

**CHAPTER 111: ALCOHOLIC BEVERAGE CONTROL CODE**

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***Cross-reference:***

*Consumption of alcoholic beverages by minors, see §§ 130.20 through 130.22*

**§ 111.01 ADOPTION.**

This chapter shall be known and may be referred to as the "Alcoholic Beverage Control Code." So much of KRS Ch. 241, 242, 243, and 244 and all acts in amendment relating to the manufacture, sale, transportation, possession, and control of alcoholic beverages applicable to cities of the fourth class are adopted as a part of this chapter. The definitions set forth in KRS 241.010 are adopted as the meanings of the words used herein unless otherwise indicated.

(1993 Code, § 60.01)

**§ 111.02 PROCEDURE.**

(A) *Generally.* Any person desiring to traffic in alcoholic beverages within the city must, at least 30 days prior to the date on which he or she desires a license to be issued, take the following steps.

(B) *Steps.*

(1) He or she must make a written verified application to the city for a license. The application shall contain the name, age, and address of each applicant and each person interested or to become interested in the business for which the license is sought. If the applicant is a corporation, the name, address, and age of each officer, director, and managerial employee are required.

(2) He or she must present satisfactory evidence with the application of good moral character. Full compliance with the pertinent statutory regulations of the Alcoholic Beverage Control Act is mandatory.

(3) He or she must submit with the application a certified check or cash in a sufficient amount to cover the fee for the particular kind of license sought in accordance with the schedule of fees established. It is understood and agreed by the city that the check or cash shall be returned to the applicant if the application is not approved.

(1993 Code, § 60.02)

**§ 111.03 PERMISSION.**

If the application is an original one, i.e., any application other than for a renewal of a pre-existing license, the applicant shall file with the application a statement signed by at least 75% of the owners of property within a 500-foot radius from the site where the applicant intends to establish his or her place of business. The statement shall declare that the signers, as property owners, have no objection to the establishment of the business.

(1993 Code, § 60.03) (Ord. 91-08, passed 6-19-1991)

**§ 111.04 INELIGIBILITY.**

(A) The City Council reserves the right to approve or reject any application for any license hereinafter specified.

(B) However, no person shall become a licensee under the terms of this chapter who falls within one of the following categories.

(1) He or she has been convicted of a felony, misdemeanor, or any offense directly or indirectly attributable to the use of intoxicating liquors within two years next prior to the date of the application.

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(2) He or she is under the age of 21 years.

(3) He or she is not a citizen of the United States.

(4) He or she has had any license issued under this chapter or any license issued under any act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any provision of this chapter or any other act or ordinance until the expiration of two years from the date of the revocation or conviction.

(5) He or she is a partner or affiliated with a corporation unless each member of the partnership or each principal officer of the corporation could have himself or herself obtained and can now obtain a license individually.

(1993 Code, § 60.04)

**§ 111.05 ISSUANCE.**

If the application is approved by the City Council, it shall direct the Alcoholic Beverage Control Administrator immediately to issue a license to the applicant. The Alcoholic Beverage Control Administrator shall issue the appropriate license in the form approved by the State Alcoholic Beverage Control Board.

(1993 Code, § 60.05)

**§ 111.06 POSTING.**

After the issuance of the license and prior to the commencement of business, the licensee shall post the license in a conspicuous place in his or her establishment and, during the entire life of the license, shall keep it posted and displayed in a conspicuous place in the principal room in which the business is carried on.

(1993 Code, § 60.06) Penalty, see § 111.99

**§ 111.07 REVOCATION.**

(A) *Generally.* Any license issued may be revoked by the issuing authority for any of the following reasons.

(B) *Reasons.*

(1) Any violation of any provision of this chapter or revocation of the state license of the licensee by the State Alcoholic Beverage Control Board for any reason may be grounds for revocation.

(2) The conviction of the licensee, his or her agent, or any employee of the licensee for selling any illegal beverage on the premises licensed may be grounds for revocation.



(3) The making of any false material statement in an application for a license may be grounds for revocation.

(4) The transferral, assignment, pledge, deposit, or hypothecation of a license; the payment for the license of another; or the permitting of another to pay for one's own license may be grounds for revocation.

(5) The sale or agreement to sell alcoholic beverages to a wholesaler, retailer, or any person for resale who is not licensed to do so at that time may be grounds for revocation.

(6) The willful or deliberate failure or default to pay an excise tax, any part thereof, or any penalty imposed by or under the statute, ordinance, or act of Congress relative to taxation or for a violation of any rule or regulation of the State Department of Revenue made in pursuance thereof may be grounds for revocation.

