

**CITY OF PADUCAH
ORDINANCE NO. 2017-9-8498**

**AN ORDINANCE AMENDING CHAPTER 6,
SECTIONS 6-2, 6-3, 6-4, 6-5, 6-32, 6-33, 6-34,
AND 6-40 AND REPEALING SECTION 6-7 OF
THE CODE OF ORDINANCES OF THE CITY
OF PADUCAH, KENTUCKY**

WHEREAS, this Ordinance amends Chapter 6, Sections 6-2, 6-3, 6-4, 6-5, 6-33, 6-34, and 6-40 and repeals Section 6-7 of the *Code of Ordinances of the City of Paducah, Kentucky*, which regulate licenses to sell or manufacture alcoholic beverages;

WHEREAS, this Ordinance is being enacted to conform with amendments to Chapters 241-244 of the Kentucky Revised Statutes enacted pursuant to House Bill 100, House Bill 183, and House Bill 319 during the 2017 Regular Session of the General Assembly of the Commonwealth of Kentucky; and

WHEREAS, this Ordinance is also being enacted to permit the sale of alcoholic beverages on Sunday for certain license types [during prescribed hours];

NOW THEREFORE be it ordained by the City Commission of the City of Paducah as follows:

SECTION 1. That Section 6-2, "Alcoholic Beverage Administrator," is hereby amended and restated to read as follows:

Sec. 6-2. - Alcoholic Beverage Administrator.

- (a) The City Manager is hereby assigned the duties of the Office of the City Alcoholic Beverage Administrator and shall have full and complete charge of the administration and enforcement of all ordinances of the city relating to the granting of licenses for selling, dispensing, manufacturing and dealing in malt beverages within the city and regulating the business of selling whiskey, wine, beer, and other alcoholic and malt beverages at retail and at wholesale within the city.
- (b) The City Manager shall have the same duties and functions regarding local license applications and renewals as the Kentucky Department of Alcoholic Beverage Control with respect to state licenses.
- (c) The City Manager shall have the same duties and functions regarding local license penalization as the Board with respect to state license penalization. The functions, powers, and duties of the City Manager shall be the same, with respect to city licenses and regulations, as the functions, powers, and duties of the state Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no regulation adopted by the City Manager may be less stringent than the regulations of the Board, and all regulations of the City Manager shall be approved by the Board prior to becoming effective.
- (d) The City Manager may delegate ~~designate his~~ duties as Alcoholic Beverage Administrator as he or she deems necessary.
- (e) Before entering upon his official duties as such, the City Manager shall take the oath prescribed in Section 228 of the Constitution of the Commonwealth of Kentucky. The City Manager, once appointed City Alcoholic Beverage Administrator shall immediately notify the Kentucky Department of Alcoholic Beverage Control of qualification and appointment and execute a bond, with corporate surety approved by the Finance Director, in the penal sum of \$1,000.00 for the faithful performance of his duties and a satisfactory accounting of all money received and disbursed by him. The cost of the bond shall be borne by the city.

SECTION 2. That Section 6-3, "Appeals," is hereby amended and restated to read as follows:

Sec. 6-3. - Appeals.

Appeals from a decision or order ~~orders~~ of the City Manager may be taken to the state Alcoholic Beverage Control Board as provided in KRS 241.200.

SECTION 3. That Section 6-4, “Permissible operating hours,” is hereby amended and restated to read as follows:

Sec. 6-4. Permissible operating hours.

- (a) Package sales and on-premises consumption hours generally. ~~Except as otherwise provided under this section,~~ The lawful operating hours for licensed retail premises under this article for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall ~~only be permitted for each day of Sunday~~ Monday through Saturday, ~~and shall be limited to during~~ the following periods of time:

License	Opening Hour	Closing Hour
Package sales:		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
On-premises consumption:		
Malt beverages/beer	6:00 a.m.	3:00 a.m. following day
Distilled spirits	6:00 a.m.	3:00 a.m. following day

- (b) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees engaged in regular and ordinary post-closing activities may be on the premises during the closed hours, provided that the licensee has complied with subsection (c) below.

- (c) If a 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 a licensee, and said department is kept locked during the times mentioned above, he or she shall be deemed to have complied with this section.

~~(d) Sunday Package sales. Package sales are prohibited on Sundays except for souvenir package sales by distilleries and sales by microbreweries as provided in subsection (g).~~

~~(e) Sunday On-premises consumption at hotels, motels, and restaurants. The retail sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for hotels, motels, and restaurants holding a Nonquota type 2 license, as defined herein; provided such hotel, motel, and restaurant satisfy the following conditions:~~

- ~~(1) The dining facility of the hotel, motel, and restaurant has a minimum seating capacity of 50 people at tables;~~
- ~~(2) At least 50 percent or more of the gross annual receipts from the dining facilities are received from the sale of food; and~~
- ~~(3) The licensee shall apply for and receive a Sunday sales license and pay the applicable Sunday sales license fee.~~

~~(f) Sunday On-premises consumption at microbreweries, distilleries and sports facilities. The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m.~~

