

AMENDING ALCOHOL BEVERAGE CONTROL ORDINANCE 2001-004B

ORDINANCE NO. 2015-003

AMENDING A COMPREHENSIVE REGULATORY ORDINANCE FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF SPRINGFIELD, KENTUCKY, DEFINING SAID REGULATIONS, SETTING FORTH A LICENSE PROCEDURE, SETTING FEES FOR SAID LICENSE AND SETTING PENALTIES FOR VIOLATIONS.

WHEREAS, based upon documented experiences within the City of Springfield, and the experiences of other governmental units in the State of Kentucky, the City of Springfield finds it necessary to regulate the use of alcoholic beverages within the City of Springfield in order to protect the health, safety and welfare of the citizens of the City of Springfield.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, KENTUCKY:

SECTION I

A. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, and unless the context of the provision requires otherwise, and in addition to the definitions and rules of construction set out in this Section, the definitions contained in Sections 241.010 of the Kentucky Revised Statutes are adopted as the meaning of such words used in this chapter.

1) **ALCOHOLIC BEVERAGE.** Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is capable of being consumed by human beings. It includes every beverage for which the Commonwealth of Kentucky requires a license under KRS Chapter 243.

2) **BOARD.** The State Alcoholic Beverage Control Board created by KRS 241.030.

3) **CITY.** City of Springfield, Kentucky.

4) **CITY ADMINISTRATOR, ADMINISTRATOR or ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.** The City of Springfield's Alcoholic Beverage Control Administrator.

4a) **CONVENIENT STORE.** A retail store that is open long hours and sells grocery, snack, household, miscellaneous items and gasoline at the pump.

5) **CONVICTED or CONVICTION.** A finding of guilt resulting from a plea of guilty, an Alford plea, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

AlcOrd2001

6) DISTILLED SPIRITS. Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

7) LICENSE. Any license issued pursuant to KRS 243.020 to 243.670, and any license issued by the City Alcoholic Beverage Control Administrator.

8) LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670, or by the City of Springfield Alcoholic Beverage Control Administrator.

9) MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS Chapter 242.

10) PREMISES or LICENSED PREMISES. A building or structure and does not include any appurtenant structures, parking lots or areas outside the confines of such building or structure.

11) RESTAURANT or BONA FIDE RESTAURANT. A facility where the usual and customary business is the serving of meals to consumers and that has a bona fide kitchen facility which has been inspected, approved, and holds a valid certification by the County Health Department, and that derives at least seventy percent (70%) of its total gross receipts from the sale of food. The name of the establishment must also convey to members of the general public that the principle business of the facility is the sale of food.

12) RETAIL SALE. The sale for use or consumption and not for resale.

13) SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor or agent, servant or employee, of any alcoholic beverage. Sale further means to solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

14) STATE LICENSE. A license authorized by KRS 242.030 to 243.680.

15) WHOLESALE SALE. A sale to any person for the purpose of resale.

16) WINE. The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharin and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

SECTION II

A. ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR - OFFICE AND FUNCTIONS.

(1) There is hereby created the office of Alcoholic Beverage Control Administrator (hereinafter, "the Administrator"). The Administrator shall be appointed by the Mayor, based upon the qualifications of the candidates to fill the position, subject to the approval of the City Council for a term of one year. (initial budget for the office shall be \$400.00 per month and be reviewed annually) The duties of the Administrator are to carry out the provisions of this ordinance and all other state and local ordinances pertaining to the sale of alcoholic beverages in the City of Springfield.

The office of Alcoholic Beverage Control Administrator for the City of Springfield was created by the City Council of said city pursuant to KRS 241.160 to carry out the duties imposed by the Kentucky Revised Statutes and by Ordinance of the City of Springfield.

(2) Any person desiring to obtain a license to sell or disperse wholesale or retail distilled spirits or malt beverages shall make application to the City Administrator on appropriate forms provided by the Administrator. If, in the judgment of the Administrator, the applicant has complied with all requirements of the state and local alcoholic beverage control law, an appropriate license shall be issued.

(3) The City Alcoholic Beverage Control Administrator shall, in the exercise of sound discretion, refuse to issue or renew an alcoholic beverage license to any person who has not conducted his business in a decent orderly manner or who is known to conduct or encourage a disorderly place of business or who permits or engages in disorderly conduct, or who has been convicted of any violation of any criminal or penal law, except minor traffic violations, during the two (2) years immediately preceding his application. It is hereby deemed and declared to be in the best interest of public health, welfare and safety that the Administrator shall have discretion to issue such licenses as he deems will promote the general welfare of the City of Springfield.