(1993 Code, § 60.07) Penalty, see § 111.99

#### § 111.08 NONREFUNDABILITY.

If any license is revoked for reason of neglect or failure of the licensee to observe and perform all rules imposed upon him or her, for personal conduct, or for the manner of conducting his or her place business, the licensee shall not be entitled to any proportionate refund of the license fee.

(1993 Code, § 60.08) Penalty, see § 111.99

#### § 111.09 RESTRICTIONS.

(A) *Generally.* In granting any license, the following restrictions are imposed on the licensee, although the restrictions may not be incorporated in or printed on the face of the licensee.

(B) *Specifically.*

(1) No person, licensee, or any of his or her agents, servants, or employees shall purchase or agree to purchase any alcoholic beverage from another within or without the state who is not duly licensed to sell beverages to the particular purchasers at the time of the sale or the agreement to sell; nor shall he or she give an order for any beverage to any individual who is not a licensee as a special agent or solicitor, if the license is required.

(2) No person, licensee, or any of his or her agents, servants, or employees shall peddle alcoholic beverages from house to house by means of a truck or otherwise where the sale is consummated and delivery made concurrently at the residence or place of business of the consumer.

(3) No person, licensee, or any of his or her agents, servants, or employees shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverage at the residence or place of business of the consumer; nor shall he or she receive or accept any order

which has been solicited or received at the residence or place of business of the consumer, except for a licensee as a distributor.

(4) A license issued under this chapter shall not be transferable or assignable to any other person, premises, or part of the building containing the licensed premises without first obtaining the permission of the granting authority first, as provided in § 111.11(B). Permission, if granted, shall be endorsed on the face of the license by the Alcoholic Beverage Control Administrator. No license granted hereunder shall be pledged, hypothecated, or deposited as collateral security on any loan or upon any condition; and, if pledged, hypothecated, or deposited, the license shall be revoked.

(5) The license fee for every license issued under this chapter shall be payable by the person making the application for the license and to whom it is issued, and no other person shall pay for any license issued hereunder. In addition to all other penalties provided in this chapter, a violation of this division (B)(5) shall authorize and require the revocation of the license that was paid for by another and also the revocation of the license, if any, of the person paying for the license of another.

(6) No license enumerated below shall be granted for any premises which are located on the same street as and within 200 feet of a building occupied exclusively as a school, hospital, church, or other place of worship without the written permission of the governing authority of the institution.

(7) The hours of operation for businesses which have been granted a license for the sale of distilled spirits, wines, and/or cereal malt beverages shall be as follows:

(a) Cereal malt beverage any day 8:00 a.m. to 12:00 a.m. midnight;

(b) Distilled spirits and wines by the package Monday through Saturday 10:00 a.m. to 12:00 a.m. midnight. Sunday sales shall be 11:00 a.m. to 12:00 a.m. midnight. Special Sunday sale license required pursuant to § 111.11(A)(2); and

(c) Cereal and malt beverages, distilled spirits, and wines for consumption on the premises Monday through Saturday 8:00 a.m. to 2:00 a.m. the following day. Sunday 1:00 p.m. to 2:00 a.m. the following day. Special Sunday sale license required pursuant to § 111.11(A)(8).

(8) No person, licensee, or any of his or her agents, servants, or employees shall cause, suffer, or permit the licensed premises to be disorderly.

(9) No person, licensee, or any of his or her agents, servants, or employees shall sell, give away, or deliver any distilled spirits, wines, and/or cereal or malt beverage or procure or permit any distilled spirits, wines, and/or cereal or malt beverage to be sold, given away, or delivered to a minor, an intoxicated person, or any person apparently under the influence of liquor.



(10) Any distilled spirits licensee shall be permitted to have until one-half hour after the time set forth in ordinances designated for closing in which to clear the premises and parking lots of patrons of his or her business.

(1993 Code, § 60.09) (Ord. 90-04, passed 5-2-1990; Ord. 90-08, passed 7-18-1990; Ord. 05-01, passed 2-4-2005) Penalty, see § 111.99

#### § 111.10 TERM.

The term for a license issued pursuant to the provisions of this chapter shall commence on July 1 of each year and shall expire on midnight of June 30 of the following calendar year. The license shall be printed in the form prescribed and approved by the State Alcoholic Beverage Control Board, shall be issued by the City Alcoholic Beverage Control Administrator, and shall be signed by the City Alcoholic Beverage Control Administrator and countersigned by the Mayor. The fee thereof shall be collected by the Police Chief, if necessary.