- ~~(1) Microbreweries also holding a license for retail drink sales and only to the extent permitted by such retail drink license.~~
- ~~(2) Distilleries also holding a non-quota type 3 license; and~~
- ~~(3) Athletic facilities holding a Quota Retail Drink License. The term “athletic facilities” shall be limited to facilities which have a primary business purpose of providing a venue for competitive or recreational sports such as bowling alleys.~~

~~(g) Sunday Souvenir package sales by distilleries and sales by microbreweries. The retail sale of souvenir packages of distilled spirits, as defined by KRS 241.010(57), shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for licensed distilleries in accordance with KRS 243.0305. Malt beverage package sales shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for licensed microbreweries also holding a retail package license.~~

~~(h) Sunday New Year's Eve. In the event that New Year's Eve falls on a Sunday, licensees holding a Nonquota 1, Nonquota 2, Nonquota 3, and/or Nonquota 4 license shall have the right to sell distilled spirits, wine, and/or malt beverages by the drink, for which they hold a license, on such Sundays from 11:00 a.m. until 3:00 a.m. the following day.~~

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SECTION 4. That Section 6-5, “Underage persons prohibited on premises licensed for on-premises consumption; exceptions,” is hereby amended and restated to read as follows:

Sec. 6-5. - Underage persons prohibited on premises licensed for on-premises consumption; exceptions.

~~See KRS 244.085(a) — No person holding any license for on-premises consumption of distilled spirits, wine, malt beverages or beer shall permit any person under the age of 21 years on the licensed premises except a person who is working on the premises either as an employee or an independent contractor.~~

SECTION 5. That Section 6-7, “Regulation of special temporary licenses,” is hereby repealed.

~~Sec. 6-7. — Regulation of special temporary licenses.~~

SECTION 6. That Section 6-32, “Application” is hereby amended and restated to read as follows:

Sec. 6-32. - Application.

- ~~(1) Before applying for a license, all persons shall advertise their intention to apply for a license by publishing a notice containing all information required under KRS 243.360(2) in the Paducah Sun or other newspaper in which local legal notices may be published, except those persons specifically exempt by KRS 243.360(1).~~
- ~~(2) Any person desiring to obtain a license required by this chapter shall make application therefor to the City Manager or his designee, which application shall state the name and residence of the applicant, ~~and~~ the exact street address within the city where alcoholic beverages are to be sold or dispensed, and all other information required under KRS 243.390 and any administrative regulation(s) promulgated by the Board.~~
- ~~(3) City licensing fees will be collected at the time which the application is approved by the state Board.~~

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SECTION 7. That Section 6-33, “Issuance; standards,” is hereby amended and restated to read as follows:

Sec. 6-33. - Issuance; standards.

All licenses required by this chapter shall be approved and issued or denied at the order and direction of the City Manager or his designee when, in his or her sound discretion, all of the information necessary has been obtained or the applicant has refused to provide requested information. If the thirty (30) day period in which a protest is permissible has expired and by the City Treasurer at the order and direction of the City Manager or his designee. ~~If, in the judgment of the City Manager, the applicant for a license under this chapter has complied with all requirements of the state alcoholic beverage control laws, as well as the regulatory provisions and standards of this chapter, the license shall be approved issued.~~ In such case, the City Manager or his designee shall direct the City Treasurer to prepare and issue the license to the applicant upon payment to the Treasurer of the fee required by this chapter.

The standards for the issuance and renewal of all licenses required by this chapter shall be as follows:

- (1) The applicant has complied with all requirements of the state alcoholic beverage control laws.
- (2) The applicant has complied with all regulatory provisions and standards of this chapter.
- (3) The applicant has been issued an occupational business license and has paid all fees and taxes as required by same.
- (4) The applicant has been issued all permits required by state law to operate the applicant's business on the licensed premises and, if applicable, has provided a copy of the applicant's permit issued pursuant to KRS ch. 219.
- (5) The applicant has paid all fees and taxes as required under chapter 106 of this Code.
- (6) The applicant has paid all city ad valorem taxes which are due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.
- (7) If applicable, the applicant has paid all transient room taxes required by KRS 142.400 and has provided proof of such payment.
- (8) The applicant has paid all fees as required under this chapter.
- (9) The applicant has paid all city property maintenance liens due and payable against the real property upon which the applicant's business is to be located and where alcoholic beverages are to be sold or dispensed.
- (10) The applicant has read and executed the form entitled "City of Paducah—Acknowledgement by ABC Applicant."

SECTION 8. That Section 6-34, "Denial," is hereby amended and restated to read as follows:

Sec. 6-34. - Denial/Refusal.

