297 (1982)

Opinion reference:

School veto over alcoholic beverage applications, OCA 4-17-85

§ 231.08 DANCE PERMITS.

No dancing in connection with the sale of alcoholic or malt beverages shall be allowed unless a permit shall have been obtained from the Director of Finance.

(Ord. 386, passed 5-14-63) Penalty, see § 231.99

Cross-reference:

Occupational license tax for dancing, see §134.03

§ 231.09 HOURS FOR SALE AND CONSUMPTION.

(A) No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open for any purpose during the 24 hours between 6:00 a.m. Sundays and 6:00 a.m. Monday except hotels, motels, and restaurants which have dining facilities with a minimum capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from sale of food may sell distilled spirits and wine by the drink on Sunday from 1:00 p.m. until 1:00 a.m.

Monday. No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open during the hours the polls are open on any regular, primary, school, or special election day.

(B) (1) The sale of alcoholic beverages at all places offering the same for sale shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours:

| | |
|--|------------|
| Monday through Thursday | 12:00 p.m. |
| Friday and Saturday and following mornings | 1:00 a.m. |

(2) Hotels, motels, and restaurants which have dining facilities with the minimum seating capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from the sale of food may sell distilled spirits and wine by the drink on Sunday from 1:00 p.m. until 1:00 a.m. Monday.

(3) Consumption of alcoholic beverages on licensed premises may not continue for more than 30 minutes after the respective hours above for sales thereof to stop.

(C) Provided, that if a distilled spirits or wine licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and all fixtures and apparatus connected with his business as such licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. Further provided, that if a malt beverage licensee provides a separate department within his licensed premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his business or such licenses, and said department is kept covered or closed during the times mentioned above, he shall be deemed to have complied with this section.

(Am. Ord. 00C-6, passed 7-13-00)

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Maysville - Business Regulations**Statutory reference:**

Liquor establishments only in voting precincts must close on election day, see KRS 119.215, 242.100

Time when retail alcoholic beverage premises to be closed, see KRS 244.290

Time when delivery and sale of malt beverages prohibited, see KRS 244.480

Opinion reference:

Liquor establishments only in voting precincts must close on election day, OAG 43-004

§ 231.10 POLICE DEPARTMENT TO ENFORCE.

It shall be the duty of the Police Department to keep all premises licensed under this chapter under surveillance, and to thoroughly acquaint themselves with the prohibitions, restrictions, and regulations of this chapter. Any police officer who knowingly permits any infraction of this chapter shall be removable from the force, and subject to other penalties provided herein.

(Ord. 150, passed 12-8-47) Penalty, see § 231.99

§ 231.11 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

The Mayor shall be the City Alcoholic Beverage Control Administrator.

Statutory reference:

ABC Administrator, see KRS 241.160

§ 231.99 PENALTY.

Violation of any provision of this chapter shall be a Class I violation punishable under § 11.01.

I called Ray Young ~~an~~ assistant City Manager with City of Maysville & ask that he fax me a signed copy on 10-6-05. JW

COMMONWEALTH OF KENT
CITY OF MAYSVILLE
Ordinance No. 05C-__

AN ORDINANCE AMENDING CODE OF ORDINA

Summary

This Ordinance amends Code of Ordinance Section 231.0 beverages from 1:00 p.m. on Sunday to 1:00 a.m. Monday.

BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY, as follows:

(1) Code of Ordinances Section 231.09 is hereby amended to read in its entirety as follows:

§ 231.09 HOURS FOR SALE AND CONSUMPTION.

(A) ~~No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open for any purpose during the 24 hours between 6:00 a.m. Sundays and 6:00 a.m. Monday except hotels, motels, and restaurants which have dining facilities with a minimum capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from sale of food may sell distilled spirits and wine by the drink on Sunday from 1:00 p.m. until 1:00 a.m. Monday.~~ No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open during the hours the polls are open on any regular, primary, school, or special election day.

(B) (1) The sale of alcoholic beverages at all places offering the same for sale shall not commence on any day Monday through Saturday prior to 6:00 a.m. and not prior to 1:00 p.m. on Sunday and may not continue after the following hours:

| | |
|--|------------------|
| Monday through Thursday | 12:00 p.m. |
| Friday, and Saturday, <u>Sunday</u> and following mornings | <u>1:00 a.m.</u> |

~~(2) Hotels, motels, and restaurants which have dining facilities with the minimum seating capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from the sale of food may sell distilled spirits and wine by the drink on Sunday from 1:00 p.m. until 1:00 a.m. Monday.~~

~~(3)~~ (2) Consumption of alcoholic beverages on licensed premises may not continue for more than 30 minutes after the respective hours above for sales thereof to stop.