(1993 Code, § 60.10)

#### § 111.11 TYPES AND FEES.

(A) The following are the types of licenses provided for the privilege of trafficking in alcoholic beverages within the city limits. Each licensee shall be printed on a form and be readily distinguishable from any other. The fee for each license shall be as herein indicated.

(1) The fee for a license to sell distilled spirits and wines at wholesale shall be \$500 per annum.

(2) The fee for a license to sell distilled spirits and wines at retail by the package for consumption off of the premises shall be \$200 per annum for sales Monday through Saturday. The fee for a license to sell distilled spirits and wines at retail by the package for consumption off of the premises on Sunday shall be \$300 per annum. Sunday sales shall not be permitted by any licensee unless the licensee is authorized to sell the distilled spirits and wines Monday through Saturday.

(3) The fee for a license to sell distilled spirits and wines at retail for consumption on the premises shall be \$400 per annum. In those instances in which this particular license has heretofore been issued to an applicant therefor, the licensee, upon application duly made, may have issued to him or her a license to sell within the city limits cereal or malt beverages, either draft or in containers, at retail for consumption on the premises for an additional license fee of \$25.

(4) The fee for a license to sell cereal or malt beverages at wholesale shall be \$200 per annum.

(5) The fee for a license to sell cereal or malt beverages, either draft or in containers, at retail for consumption on the premises and where no other license to sell distilled spirits and wines has been obtained shall be \$125 per annum.

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(6) The fee for a license to sell cereal or malt beverages at retail by the package for consumption off of the premises shall be \$100 per annum.

(7) The fee for a special temporary license for the purpose of divisions (A)(3) and (A)(5) above shall be one-sixth of a full year's fee for each month or part thereof for which the special temporary license is issued; however, in the case of a church, civic club, lodge, or other organization in which the entire proceeds of the enterprise go to a benevolent or religious purpose, a special temporary license may be issued for a nominal fee.

(8) Any person, firm, or corporation presently holding a license to sell distilled spirits, wines, cereal, and/or malt beverages at retail for consumption on the premises may apply for and receive a special Sunday retail drink license which shall permit the sales between 1:00 p.m. Sunday and 2:00 a.m. the following day. The fee for the license shall be \$150 per annum.

(B) A license issued hereunder may be transferred from one person to another or from one location to another, provided an application in writing on a form provided by the city is first filed in the manner and in accordance with § 111.02. No transfer shall be made or any application for a transfer acknowledged after either the applicant or the licensee has been charged with a violation of any provision of this chapter or any state law until the time as the charge has been finally disposed of. The fee for the transfer of any license shall be \$50.

(C) A special private club license may be issued to any known private, social, fraternal, military, or political organization or club which applies generally the net proceeds of its activities to a recognized charity or purpose and which has, for one year prior to the date of the application, maintained and operated a club room from the public is excluded. The special private club license shall authorize the licensee to exercise the privileges of a retail licensee of distilled spirits, wines, and/or cereal or malt beverages, either draft or in containers, at the designated premises. All restrictions or provisions applying to a licensee of distilled spirits, wines, and/or cereal or malt beverages shall apply to the special private club licensee. The fee for the special private club license shall be \$25 per annum. (1993 Code, § 60.11) (Ord. 05-02, passed 2-4-2005) Penalty, see § 111.99

**§ 111.12 REPLACEMENT.**

If the license is lost or destroyed without fault on the part of the licensee, upon due proof made to the City Council of the loss or destruction, a duplicate license may be issued to the licensee upon the order of the City Council directed to the Alcoholic Beverage Control Administrator. A charge of \$1 shall be made for the duplicate license.

(1993 Code, § 60.12)



**§ 111.13 DEPOSIT.**

All money received by the Alcoholic Beverage Control Administrator from the issuance of licenses shall be accounted for to the City Treasurer, and the latter shall place the funds in the City General Fund. (1993 Code, § 60.13)

**§ 111.14 DRINKING ON PARKING LOTS.**

Any person, firm, corporation, partnership, or joint venture which owns, operates, or controls any establishment where alcoholic beverages are served or provided shall prohibit the drinking of the beverages on any and all parking lots which are adjacent, adjoining, connect with, or used by the patrons of the aforementioned establishment. There is exempted from this provision any person, firm, corporation, partnership, or joint venture which holds a special temporary license, which license permits the operation of an outdoor festival if the festival is conducted no more than three consecutive days semiannually.