- (a) The City Manager or his designee shall ~~deny/refuse to issue~~ a license applied for under this chapter if the applicant therefor and the premises for which the same is sought do not fully comply with all of the terms and provisions of the state alcoholic beverage control laws, the rules and regulations of the state Alcoholic Beverage Control Board and the provisions of this chapter, or if the applicant has done any act for which a revocation of such license would be authorized under the state statutes or under this chapter.
- (b) When a license is ~~denied/refused~~ under the provisions of this section, the City Manager shall comply with all of the rules of procedure governing the rights of the parties involved as set out in KRS ch. 243.
- (c) If the payment of a license fee was erroneously made or the City Manager ~~denies/refuses to issue~~ the license, the City Manager shall authorize the refund of the amount paid, if ~~the time permitted to file an appeal at the expiration of ten days no appeal has been filed~~ under section 6-3 of this chapter ~~has expired~~. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.

SECTION 9. That Section 6-40, "License types and fees," is hereby amended and restated to read as follows:

Sec. 6-40. - License types and fees.

The City shall issue the following alcoholic beverage licenses and collect the corresponding fees. All fees due to the city will be collected at the time the application is approved by the state Alcoholic Beverage Control Board.

- (1) ~~Distilled spirit licenses as set forth in KRS 243.030:~~
 - (2) ~~i. Distillers that produce more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class A.~~
 - a4. Class A, per annum\$3,000.00
 - i. Rectifiers that rectify more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class A.
 - b2. Class B (craft rectifier), per annum\$960.00
 - i. Rectifiers that rectify fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class B (craft rectifier).
 - (3) ~~e. Wholesaler's distilled spirits and wine license, per annum\$3,000.00~~
 - (4) ~~d. Quota retail package license, per annum\$1,000.00~~
 - (52) Quota retail drink license, per annum\$1,000.00
 - (63) Special temporary license, per event \$165.00
 - (74) Nonquota type 1 retail drink license, per annum\$2,000.00
 - a. Nonquota type 1 (also known as "NQ-1") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-1 licenses may be issued to incorporate the following former license types:
 - 1. Convention centers; ~~license.~~
 - 2. Horse tracks; ~~license.~~
 - 3. Automobile race tracks; ~~license.~~
 - 4. Air/rail systems; ~~license.~~
 - (85) Nonquota type 2 retail drink license, per annum \$1,000.00
 - a. Nonquota type 2 (also known as "NQ-2") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-2 licenses may be issued to incorporate the following former license types:
 - 1. Restaurants; ~~drink license.~~
 - 2. Motels; ~~drink license.~~
 - 3. Airports; ~~Restaurant wine license.~~

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- 4. ~~Riverboats, Airport drink license.~~
- 5. ~~Distillers, Riverboat license.~~
- (96) Nonquota type 3 retail drink license, per annum\$300.00
 - a. Nonquota type 3 (also known as "NQ-3") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. An NQ-3 retail drink license may be issued to:
 - 1. A private club in existence for longer than one year prior to the license application;
 - 2. A bed and breakfast; or
 - 3. ~~A distiller.~~
- (107) Special temporary alcoholic beverage auction license, per event~~\$100.00~~200.00
- (118) Special Sunday retail drink license, per annum \$300.00
 - a. Licensees that are authorized to sell distilled spirits and wine by the drink must also obtain a special Sunday retail drink license to authorize these sales on Sundays.
- (129) Extended hours supplemental license, per annum\$300.00
- (134) Caterer's license, per annum\$800.00
- (144) Bottling house or bottling house storage license, per annum\$1,000.00
- (154) ~~Malt beverage licenses as follows:~~
 - (16) ~~b.~~ Microbrewery license, per annum\$500.00
 - (17) ~~e.~~ Malt beverage distributor's license, per annum\$400.00
 - (18) ~~d.~~ Nonquota retail malt beverage package license, per annum\$200.00
 - (19) ~~e.~~ Nonquota type 4 retail malt beverage drink license, per annum\$200.00
 - 1. ~~A nonquota type 4 (also known as "NQ-4") permits malt beverage drink sales only on the premises.~~
- (21) The fee for each of the first five supplemental bar licenses shall be same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.
- (22) The holder of a nonquota retail malt beverage package license may obtain a nonquota type 4 malt beverage drink license for a fee of \$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 \$50.00.
- (23) The activities permitted by the above licenses are defined in KRS ch. 243, which is incorporated herein as if set out in full. Nonprofit organizations are exempted from license fees required by a special temporary license above.

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SECTION 10. SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. COMPLIANCE WITH OPEN MEETINGS LAWS. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 12. CONFLICTS. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

MAYOR

ATTEST:

CITY CLERK

Introduced by the Board of Commissioners, September 12, 2017

Adopted by the Board of Commissioners, September 26, 2017

Recorded by City Clerk, September 26, 2017

Published by *The Paducah Sun*, September 29, 2017

ORDINANCE NO. 2016-9-8414

AN ORDINANCE AMENDING CHAPTER 6, SECTIONS 6-4, 6-7, 6-9, 6-31, 6-35, AND 6-40 OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

WHEREAS, this Ordinance amends Chapter 6, Sections 6-4, 6-7, 6-9, 6-31, 6-35, and 6-40 of the *Code of Ordinances of the City of Paducah, Kentucky*, which regulate licenses to sell or manufacture alcoholic beverages; and