City of Maysville
216 Bridge Street
Maysville, KY 41056
FAX: 606-564-9416
PHONE: 606-564-9419

FAX

DATE: 10-3-05

NO. PAGES, INCLUDING
COVER SHEET: 4

TO: Ky ABC

FROM: Ray Young

ATTN: Janet Williams

SUBJECT: _____

PHONE: _____

FAX: 502 564-1442

COMMENTS:

Please let me know what you feel out

606-564-9419

*Thanks
Ray Young*

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 2000C- 6

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.09 TO ALLOW THE SALE OF DISTILLED SPIRITS AND WINE BY THE DRINK ON SUNDAYS FROM 1:00 P.M. UNTIL 1:00 A.M. MONDAY AT HOTELS, MOTELS, OR RESTAURANTS WHICH HAVE DINING FACILITIES WITH A MINIMUM SEATING CAPACITY OF 100 PEOPLE AT TABLES AND RECEIVE AT LEAST 50% OR MORE OF THEIR GROSS ANNUAL INCOME FROM THE DINING FACILITIES FROM THE SALE OF FOOD.

Summary

This Ordinance amends City of Maysville Code of Ordinance section 231.09 to allow the sale of distilled spirits and wine by the drink on Sundays from 1:00 p.m. until 1:00 a.m. Monday at hotels, motels, or restaurants which have dining facilities with a minimum seating capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from the sale of food as provided for by the Kentucky General Assembly in the amendment of KRS 244.290. This Ordinance shall be effective upon publication which publication shall be after the effective date of KRS 244.290.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF MAYSVILLE, KENTUCKY,

(1) Code of Ordinances section 231.09 is hereby amended to read in its entirety as follows:

§ 231.09 HOURS FOR SALE AND CONSUMPTION.

(A) No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open for any purpose during the 24 hours between 6:00 a.m. Sunday and 6:00 a.m. Monday, except hotels, motels, and restaurants which have dining facilities with a minimum capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from sale of food may sell distilled spirits and wine by the drink on Sunday from 1:00 p.m. until 1:00 a.m. Monday. No premises for which there shall have been issued a license in accordance with this chapter for the sale of alcoholic beverages shall be permitted to remain open or during the hours the polls are open on any regular, primary, school, or special election day.

(B) (1) The sale of alcoholic beverages at all places offering the same for same shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours:

Monday through Thursday

12:00 p.m.

Friday and Saturday and following mornings

1:00 a.m

(2) Hotels, motels, and restaurants which have dining facilities with the minimum seating capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from the sale of food may sell distilled spirits and wine by the drink on Sunday from 1:00 p.m. until 1:00 a.m. Monday.

(2)(3) Consumption of alcoholic beverages on licensed premises may not continue for more than 30 minutes after the respective hours above for sales thereof to stop.

(C) Provided, that if a distilled spirits or wine license provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and all fixtures and apparatus connected with his business as such licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. Further provided, that if a malt beverage licensee provides a separate department within his licensed premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his business or such licenses, and said department is kept covered or closed during the times mentioned above, he shall be deemed to have complied with this section.

(2) This Ordinance shall be effective upon publication which publication shall be after the effective date of KRS 244.290.

Statutory reference:

Liquor establishments only in voting precincts must close on election day, see KRS 119.215, 242.100

Time when retail alcoholic beverage premises to be closed, see KRS 244.290

Time when delivery and sale of malt beverages prohibited, see KRS 244.480

Opinion reference:

Liquor establishments only in voting precincts must close on election day, OAG 43-004

ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MAYSVILLE, KENTUCKY, this 13 July 2000.



David W. Cartmell, Mayor

Passed on 1st reading: 22 June 2000.
Adopted on 2nd reading: 13 July 2000.
Recorded by Clerk: 14 July 2000.
Signed by Mayor: 14 July 2000.
Published by Summary: 19 July 2000.