(1993 Code, § 60.14) Penalty, see § 111.99

**§ 111.15 REMOVAL OF ALCOHOLIC BEVERAGES.**

The owners, operators, or controllers of any establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any alcoholic beverage from inside the building to the outside of the building if the beverage is in an open container. There is exempted from this provision any person, firm, corporation, partnership, or joint venture which holds a special temporary license, which license permits the operation of an outdoor festival if the festival is conducted no more than three consecutive days semiannually.

(1993 Code, § 60.15) Penalty, see § 111.99

**§ 111.16 OPEN CONTAINERS.**

No person shall possess any alcoholic beverage in an open container in any outside public place, parking lot, or other outside public facility used by an establishment which serves or provides alcoholic beverages. There is exempted from this provision any individual who possesses alcoholic beverages in an open container in any outside public place, parking lot, or other outside public facility which is connected with or used in conjunction with a festival, the operator of which has obtained a special temporary license, which license permits the operation of the outdoor festival if the festival is conducted no more than three days semiannually.

(1993 Code, § 60.16) Penalty, see § 111.99



**§ 111.99 PENALTY.**

(A) Any person, firm, or corporation violating any provision of §§ 111.06 through 111.09 and 111.14 through 111.16 shall be fined in an amount of not more than \$50, imprisoned not more than 20 days, or both fined and imprisoned. Each violation of any separate clause shall constitute a separate offense.

(B) Any person, firm, or corporation selling distilled spirits, wines, and/or cereal or malt beverages, either draft or in containers, at retail for consumption on the premises or any person, firm, or corporation selling cereal or malt beverages at retail by the package for consumption off the premises on any Sunday without first having obtained the license required under §§ 111.11(A)(8) shall be fined in an amount of not more than \$100, imprisoned not more than 30 days, or both fined and imprisoned. Each Sunday of violation shall constitute a separate offense.

(1993 Code, § 60.99)

**CITY OF SOUTHGATE  
CAMPBELL COUNTY, KENTUCKY  
ORDINANCE NO. 13-07**

**AN ORDINANCE OF THE CITY OF SOUTHGATE, KENTUCKY,  
IN CAMPBELL COUNTY, AMENDING SECTION 111 OF THE  
SOUTHGATE CODE OF ORDINANCES REGARDING ALCOHOLIC  
BEVERAGE LICENSES.**

**BE IT ORDAINED BY THE CITY OF SOUTHGATE, CAMPBELL COUNTY,  
KENTUCKY:**

**SECTION 1**

The Code of Ordinances of the City of Southgate, Kentucky, Section 111 is amended as follows:

**§ 111.10 TERM**

The term for a license issued pursuant to the provisions of this chapter shall commence on December 1 of each year and shall expire at midnight on November 30 of the following calendar year. All licenses under this chapter issued for the period July 1, 2013 through June 30, 2014 shall be extended through November 30, 2014. The license shall be printed in the form prescribed and approved by the State Alcoholic Beverage Control Board, shall be issued and signed by the City Alcoholic Beverage Control Administrator, and countersigned by the Mayor. (1993 Code, § 60.10)

**§ 111.11 TYPES AND FEES**

(A) The following are the types of licenses provided for the privilege of trafficking in alcoholic beverages within the city limits. Each licensee shall be printed on a form and be readily distinguishable from any other. The fee for each license shall be as herein indicated.

(1) The fee for a Wholesaler license to sell distilled spirits, wines and/or cereal or malt beverages at wholesale shall be \$2060.00 per annum.

(2) The fee for a Quota Retail Package license to sell distilled spirits and wines at retail by the package for consumption off the premises shall be \$500 per annum for sales Monday through Saturday. The fee for a Special Sunday Retail Package license to sell distilled spirits and wines at retail by the package for consumption off the premises on Sunday shall be \$300 per annum. Sunday sales shall not be permitted by any licensee unless the licensee is authorized to sell the distilled spirits and wines Monday through Saturday.

(3) The fee for a Quota Retail Drink license to sell distilled spirits and wines at retail for consumption on the premises shall be \$600 per annum. In those instances in which this particular license has heretofore been issued to an applicant therefore, the licensee, upon application duly made, may have issued to him or her a NQ-4 Retail Malt Beverage Drink license to sell within the city limits cereal or malt beverages, either draft or in containers, at retail for consumption on the premises for an additional license fee of \$75.



(4) The fee for a Distributor license to distribute distilled spirits, wine and/or cereal or malt beverages at wholesale as a Distributor shall be \$400 per annum.