WHEREAS, this Ordinance is being enacted pursuant to the passage of Senate Bill 11 during the 2016 Regular Session of the General Assembly of the Commonwealth of Kentucky to conform with amendments to Chapters 241-244 of the Kentucky Revised Statutes regarding rectifier's licenses, special temporary alcoholic beverage auction licenses, and alcoholic beverage server training;

WHEREAS, this Ordinance is being enacted to modify the times during which alcoholic beverages are permitted to be sold on Sunday;

WHEREAS, this Ordinance is being enacted to permit Sunday sales of alcoholic beverages by the drink for athletic facilities holding a Quota Retail Drink license, by the drink for licensed distilleries that also hold a Nonquota type 3 license, and in souvenir packages for all licensed distilleries;

WHEREAS, this Ordinance is being enacted to require wholesalers and distributors to verify that retailers hold a valid local license prior to selling them alcoholic beverages.

NOW THEREFORE be it ordained by the City Commission of the City of Paducah as follows:

SECTION 1. That Section 6-4, "Permissible operating hours," is hereby amended and restated to read as follows:

Sec. 6-4. Permissible operating hours.

- (a) Package sales and on-premises consumption hours generally. Except as otherwise provided under this section, the lawful operating hours for licensed retail premises under this article for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall only be permitted for each day of Monday through Saturday, and shall be limited to the following periods of time:

License	Opening Hour	Closing Hour
Package sales:		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
On-premises consumption:		
Malt beverages/beer	6:00 a.m.	3:00 a.m. following day
Distilled spirits	6:00 a.m.	3:00 a.m. following day

- (b) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees engaged in regular and ordinary post-closing activities may be on the premises during the closed hours, provided that the licensee has complied with subsection (c) below.

ADOPTED

ORDINANCE NO. 2013-12-8105

AN ORDINANCE AMENDING CHAPTER 6, ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH, KENTUCKY

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That the City of Paducah hereby amends Section 6-4, Operating Hours for Retail Premises, of the Chapter 6, Alcoholic Beverages of the Code of Ordinances of the City of Paducah, Kentucky, to be read as follows:

Section 6-4. Operating hours for retail premises.

- (a) Except as otherwise provided under this Section, the lawful operating hours for licensed retail premises under this Article for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall only be permitted for each day of Monday through Saturday, and shall be limited to the following periods of time:

License	Opening Hour	Closing Hour
Package sales:		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
On-premises consumption:		
Malt beverages/beer	6:00 a.m.	3:00 a.m. following day
Distilled spirits	6:00 a.m.	3:00 a.m. following day

- (b) Package sales are prohibited on Sundays.
- (c) The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 1:00 p.m. until 10:00 p.m. for hotels, motels, and restaurants holding a Nonquota 2 license, as defined herein, for the retail sale of distilled spirits, wine and/or malt beverages by the drink; provided such hotel, motel, and restaurant satisfy the following conditions:
 - (1) The dining facility of the hotel, motel, and restaurant has a minimum seating capacity of 100 people at tables;
 - (2) At least 50 percent or more of the gross annual income from the dining facilities are received from the sale of food; and
 - (3) The licensee shall apply for and receive a Sunday sales license and pay the applicable Sunday sales license fee.

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- (d) In the event that New Year's Eve falls on a Sunday, licensees holding a Nonquota 1, Nonquota 2, Nonquota 3, and/or Nonquota 4 license shall have the right to sell distilled spirits, wine, and/or malt beverages by the drink, for which they hold a license, on such Sundays from 1:00 p.m. until 3:00 a.m. the following day.
- (e) ~~All alcohol sales are prohibited during the hours the polls are open for a primary, regular, school, or special election.~~
- (f) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees engaged in regular and ordinary post-closing activities may be on the premises during the closed hours, provided that the licensee has complied with subsection (g) below.
- (g) If a 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 a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

SECTION 2. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.

MAYOR

ATTEST:

Tammara S. Sanderson, City Clerk

Introduced by the Board of Commissioners, November 26, 2013
Adopted by the Board of Commissioners, December 10, 2013
Recorded by Tammara S. Sanderson, City Clerk, December 10, 2013
Published by The Paducah Sun, _____
\ord\6-4 operating hours 12-2013

ORDINANCE NO. 2013-11-8095

**AN ORDINANCE ABOLISHING CHAPTER 6,
ALCOHOLIC BEVERAGES, AND ESTABLISHING
A NEW CHAPTER 6, ALCOHOLIC BEVERAGES,
OF THE CODE OF ORDINANCES OF THE
CITY OF PADUCAH, KENTUCKY**

WHEREAS, the City of Paducah (hereinafter "City" or "City of Paducah") permits the presence of alcohol manufacturing and sales within its corporate limits so long as such is done in accordance with all state and federal laws and local ordinances; and

WHEREAS, the City periodically reviews the adequacy of the local regulations and requirements of the sale and manufacture of alcoholic beverages according to the exigencies of the City and as necessary for compliance with state licensing and regulatory requirements and pursuant to the authorization under KRS Chapters 241 through 244; and

WHEREAS, the Board of Commissioners of the City of Paducah now desires to adjust the City's regulations and requirements related to the sale, manufacture, and distribution of alcoholic beverages in order to comply with applicable state laws; and

WHEREAS, this Ordinance will repeal and supersede the following ordinances: Chapter 6, Article I, Section 6-1 through Section 6-9, and Chapter 6, Article II, Section 6-31 through Section 6-40; and

WHEREAS, this Ordinance will establish a new Chapter 6, Article I, Section 6-1 through Section 6-9, and Chapter 6, Article II, Section 6-31 through Section 6-43, to be made effective as referenced herein;

NOW THEREFORE, be it ordained by the City Commission of the City of Paducah as follows:

ARTICLE I

Section 6-1. Definitions and General Provisions.