ATTEST:

INDEX:

Amend Code of Ordinances section 231.09

Sharon A. Swisher

Sharon Swisher, City Clerk

CERTIFICATE

I hereby certify that I am an attorney licensed to practice law in the Commonwealth of Kentucky, that I prepared the Summary above of the foregoing Ordinance of the City of Maysville, Kentucky, and that such Summary constitutes a general summary of the essential provisions of said Ordinance, reference to the full text of which Ordinance is hereby made for a complete statement of its provisions and terms.

M. Susan Brammer
Assistant City Attorney
Royse, Zweigart, Kirk & Brammer
215 Court Street
Maysville, Kentucky 41056
606-564-4012

The following Ordinance was adopted by the Board of Commissioners of the City of Maysville, Kentucky on 13 July 2000:

COMMONWEALTH OF KENTUCKY
CITY OF MAYSVILLE
Ordinance No. 2000C-6

AN ORDINANCE AMENDING CODE OF ORDINANCES SECTION 231.09 TO ALLOW THE SALE OF DISTILLED SPIRITS AND WINE BY THE DRINK ON SUNDAYS FROM 1:00 P.M. UNTIL 1:00 A.M. MONDAY AT HOTELS, MOTELS, OR RESTAURANTS WHICH HAVE DINING FACILITIES WITH A MINIMUM SEATING CAPACITY OF 100 PEOPLE AT TABLES AND RECEIVE AT LEAST 50% OR MORE OF THEIR GROSS ANNUAL INCOME FROM THE DINING FACILITIES FROM THE SALE OF FOOD.

Summary

This Ordinance amends City of Maysville Code of Ordinance section 231.09 to allow the sale of distilled spirits and wine by the drink on Sundays from 1:00 p.m. until 1:00 a.m. Monday at hotels, motels, or restaurants which have dining facilities with a minimum seating capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facilities from the sale of food as provided for by the Kentucky General Assembly in the amendment of KRS 244.290. This Ordinance shall be effective upon publication which publication shall be after the effective date of KRS 244.290.

David Cartmell, Mayor

ATTEST:

Sharon Swisher, City Clerk

Ordinance prepared by:

7-19-00 Royse, Zweigart, Kirk & Brammer



CITY OF MAYSVILLE

216 BRIDGE STREET • MUNICIPAL BUILDING

(606) 564-9411 • Fax (606) 564-9416

MAYSVILLE, KENTUCKY 41056

JAMES R. LITTON
Mayor

March 13, 1996

Pam Carroll Farmer
General Counsel
Department of Alcoholic Beverage Control
123 Walnut Street
Frankfort, KY 40601

RE: CITY OF MAYSVILLE ALCOHOLIC BEVERAGE REGULATIONS

Dear Ms. Farmer,

Per request of Greg Ginter, I have enclosed copies of City of Maysville Code of Ordinances Chapter 231, which are our current local regulations.

If further information is required, please contact me.

Sincerely,

James R. Litton
Mayor

dcw

enclosure

CHAPTER 231: ALCOHOLIC BEVERAGES

Section

- 231.01 Definitions
- 231.02 License required
- 231.03 Licenses; license fees
- 231.04 Proration and abatement of licenses
- 231.05 No refund of license fees
- 231.06 Use of moneys collected
- 231.07 Application for and issuance of licenses
- 231.08 Dance permits
- 231.09 Hours for sale and consumption
- 231.10 Police Department to enforce
- 231.11 Alcoholic Beverage Control Administrator

- 231.99 Penalty

§ 231.01 DEFINITIONS.

For purposes of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

ALCOHOLIC BEVERAGES. Every liquid or solid containing alcohol in an amount in excess of that permitted in KRS Chapter 242 and capable of being consumed by a human being, and including specifically, but not limited to, beverages commonly known as beer, wine, liquor, and whiskey.

DISTILLED SPIRITS. Any alcoholic beverage except malt beverages and wine.

Statutory reference:

Definitions of various ABC terms, see KRS 243.010

§ 231.02 LICENSE REQUIRED.

It shall be unlawful for any person, firm, or corporation to engage in the business of trafficking in alcoholic and malt beverages within the corporate limits of the city, without having obtained the license or licenses as required in this chapter. It shall be unlawful for any person, firm, or corporation to sell alcoholic beverages on any public way.

(Ord. 56, passed 5-22-39; Am. Ord. 85C-14, passed 8-21-85) Penalty, see § 231.99

Statutory reference:

Malt beverage special temporary license, see KRS 243.290

for the sale of alcoholic beverages shall be permitted to remain open for any purpose during the 24 hours between 6:00 a.m. Sundays and 6:00 a.m. Mondays, or during the hours the polls are open on any regular, primary, school, or special election day.