(5) The fee for a NQ-4 Retail Malt Beverage Drink license to sell cereal or malt beverages, either draft or in containers, at retail for consumption on the premises and where no other license to sell distilled spirits and wines has been obtained shall be \$200 per annum.

(6) The fee for a NQ Retail Malt Beverage Package license to sell cereal or malt beverages at retail by the package for consumption off the premises shall be \$200 per annum.

(7) The fee for a Special Temporary license for the purpose of divisions (A)(3) and (A)(5) above shall be \$90.00; however, in the case of a church, civic club, lodge, or other organization in which the entire proceeds of the enterprise go to a benevolent or religious purpose, a special temporary license may be issued for a nominal fee of \$10.

(8) Any person, firm, or corporation presently holding a license to sell distilled spirits, wines, cereal, and/or malt beverages at retail for consumption on the premises may apply for and receive a Special Sunday Retail Drink license, which shall permit the sales between 1:00 p.m. Sunday and 2:00 a.m. the following day. The fee for the license shall be \$250 per annum.

(B) A license issued hereunder may be transferred from one person to another or from one location to another, provided an application in writing on a form provided by the city is first filed in the manner and in accordance with § 111.02. No transfer shall be made or any application for a transfer acknowledged after either the applicant or the licensee has been charged with a violation of any provision of this chapter or any state law until the time as the charge has been finally disposed of. The fee for the transfer of any license shall be \$50.

(C) A NQ-3 Private Club license may be issued to any known private, social, fraternal, military, or political organization or club which applies generally the net proceeds of its activities to a recognized charity or purpose and which has, for one year prior to the date of the application, maintained and operated a club room from which the public is excluded. The NQ-3 Private Club license shall authorize the licensee to exercise the privileges of a retail licensee of distilled spirits, wines, and/or cereal or malt beverages, either draft or in containers, at the designated premises. All restrictions or provisions applying to a licensee of distilled spirits, wines, and/or cereal or malt beverages shall apply to the NQ-3 Private Club licensee. The fee for the NQ-3 Private Club license shall be \$100 per annum. (1993 Code, § 60.11) (Ord. 05-02, passed 2-4-2005) Penalty, see § 111.99

#### **§ 111.12 REPLACEMENT**

If the license is lost or destroyed a duplicate license may be issued to the licensee by the Alcoholic Beverage Control Administrator. A charge of \$10 shall be made for the duplicate license. (1993 Code, § 60.12)

#### **SECTION 2**

All ordinances or parts of ordinances not in conflict with this Ordinance shall remain in full force and effect.

**SECTION 3**

This Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published, and shall be in effect at the earliest time provided by law.

**CITY OF SOUTHGATE, KENTUCKY**

by:   
Jim Hamberg, Mayor

**ATTEST:**

  
Jody Anderson, City Clerk

First Reading: 11/06/2013  
Second Reading: 11/20/2016  
Date of Publication: 11/28/2013

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**§ 31.42 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

(A) The Alcoholic Beverage Control Administrator shall be appointed by the Mayor and approved by the City Council on January 1 succeeding his or her election or as soon thereafter as is practicable. The Alcoholic Beverage Control Administrator shall hold office for two years from the date of his or her appointment or until his or her successor is appointed and qualified, subject to removal for good cause at any time by the Mayor. The office of the Alcoholic Beverage Control Administrator may be combined with and made a part of any other position or office of the city, at the discretion of the Mayor. Before entering upon his or her duties, the Alcoholic Beverage Control Administrator shall take the oath of office required by law.

(B) It shall be the duty of the Alcoholic Beverage Control Administrator to establish all regulations for the administration and control of alcoholic beverage licensees and licensed premises as provided by law.

(C) The Alcoholic Beverage Control Administrator shall receive any compensation as is established by the City Council.  
(1993 Code, § 21.10)

**§ 31.43 APPOINTMENT OF ADDITIONAL EMPLOYEES.**

(A) The Mayor and/or the City Council may appoint any other employees as it deems necessary to conduct the affairs of the city consistent with state laws.

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(B) All city officers, including City Council Members, shall take office on January 1 following their election or appointment. Any officer appointed by the City Council shall be appointed by the City Council elected at the November election preceding the commencement of his or her term.  
(1993 Code, § 21.11)

**§ 31.44 NONPARTISAN ELECTIONS.**

(A) The election of city officers for the city shall conform to all state statutes that relate to nonpartisan elections.