(a) For the purpose of this Chapter words and phrases shall have the same meanings as those set out in the Kentucky Alcoholic Beverage Control laws (KRS Chapter 241 through 244) of the Commonwealth of Kentucky and all amendments and supplements thereto, unless the context indicates the contrary. Specific definitions relevant to the understanding of this Chapter are as follows:

Alcoholic Beverage Control Laws. KRS chs. 241—244.

Board. The State Alcoholic Beverage Control Board established by KRS 241.030.

Restaurant. A facility where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and beverage receipts from the sale of food. KRS 241.010.

(b) This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this Chapter shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance of the City, or of any statutes of the Commonwealth relating to violations pertaining to alcoholic beverages.

(c) Pursuant to this Ordinance, licensees shall be permitted to sell only such type of alcoholic beverage for which the licensee holds a license.

Section 6-2. Alcoholic Beverage Administrator.

- (a) The City Manager is hereby assigned the duties of the Office of the City Alcoholic Beverage Administrator and shall have full and complete charge of the administration and enforcement of all ordinances of the City relating to the granting of licenses for selling, dispensing, manufacturing and dealing in malt beverages within the city and regulating the business of selling whiskey, wine, beer, and other alcoholic and malt beverages at retail and at wholesale within the City. The functions, powers, and duties of the City Manager shall be the same, with respect to city licenses and regulations, as the functions, powers, and duties of the state Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no regulation adopted by the City Manager may be less stringent than the regulations of the Board, and all regulations of the City Manager shall be approved by the Board prior to becoming effective. The City Manager may designate his duties as Alcoholic Beverage Administrator as he or she deems necessary. (Code 1968, § 3-2)
- (b) Before entering upon his duties as such, the City Manager shall take the oath prescribed and execute a bond, with corporate surety approved by the Finance Director, in the penal sum of \$1,000.00 for the faithful performance of his duties and a satisfactory accounting of all money received and disbursed by him. The cost of the bond shall be borne by the city. (Code 1968, § 3-4)

Section 6-3. Appeals.

Appeals from orders of the City Manager may be taken to the state Alcoholic Beverage Control Board as provided in KRS 241.200.

Section 6-4. Operating hours for retail premises.

- (a) Except as otherwise provided under this Section, the lawful operating hours for licensed retail premises under this Article for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall only be permitted for each day of Monday through Saturday, and shall be limited to the following periods of time:

License	Opening Hour	Closing Hour
Package sales:		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
On-premises consumption:		
Malt beverages/beer	6:00 a.m.	3:00 a.m. following day
Distilled spirits	6:00 a.m.	3:00 a.m. following day

- (b) Package sales are prohibited on Sundays.
- (c) The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 1:00 p.m. until 10:00 p.m. for hotels, motels, and restaurants holding a Nonquota 2 license, as defined herein, for the retail sale of distilled spirits, wine and/or malt beverages by the drink; provided such hotel, motel, and restaurant satisfy the following conditions:
- (1) The dining facility of the hotel, motel, and restaurant has a minimum seating capacity of 100 people at tables;

- (2) At least 50 percent or more of the gross annual income from the dining facilities are received from the sale of food; and
- (3) The licensee shall apply for and receive a Sunday sales license and pay the applicable Sunday sales license fee.
- (d) In the event that New Year's Eve falls on a Sunday, licensees holding a Nonquota 1, Nonquota 2, Nonquota 3, and/or Nonquota 4 license shall have the right to sell distilled spirits, wine, and/or malt beverages by the drink, for which they hold a license, on such Sundays from 1:00 p.m. until 3:00 a.m. the following day.
- (e) All alcohol sales are prohibited during the hours the polls are open for a primary, regular, school, or special election.
- (f) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees engaged in regular and ordinary post-closing activities may be on the premises during the closed hours, provided that the licensee has complied with subsection (g) below.
- (g) If a 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 a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

Section 6-5. Underage persons prohibited on premises licensed for on-premises consumption; exceptions.