(4) City police officers and the City ABC Administrator are authorized to enforce this Ordinance for violations. The City Administrator and any investigator acting under the authority of the City Administrator, shall have the full police powers of peace officers within the boundaries of the City of Springfield and they along with any authorized law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored or otherwise trafficked without first obtaining a search warrant.

(5) All revenue derived from license fees or fines herein provided shall be paid to the City Alcoholic Beverage Control Administrator for the benefit of the City of Springfield and said revenue shall become a part of the general funds of the city.

(6) The Alcoholic Beverage Control Administrator shall make an annual written report of his office to the City Council.

SECTION III

A. LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale, or dispense, or have in his possession for sale, any alcoholic beverage within the city without having the appropriate license hereinafter provided for, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and, shall not entitle the holder of the license to sell from any other premises within the city.

B. APPLICATION FOR LICENSE.

(1) Applications for licenses shall be made to the city administrator, in writing signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation. Such applications shall be made on forms supplied by the city administrator and no license shall be issued until completed in full and the appropriate fee therefore has been paid.

A written application must be made with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the Alcoholic Beverage Control Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

- (a) All information required by KRS 243.390 to be contained in the application for state licenses.
- (b) A consent by the applicant to the inspection of the licensed premises, by the administrator, where alcoholic beverages are sold, stored or otherwise trafficked in, without first obtaining a search warrant. Additionally, the administrator may confiscate any contraband property or items.
- (c) Documentary evidence of an application for a state license, which corresponds to the city license for which the application is being made.
- (d) Original applications for any alcoholic beverage license must be accompanied by a copy of notice of the applicants intention to make application, published once before such application is filed, in the regular edition of the official newspaper of the city, which shall be, "The Springfield Sun".

(2) All applicants, all officers of any applicant corporation, all persons holding 5% or more of the stock in an applicant corporation or owners or partners of an applicant partnership shall each submit fingerprints and a current color photograph of themselves with all other documents as required in the application process or during any subsequent renewal if not previously provided or otherwise deemed necessary by the city administrator.

C. DENIAL OF APPLICATION.

No license provided for in this ordinance shall be issued if there is cause for refusal as specified in KRS 243.450, and the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

- (1) The applicant, the application, or the premises described therein do not fully comply with the provisions of this ordinance and all laws in regard to alcoholic beverages;
- (2) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;
- (3) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;
- (4) The applicant, his agent, or manager has been convicted of a felony;
- (5) An applicant who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- (6) A partnership, unless all the members of the partnership shall be qualified to obtain such a license.
- (7) An applicant premise is located in the downtown business area of the City of Springfield adjacent to and facing the two block area of Main Street extending from Doctor Street on the West to Walnut Street on the East unless the applicant premises is a bona fide restaurant or convenient store.
- (8) An applicant premise is located in the City of Springfield not zoned for commercial use under the zoning laws of the City of Springfield. This section shall not preclude the issuance of a license on premises for which a proper zoning change has been granted by the zoning board and City Council of Springfield.
- (9) Any statement or representation in the application is false.
- (10) In the exercise of sound discretion, the Alcoholic Beverage Control Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this Ordinance and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the

Alcoholic Beverage Control Administrator shall consider in the exercise of his discretion are: public sentiment in the area; number of license outlets in the area; potential for future growth; traffic flow and parking availability; type of area involved; type of transportation involved; safety issues; financial potential of the area, and the intended name of the applicant premises. No alcohol beverage license shall be issued to a restaurant intending to use the words, "Saloon, Bar, Joint or Roadhouse", nor shall any other term be used that would likely bring disrepute upon the neighborhood in which it would be located, or the City of Springfield.

SECTION IV

A. CLASSIFICATION OF LICENSES.

(1) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(2) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license.

B. LICENSE FEE SCHEDULE.

(1) The licenses authorized under this subchapter shall be divided into the following categories and the applicant shall, at the time of his application, pay to the City of Springfield the appropriate fee for each license applied for:

(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 Spirit and Wine License, per annum:..\$3,000.00**
- (d) Quota retail package license, per annum: \$600.00**
- (e) Quota Retail Drink License, per annum:.....\$600.00**

- (f) Special temporary license, per event:.....\$25.00
 - (g) Nonquota Type 1 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum:.....\$600.00
 - (h) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum:\$600.00
 - (i) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), annum:.....\$600.00
 - (j) Distilled spirits and wine special temporary auction license, per event\$200.00
 - (k) Special Sunday retail drink license, per annum: \$0.00
 - (l) Extended Hours Supplemental License, per annum:.....\$2,000.00
 - (m) Caterer’s license, per annum:\$600.00
 - (n) Bottling House or Bottling House Storage License, per annum:\$1,000.00
- (2) Malt beverage licenses as set forth in KRS 243.040, 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
 - (e) Nonquota type 4 retail malt beverage drink license, per annum \$600.00
 - (f) Malt beverage brew-on-premises license, per annum... \$100.00
- (3) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:.....\$600.00
- (4) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:.....\$500.00