(B) The city hereby foregoes the conduct of a nonpartisan primary election for the nomination of candidates to city elective office pursuant to KRS 83A.045(2)(b).  
(1993 Code, § 21.12) (Ord. 91-02, passed 2-6-1991)

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\$60.14	Drinking on Parking Lots
\$60.15	Removal of Alcoholic Beverages
\$60.16	Open Containers
\$60.99	Penalty

**\$60.01 Adoption**

This ordinance shall be known and may be referred to as the "Alcoholic Beverage Control Code". So much of K.R.S. Chapters 241, 242, 243, and 244 and all acts in amendment relating to the manufacture, sale, transportation, possession, and control of alcoholic beverages applicable to cities of the fourth class are adopted as a part of this ordinance. The definitions set forth in K.R.S. 241.010 and K.R.S. 243.010 are adopted as the meanings of the words used herein unless otherwise indicated.

**\$60.02 Procedure**

Any person desiring to traffic in alcoholic beverages within the city must, at least thirty days prior to the date on which he desires a license to be issued, take the following steps:

- A. He must make a written verified application to the city for a license. The application shall contain the name, age, and address of each applicant and each person interested or to become interested in the business for which the license is sought. If the applicant is a corporation, the name, address, and age of each officer, director, and managerial employee are required.



- B. He must present satisfactory evidence with the application of good moral character. Full compliance with the pertinent statutory regulations of the Alcoholic Beverage Control Act is mandatory.
- C. He must submit with the application a certified check or cash in a sufficient amount to cover the fee for the particular kind of license sought in accordance with the schedule of fees established. It is understood and agreed by the city that the check or cash shall be returned to the applicant if the application is not approved.

**§60.03                      Permission**

If the application is an original one, i.e., any application other than for a renewal of a pre-existing license, the applicant shall file with the application a statement signed by at least seventy-five percent of the owners of property within a five hundred foot radius from the site where the applicant intends to establish his place of business. The statement shall declare that the signers, as property owners, have no objection to the establishment of the business.

**§60.04                      Ineligibility**

The city council reserves the right to approve or reject any application for any license hereinafter specified; however, no person shall become a licensee under the terms of this ordinance who falls within one of the following categories:

- A. He has been convicted of a felony, misdemeanor, or any offense directly or indirectly attributable to the use of intoxicating liquors within two years next prior to the date of the application.
- B. He is under the age of twenty-one years.
- C. He is not a citizen of the United States.

- D. He has had any license issued under this ordinance or any license issued under any act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any provision of this ordinance or any other act or ordinance until the expiration of two years from the date of the revocation or conviction.
- E. He is a partner or affiliated with a corporation unless each member of the partnership or each principal officer of the corporation could have himself obtained and can now obtain a license individually.

**§60.05                      Issuance**

If the application is approved by the city council, it shall direct the alcoholic beverage control administrator immediately to issue a license to the applicant. The alcoholic beverage control administrator shall issue the appropriate license in the form approved by the Kentucky alcoholic beverage control board.

**§60.06                      Posting**

After the issuance of the license and prior to the commencement of business, the licensee shall post the license in a conspicuous place in his establishment and, during the entire life of the license, shall keep it posted and displayed in a conspicuous place in the principal room in which the business is carried on.

**§60.07                      Revocation**

Any license issued may be revoked by the issuing authority for any of the following reasons:

- A. Any violation of any provision of this ordinance or revocation of the state license of the licensee by the Kentucky Alcoholic Beverage Control Board for any reason may be grounds for revocation.



- B. The conviction of the licensee, his agent, or any employee of the licensee for selling any illegal beverage on the premises licensed may be grounds for revocation.
- C. The making of any false material statement in an application for a license may be grounds for revocation.
- D. The transferral, assignment, pledge, deposit, or hypothecation of a license; the payment for the license of another; or the permitting of another to pay for one's own license may be grounds for revocation.
- E. The sale or agreement to sell alcoholic beverages to a wholesaler, retailer, or any person for resale who is not licensed to do so at that time may be grounds for revocation.
- F. The willful or deliberate failure or default to pay an excise tax, any part thereof, or any penalty imposed by or under the statute, ordinance, or act of congress relative to taxation or for a violation of any rule or regulation of the Kentucky Department of Revenue made in pursuance thereof may be grounds for revocation.

**§60.08 Non-Refundability**

If any license is revoked for reason of neglect or failure of the licensee to observe and perform all rules imposed upon him, for personal conduct, or for the manner of conducting his place business, the licensee shall not be entitled to any proportionate refund of the license fee.