- (a) No person holding any license for on-premises consumption of distilled spirits, wine, malt beverages or beer shall permit any person under the age of 21 years on the licensed premises except a person who is working on the premises either as an employee or an independent contractor.
- (b) No person under the age of 21 years shall enter premises licensed for on-premises consumption of distilled spirits, wine, malt beverages or beer, nor shall a person under the age of 21 years attempt to enter or use a fraudulent I.D. for the purposes of entering licensed premises for on-premises consumption of distilled spirits, wine, malt beverages or beer, except that a person who is working on the premises, either as an employee or an independent contractor, may enter and remain on said premises while they are working, and at no other time.
- (c) The prohibition set out in subsections (a) and (b) above shall not apply to licensed premises:
 - (1) Which receive 50 percent or more of their gross annual income from sale of food and have a minimum seating capacity of 100 people at tables; or
 - (2) Which are licensed for the sale of malt beverages or beer, and the licensee on said premises does not allow any on-premises consumption of alcoholic beverages.
- (d) Violation of this section shall subject the licensee, the manager of the licensed premises, and the person under 21 years of age to the penalties provided in Section 6-6.

Section 6-6. Offenses by minors.

- (a) It shall be unlawful for any parent or guardian to intentionally permit his minor child or ward to violate any provision of this chapter. (Code 1968, § 3-65)
- (b) It shall be the duty of every person holding a license for on-premises consumption of distilled spirits, wine, malt beverages, beer, except those exempted by Section

6-5(c), under this Chapter to display at all times, in a prominent place at the entrance of the licensed premises, a printed card which shall read substantially as follows:

WARNING TO PERSONS UNDER 21

You are subject to a fine up to \$500.00 and/or imprisonment of 12 months in jail under the ordinance of the City of Paducah, Kentucky, if you are under 21 years of age and enter premises where alcoholic beverages are sold, or if you are under 21 years of age and purchase alcoholic beverages or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages.
(Code 1968, § 3-66)

- (c) Nothing in this Chapter shall excuse or release the owner, proprietor, employee or person in charge of any licensed premises in the city, where alcoholic beverages are sold, from the restrictions, requirements and penalties of other provisions of this chapter, or of any statutes of the state relating to violations pertaining to alcoholic beverages. (Code 1968, § 3-67)

Section 6-7. Regulation of special temporary licenses.

The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 1:00 p.m. until 10:00 p.m. for licensees holding a special temporary license issued pursuant to KRS ch. 243 and Section 6-40 of the Code of Ordinances of the City of Paducah. Provided, however, the licensee shall only be permitted to sell such type of alcoholic beverage for which it is licensed and shall comply with all restrictions otherwise placed on said license.

Section 6-8. Penalties.

Whoever violates any provision of this Chapter for which another penalty is not already otherwise provided shall be guilty of a misdemeanor and shall, upon conviction, be subject to a fine of not more than \$500.00, or imprisonment for not more than 30 days, or both, for each offense.

Section 6-9. Alcoholic beverage server training.

- (a) All persons employed to sell alcoholic beverages by the drink, those participating in the selling and serving of or taking order for alcoholic beverages, shall complete a city-approved responsible beverage training program. For such a program to be approved by the City, it must effectively train participants in the identification of false documents, recognition of intoxication and liability issues. The City 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 section.
- (b) All license holders employing persons required to complete training under paragraph (a) above, shall be responsible for all employees completing their training within 90 days of April 24, 2012. Following the 90-day grace period for compliance, any new employees shall have the required training within 60 days after employment. All persons completing the training required by this section shall be re-certified in responsible beverage service training by a city-approved program not less than once every three years thereafter. Records must be maintained on site verifying employment history and training.

Sections 6-10 through 6-30. Reserved.

ARTICLE II. LICENSES TO SELL OR MANUFACTURE

Section 6-31. License Required.

No person shall sell or dispense at retail or wholesale, or have in his possession for sale, any distilled spirits, wine, malt beverages or beer, or manufacture the same in the

City, unless he shall first procure and have issued to him a license under the provisions of this Chapter.

Section 6-32. Application.

Any person desiring to obtain a license required by this Chapter shall make application therefor to the City Manager or his designee, which application shall state the name and residence of the applicant and the exact street address within the City where alcoholic beverages are to be sold or dispensed. City licensing fees will be collected at the time which the application is approved by the state Board.

Section 6-33. Issuance; standards.

All licenses required by this Chapter shall be issued by the City Treasurer at the order and direction of the City Manager or his designee. If, in the judgment of the City Manager, the applicant for a license under this Chapter has complied with all requirements of the state alcoholic beverage control laws, as well as the regulatory provisions and standards of this Chapter, the license shall be issued. In such case, the City Manager or his designee shall direct the City Treasurer to prepare and issue the license to the applicant upon payment to the Treasurer of the fee required by this Chapter.

The standards for the issuance and renewal of all licenses required by this chapter shall be as follows:

- (1) The applicant has complied with all requirements of the state alcoholic control laws.
- (2) The applicant has complied with all regulatory provisions and standards of this Chapter.
- (3) The applicant has been issued an occupational business license and has paid all fees and taxes as required by same.
- (4) The applicant has paid all fees and taxes as required under Chapter 106 of this Code.
- (5) The applicant has paid all city ad valorem taxes which are due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.
- (6) The applicant has paid all fees as required under this Chapter.
- (7) The applicant has paid all city property maintenance liens due and payable against the real property upon which the applicant's business is to be located and where alcoholic beverages are to be sold or dispensed.