(B) (1) The sale of alcoholic beverages at all places offering the same for sale shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours:

| | |
|--|------------|
| Monday through Thursday | 12:00 p.m. |
| Friday and Saturday and following mornings | 1:00 a.m. |

(2) Consumption of alcoholic beverages on licensed premises may not continue for more than 30 minutes after the respective hours above for sales thereof to stop.

(C) Provided, that if a distilled spirits or wine licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and all fixtures and apparatus connected with his business as such licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. Further provided, that if a malt beverage licensee provides a separate department within his licensed premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his business or such licenses, and said department is kept covered or closed during the times mentioned above, he shall be deemed to have complied with this section.

Statutory reference:

Liquor establishments only in voting precincts must close on election day, see KRS 119.215, 242.100

Time when retail alcoholic beverage premises to be closed, see KRS 244.290

Time when delivery and sale of malt beverages prohibited, see KRS 244.480

Opinion reference:

Liquor establishments only in voting precincts must close on election day, OAG 43-004

§ 231.10 POLICE DEPARTMENT TO ENFORCE.

It shall be the duty of the Police Department to keep all premises licensed under this chapter under surveillance, and to thoroughly acquaint themselves with the prohibitions, restrictions, and regulations of this chapter. Any police officer who knowingly permits any infraction of this chapter shall be removable from the force, and subject to other penalties provided herein.

(Ord. 150, passed 12-8-47) Penalty, see § 231.99

§ 231.11 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

The Mayor shall be the City Alcoholic Beverage Control Administrator.

Statutory reference:

ABC Administrator, see KRS 241.160

§ 231.06 USE OF MONEYS COLLECTED.

All license fees collected under this chapter shall be paid into the general fund of the city and used as other moneys in that fund.

(Ord. 56, passed 12-8-47) Penalty, see § 231.99

§ 231.07 APPLICATION FOR AND ISSUANCE OF LICENSES.

Applications for licenses shall be made to the Board of Commissioners in writing, on forms furnished by the City Clerk, and setting forth in detail such information concerning the applicant and the premises sought to be licensed as required by the Kentucky Alcoholic Beverage Control Law, and any amendment as may be added thereto. Each application shall be accompanied by payment of the fee required by this chapter for a license of the kinds or class applied for. Any license authorized to be issued under this chapter shall be refused if the applicant therefor, or the premises for which same is sought, does not comply fully with the rules and regulations of the Kentucky Alcoholic Control Board or if the applicant shall have done any act for which refusal or revocation of licenses would be authorized under Kentucky law.

(Ord. 56, passed 5-22-39; Am. Ord. 89C-19, passed 6-26-89)

Form reference:

Application for Alcoholic Beverage License, Form 25

Statutory references:

Refusal of state licenses, see KRS 243.450

Revocation of state license, see KRS 243.490

Veto of alcoholic beverage applications by schools and churches, see KRS 243.220

Case references:

Statutory delegation of veto power to churches to prohibit retail sale of alcoholic beverages within certain radius of church unconstitutional, Larkin v. Grendel's Den, Inc., 459 U.S. 116, 74 L.Ed.2d 297 (1982)

Statute authorizing church veto of alcoholic beverage applications violates establishment clause of First Amendment, Larkin v. Grendel's Den, Inc., 459 U.S. 116, 74 L.Ed.2d 297 (1982)

Opinion reference:

School veto over alcoholic beverage applications, OCA 4-17-85

§ 231.08 DANCE PERMITS.

No dancing in connection with the sale of alcoholic or malt beverages shall be allowed unless a permit shall have been obtained from the Director of Finance.

(Ord. 386, passed 5-14-63) Penalty, see § 231.99

Cross-reference:

Occupational license tax for dancing, see §134.03

§ 231.09 HOURS FOR SALE AND CONSUMPTION.

(A) No premises for which there shall have been issued a license in accordance with this chapter

for the sale of alcoholic beverages shall be permitted to remain open for any purpose during the 24 hours between 6:00 a.m. Sundays and 6:00 a.m. Mondays, or during the hours the polls are open on any regular, primary, school, or special election day.

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The Mayor shall be the City Alcoholic Beverage Control Administrator.

Statutory reference:

ABC Administrator, see KRS 241.160

§ 231.99 PENALTY.

Violation of any provision of this chapter shall be a Class I violation punishable under § 11.01.