**§60.09 Restrictions**

In granting any license, the following restrictions are imposed on the licensee, although the restrictions may not be incorporated in or printed on the face of the licensee:

- A. No person, licensee, or any of his agents, servants, or employees shall purchase or agree to purchase any alcoholic beverage from another within or without the Commonwealth of Kentucky who is not duly licensed to sell beverages to the particular purchasers at the time of the sale or the agreement to sell; nor shall he give an order for any beverage to any individual who is not a licensee as a special agent or solicitor, if the license is required.

- B. No person, licensee, or any of his agents, servants, or employees shall peddle alcoholic beverages from house to house by means of a truck or otherwise where the sale is consummated and delivery made concurrently at the residence or place of business of the consumer.
- C. No person, licensee, or any of his agents, servants, or employees shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverage at the residence or place of business of the consumer; nor shall he receive or accept any order which has been solicited or received at the residence or place of business of the consumer, except for a licensee as a distributor.
- D. A license issued under this ordinance shall not be transferable or assignable to any other person, premises, or part of the building containing the licensed premises without first obtaining the permission of the granting authority first, as provided in §60.11(B). Permission, if granted, shall be endorsed on the face of the license by the alcoholic beverage control administrator. No license granted hereunder shall be pledged, hypothecated, or deposited as collateral security on any loan or upon any condition; and, if pledged, hypothecated, or deposited, the license shall be revoked.
- E. The license fee for every license issued under this ordinance shall be payable by the person making the application for the license and to whom it is issued, and no other person shall pay for any license issued hereunder. In addition to all other penalties provided in this ordinance, a violation of this paragraph shall authorize and require the revocation of the license that was paid for by another and also the revocation of the license, if any, of the person paying for the license of another.
- F. No license enumerated below shall be granted for any premises which are located on the same street as and within two hundred feet of a building occupied exclusively as a school, hospital, church, or other place of worship without the written permission of the governing authority of the institution.
- G. The hours of operation for businesses which have been granted a license for the sale of distilled spirits, wines, and/or cereal or malt beverages shall be as follows:



1. Cereal and malt beverages by package any day 8:00 a.m. midnight.
  2. Distilled spirits and wines by the package Monday through Saturday 10:00 a.m. to midnight. No Sunday sales.
  3. Cereal and malt beverages, distilled spirits and wines consumption on the premises. Monday through Saturday 8:00 a.m. to 2:00 a.m. the following day. Sunday 1:00 p.m. to 2:00 a.m. the following day. Special Sunday sale license required, pursuant to Ordinance §60.11 (A) (8).
- H. No person, licensee, or any of his agents, servants, or employees shall cause, suffer, or permit the licensed premises to be disorderly.
- I. No person, licensee, or any of his agents, servants, or employees shall sell, give away, or deliver any distilled spirits, wines, and/or cereal or malt beverage or procure or permit any distilled spirits, wines, and/or cereal or malt beverage to be sold, given away, or delivered to a minor, an intoxicated person, or any person apparently under the influence of liquor.
- J. Any distilled spirits licensee shall be permitted to have until one-half hour after the time set forth in ordinances designated for closing in which to clear the premises and parking lots of patrons of his business.

**§60.10 Term**

The term for a license issued pursuant to the provisions of this ordinance shall commence on July 1 of each year and shall expire on midnight of June 30 of the following calendar year. The license shall be printed in the form prescribed and approved by the Kentucky alcoholic beverage control board, shall be issued by the alcoholic beverage control administrator, and shall be signed by the alcoholic beverage control administrator and countersigned by the mayor. The fee thereof shall be collected by the chief of police, if necessary.

**§60.11 Types and Fees**

- A. The following are the types of licenses provided for the privilege of trafficking in alcoholic beverages within the city limits. Each licensee shall be printed on a form and be readily distinguishable from any other. The fee for each license shall be as herein indicated.