Section 6-34. Refusal.

- (a) The City Manager or his designee shall refuse to issue a license applied for under this Chapter if the applicant therefor and the premises for which the same is sought do not fully comply with all of the terms and provisions of the state alcoholic beverage control laws, the rules and regulations of the state Alcoholic Beverage Control Board and the provisions of this Chapter, or if the applicant has done any act for which a revocation of such license would be authorized under the state statutes or under this Chapter.
- (b) When a license is refused under the provisions of this Section, the City Manager shall comply with all of the rules of procedure governing the rights of the parties involved as set out in KRS ch. 243.
- (c) If the payment of a license fee was erroneously made or the City Manager refuses to issue the license, the City Manager shall authorize the refund of the amount

paid, if at the expiration of ten days no appeal has been filed under Section 6-3 of this Chapter. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.

Section 6-35. Revocation; suspension.

- (a) At any time after a license has been issued under the provisions of this Chapter, the same shall be revoked by the City Manager or his designee, if the alcoholic beverage license issued by the state is revoked.
- (b) The City Manager may, in his discretion, order a suspension of the license for any cause which he may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500 or refuse to issue or renew a license under Section 6-34 or Section 6-37 of this Chapter; provided, however, the licensee may have the option, subject to the approval of the City Manager, to pay in lieu of part or all of the days of any suspension period, a sum as follows:
 - (1) Distillers, rectifiers, brewers and licensees, per day: \$1,000.00
 - (2) Wholesale liquor licensees, per day: \$400.00
 - (3) Wholesale beer licensees, per day: \$400.00
 - (4) Quota Retail drink liquor licensees, per day: \$50.00
 - (5) Quota Retail package liquor licensees, per day: \$50.00
 - (6) Nonquota Retail beer licensees, per day: \$25.00
 - (7) Nonquota 2 licensees holding a Special Sunday retail drink license, per day: \$150.00
 - (8) All remaining licensees, per day: \$10.00
- (c) Payments in lieu of suspension collected by the City Manager shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.
- (d) Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in KRS 243.550—243.590.
- (d) The City Manager, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license under this Section. Revocation or suspension shall be had only upon five days' notice to the licensee, and an opportunity shall be given to him to be heard. All such hearings shall be before the City Manager.

Section 6-36. Term of License.

A license required by this Chapter shall be issued for annual periods from February 1 in each year. If the applicant shall apply for a license to engage in any business authorized by this Chapter for a portion of any annual period, he shall pay the entire annual license fee for such privilege, in the event the application is made in the period from February 1 through July 31. In the event the application is made in the period of August 1 through January 31, the applicant shall only be required to pay one-half of the annual license fee.

Applicants that hold multiple licenses throughout the state and have been prior identified in the state ABC system as a "batch" licensee, shall be issued a license for an annual period from September 1 in each year, in order to correspond their local license expiration month with their state license expiration month. Such applicants, which apply for a license to engage in any business authorized by this Chapter for a portion of any annual period, shall pay the entire annual license fee for such privilege, in the event the

application is made in the period from September 1 through January 31. In the event the application is made in the period of February 1 through August 31, the applicant shall only be required to pay one-half of the annual license fee. The July batch license fees are merged with the August batch license fees.

Section 6-37. Renewal.

(a) Renewal license shall be issued under this Chapter in the same manner as original licenses (see Section 6-33), with respect as to application therefore, standards for same and the execution of the required bond.

(b) Penalties:

(1) Any licensee who fails to file for renewal or pay the license fees on or before the time prescribed in the notice to renew from the state's Department of Alcoholic Beverage Control shall be subject to a penalty in amount equal to five percent of the license taxes due for each calendar month or fraction thereof. Provided, however, the total penalty levied pursuant to this subsection shall not exceed 25 percent of the total license fees due nor shall it be less than \$25.00.

(2) In addition to the penalty described above, the licensee shall also pay, as part of the license fees, an amount equal to 12 percent per annum simple interest on any unpaid license fees which were due until the license fees are finally paid to the city. A fraction of a month is counted as an entire month.

(3) Every license fee imposed under this Article, together with any penalties and interest which are assessed in relation thereto, shall become a personal debt of the person who is liable for same as defined under this article, from and after the date that the license fees were to be paid to the City. The City shall have the right to enforce the collection of the license fees, and all related penalties and interest, by a civil action in a court of competent jurisdiction. To the extent authorized by law, the City shall be entitled to recover all court costs and reasonable attorney fees incurred by it in enforcing any provision of this Article.

Section 6-38. Business authorized only at place described.

No license issued under this Chapter shall authorize the carrying on and conduct of business in any other place than that specifically described in the license.

Section 6-39. Disposition of funds.

All money derived under the provisions of this Chapter shall be paid into the Treasury of the City and become a part of the general funds of the City.

Section 6-40. License Types and Fees.

All fees due to the City will be collected at the time the application is approved by the State Alcoholic Beverage Control Board.