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- 1) The fee for a license to sell distilled spirits and wines at wholesale shall be \$500.00 per annum.
- 2) The fee for a license to sell distilled spirits and wines at retail by the package for consumption off of the premises shall be \$200.00 per annum.
- 3) The fee for a license to sell distilled spirits and wines at retail for consumption on the premises shall be \$400.00 per annum. In those instances in which this particular license has heretofore been issued to an applicant therefor, the licensee, upon application duly made, may have issued to him a license to sell within the city limits cereal or malt beverages, either draft or in containers, at retail for consumption on the premises for an additional license fee of \$25.00
- 4) The fee for a license to sell cereal or malt beverages at wholesale shall be \$200.00 per annum.
- 5) The fee for a license to sell cereal or malt beverages, either draft or in containers, at retail for consumption on the premises and where no other license to sell distilled spirits and wines has been obtained shall be \$125.00 per annum.
- 6) The fee for a license to sell cereal or malt beverages at retail by the package for consumption off of the premises shall be \$100.00 per annum.
- 7) The fee for a special temporary license for the purpose of §60.11 (A) (3) and §60.11 (A) (5) shall be one-sixth of a full year's fee for each month or part thereof for which the special temporary license is issued; however, in the case of a church, civic club, lodge, or other organization in which the entire proceeds of the enterprise go to a benevolent or religious purpose, a special temporary license may be issued for a nominal fee.
- 8) Any person, firm, or corporation presently holding a license to sell distilled spirits, wines, cereal and/or malt beverages at retail for consumption on the premises may apply for and receive a special Sunday retail drink license which shall permit said sales between 1:00 p.m. Sunday and 2:00 a.m. the following day. The fee for the license shall be \$150.00 per annum.



- B. A license issued hereunder may be transferred from one person to another or from one location to another, provided an application in writing on a form provided by the city is first filed in the manner and in accordance with §60.02. No transfer shall be made or any application for a transfer acknowledged after either the applicant or the licensee has been charged with a violation of any provision of this ordinance or any state law until such time as the charge has been finally disposed of. The fee for the transfer of any license shall be \$50.00.
- C. A special private club license may be issued to any known private, social, fraternal, military, or political organization or club which applies generally the net proceeds of its activities to a recognized charity or purpose and which has, for one year prior to the date of the application, maintained and operated a club room from the public is excluded.

The special private club license shall authorize the licensee to exercise the privileges of a retail licensee of distilled spirits, wines, and/or cereal or malt beverages, either draft or in containers, at the designated premises. All restrictions or provisions applying to a licensee of distilled spirits, wines, and/or cereal or malt beverages shall apply to the special private club licensee. The fee

for the special private club license shall be \$25.00 per annum.

**§60.12 Replacement**

If the license is lost or destroyed without fault on the part of the licensee, upon due proof made to the city council of the loss or destruction, a duplicate license may be issued to the licensee upon the order of the city council directed to the alcoholic beverage control administrator. A charge of \$1.00 shall be made for the duplicate license.

**§60.13 Deposit**

All money received by the alcoholic beverage control administrator from the issuance of licenses shall be accounted for to the city treasurer, and the latter shall place the funds in the general fund of the city.

**§60.14 Drinking on Parking Lots**

Any person, firm, corporation, partnership, or joint venture which owns, operates, or controls any establishment where alcoholic beverages are served or provided shall prohibit the drinking of said beverages on any and all parking lots which are adjacent, adjoining, connect with, or used by the patrons of the aforementioned establishment. There is exempted from this provision any person, firm, corporation, partnership, or joint venture which holds a special temporary license, which license permits the operation of an outdoor festival if said festival is conducted no more than three consecutive days semi-annually.

**§60.15 Removal of Alcoholic Beverages**

The owners, operators, or controllers of any establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any alcoholic beverage from inside the building to the outside of the building if said beverage is in an open container. There is exempted from this provision any person, firm, corporation, partnership, or joint venture which holds a special temporary license, which license permits the operation of an outdoor festival if said festival is conducted no more than three consecutive days semi-annually.



**\$60.16            Open Containers**

No person shall possess any alcoholic beverage in an open container in any outside public place, parking lot, or other outside public facility used by an establishment which serves or provides alcoholic beverages. There is exempted from this provision any individual who possesses alcoholic beverages in an open container in any outside public place, parking lot, or other outside public facility which is connected with or used in conjunction with a festival, the operator of which has obtained a special temporary license, which license permits the operation of the outdoor festival if said festival is conducted no more than three days semi-annually.

**\$60.99            Penalty**

- A. Any person, firm, or corporation violating any provision of \$60.06 through \$60.09 and \$60.14 through \$60.16 shall be fined in an amount of not more than \$50.00, imprisoned not more than twenty days, or both fined and imprisoned. Each violation of any separate clause shall constitute a separate offense.
  
- B. Any person, firm, or corporation selling distilled spirits, wines, and/or cereal or malt beverages, either draft or in containers, at retail for consumption on the premises or any person, firm, or corporation selling cereal or malt beverages at retail by the package for consumption off the premises on any Sunday without first having obtained the license required under \$60.11(A)(8) and \$60.11(A)(9) shall be fined in an amount of not more than \$100.00, imprisoned not more than thirty days, or both fined and imprisoned. Each Sunday of violation shall constitute a separate offense.