- (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. Wholesaler's distilled spirits and wine license, per annum: \$3,000.00
 - d. Quota retail package license, per annum: \$1,000.00
- (2) Quota retail drink license, per annum: \$1,000.00
- (3) Special temporary license, per event: \$165.00
- (4) Non quota type 1 retail drink license, per annum: \$2,000.00

- a. Nonquota type 1 (also known as "NQ-1") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-1 licenses incorporate the following former license types:
 - a. Convention Center license
 - b. Horse Track license
 - c. Automobile Race Track license
 - d. Air/Rail System license
- (5) Nonquota type 2 retail drink license, per annum: \$1,000.00
- a. Nonquota type 2 (also known as "NQ-2") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-2 licenses incorporate the following former license types:
 - a. Restaurant drink license
 - b. Motel Drink license
 - c. Restaurant Wine license
 - d. Airport Drink license
 - e. Riverboat license
- (6) Nonquota type 3 retail drink license, per annum: \$300.00
- a. Nonquota type 3 (also known as "NQ-3") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-3 licenses incorporate the following former license type:
 - a. Special Private Club license
 - d. A NQ-3 qualifying as a special private club may not hold a nonquota retail malt beverage package license.
- (7) Distilled spirits and wine special temporary auction license, per event: \$200.00
- (8) Special Sunday retail drink license, per annum: \$300.00
- (9) Caterer's license, per annum: \$800.00
- (10) Bottling house or bottling house storage license, per annum: \$1,000.00
- (11) 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. Nonquota retail malt beverage package license, per annum: \$200.00
 - a. A nonquota retail malt beverage package license permits malt beverage package sales only for consumption off the premises.
 - e. Nonquota type 4 retail malt beverage drink license, per annum: \$200.00
 - a. A nonquota type 4 (also known as "NQ-4") permits malt beverage drink sales only on the premises.
 - f. Malt beverage brew- on- premises, per annum: \$100.00
- (12) The fee for each of the first five (5) supplemental bar licenses shall be same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

- a. A supplemental bar license authorizes the licensee to sell and serve distilled spirits and wine by the drink at retail from an additional bar location other than the main bar.

(13) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). 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)

(14) The activities permitted by the above licenses are defined in KRS Chapter 243, which is incorporated herein as set out in full. Nonprofit organizations are exempted from license fees required by a special temporary license above.

Section 6-41. Severability.

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 6-42. Effective Date.

This ordinance shall be read on two separate days, published pursuant to KRS Chapter 424, and become effective on November 12, 2013.

Section 6-43. Repeal of Ordinances.

Upon the publication and on the effective date of this ordinance, the following ordinance shall be repealed in their entirety and superseded with this Ordinance: Chapter 6, Article I, Section 6-1 through Section 6-9, and Chapter 6, Article II, Section 6-31 through Section 6-40.

[Signatures to follow on next page.]

Gayle Kales
MAYOR

ATTEST:

Jammara S. Soderman
CITY CLERK

Introduced by the Board of Commissioners October 22, 2013
Adopted by the Board of Commissioners November 5, 2013
Recorded by City Clerk, November 5, 2013
Published by *The Paducah Sun* November 12, 2013
6-abolish & revise

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ORDINANCE NO. 2012-4-7915

AN ORDINANCE AMENDING CHAPTER 6, "ALCOHOLIC BEVERAGES", OF THE CODE OF ORDINANCES OF THE CITY OF PADUCAH

BE IT ORDAINED BY THE CITY OF PADUCAH, KENTUCKY:

SECTION 1. That Chapter 6, "Alcoholic Beverages," of the Code of Ordinances of the City of Paducah, is hereby amended to create a section for mandating alcoholic beverage server training to read as follows:

(A) All persons employed to sell alcoholic beverages by the drink, those participating in the selling and serving of or taking order for alcoholic beverages, shall complete a City-approved responsible beverage training program. For such a program to be approved by the City, it must effectively train participants in the identification of false documents, recognition of intoxication and liability issues. The City 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 ordinance.

(B) All license holders employing persons required to complete training under paragraph (A) above, shall be responsible for all employees completing their training within ninety (90) days of the adoption of this ordinance. Following the 90-day grace period for compliance, any new employees shall have the required training within sixty (60) days after employment. All persons completing the training required by this section shall be re-certified in responsible beverage service training by a City-approved program not less than once every three years thereafter. Records must be maintained on site verifying employment history and training.

SECTION 2. All prior ordinances or parts thereof, in conflict with the provisions of this ordinance, are to the extent of any such conflict, hereby repealed.

SECTION 3. This ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS 424.

Mayor

ATTEST:

Tammara S. Brock, City Clerk

Introduced by the Board of Commissioners, April 10, 2012
Adopted by the Board of Commissioners, April 24, 2012
Recorded by Tammara S. Brock, City Clerk, April 24, 2012
Published by *The Paducah Sun*, _____
Ord\6-alcoholic beverages-server training

RECEIVED
ALCOHOLIC
BEVERAGE CONTROL

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