- ~~(a) Distilled spirits, wine, and retail package license \$600.00 per year.~~
~~— Retail package sale of distilled spirits and wine in sealed containers,~~
~~— but not for consumption on the licensed premises.~~
- ~~(b) Retail malt beverage license..... \$200.00 per year.~~
~~— Malt beverage retailer's license.~~
- ~~(c) Restaurant wine license~~
 - ~~(a) New applicants..... \$600.00 per year.~~
 - ~~(b) Applicants for renewal..... \$400.00 per year.~~
~~— Retail sale of wine for consumption on the licensed premises of a~~
~~— bona fide restaurant where distilled spirits for consumption on the~~
~~— premises is not available, or a license has not been issued.~~
- ~~(d) Limited retail restaurant, motel, hotel, or inn drink license \$600.00 per year.~~
~~— Retail sale of distilled spirits and wine by the drink for consumption~~
~~— on the licensed premises.~~
- ~~(e) Special temporary malt beverage license \$25.00 per event.~~
~~— Retail sale of malt beverages. Available only to religious, charitable,~~
~~— fraternal, or other not for profit organizations, for periods not in excess~~
~~— of three consecutive days, one time per year. (July 1 through June 30).~~

(2) No license shall be issued hereunder until the same has been approved as required by law and by the State Alcoholic Beverage Control Board and by the City Alcohol Beverage Control Administrator. Licenses which have been approved according to law shall then be issued by the City Clerk.

(3) Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than one-half the full annual license fee.

(4) Any license issued to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises.

(5) Special Temporary Licenses requires an application to be filed with the Department of Alcoholic Beverage Control no later than five (5) working days prior to the date for which the license is requested. The Department will deny all applications that are received less than five (5) days prior to the requested date.

(6) All licenses shall expire on June 30 of each year.

C. LICENSE CONDITIONS.

All licenses issued hereunder shall be subject to the following conditions:

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license.

(2) A limited retail drink license for the sale of Distilled Spirits by the drink at restaurants, motels, hotels, and inns shall be issued only on the following conditions:

(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred twenty five (125) persons. A restaurant must be a bona fide restaurant establishment, open to the general public and have dining facilities for not less than one hundred twenty five (125) persons, and must derive at least seventy percent (70%) of their total gross receipts from the sale of food.

(3) A restaurant wine license may be issued to an applicant, who is an owner or lessee of a bona fide restaurant. Other conditions for a restaurant wine license shall be governed by KRS 243.032.

(4) Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department, and an inspection and certification by the city fire chief that the premises of the applicant meets all fire, building and safety standards.

(5) All alcoholic beverages must be consumed on the premises.

(6) No licensee shall require a minimum cover charge, or charge admission to the premises.

(7) Each restaurant licensee shall file with the City Clerk/Treasurer and the city's Alcoholic Beverage Control Administrator every six (6) months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages. The report shall be notarized and sworn to by the person filing the report. In addition, the licensee agrees to provide tax returns, receipts, or any other business record which the administrator may request in order to verify the information contained in the report.

(8) No license for the sale of alcoholic beverages at retail shall be used for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(9) No city license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(10) A license that might be issued shall be refused for the same causes set forth in

state law for the refusal of state licenses.

(11) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state license.

(12) No applicant shall become a licensee who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two (2) years preceding the application; is under the age of twenty one (21) years; is not a citizen of the United States and has not had an actual bona fide residence in the state for at least one (1) year before the date on which his application for a license is made; is a partnership or corporation unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is twenty one (21) years of age or more and is a citizen of the United States; has had any license issued under state law relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute, until the expiration of two (2) years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two (2) years from the date of the revocation or conviction. Prior to the issuance of any license, the Police Department shall investigate all applicants pertaining to the above requirements. (KRS 243.100)

(13) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(14) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen it from the public view.

(15) A licensee which holds a restaurant-wine license or limited retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.

(16) ~~No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.~~ **No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.**

(17) ~~No live entertainment shall be permitted upon any licensed premises which has more than two (2) members who comprise the act, show, or production. No live entertainment shall be permitted past the hour of 10:00 p.m.~~

(17) There shall be no promotional efforts that are not customary or usual for a restaurant operation. (e.g. wet t-shirt contest, wrestling contest, etc.)

(18) It shall be unlawful for any license licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator or his designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(19) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(20) It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages.

SECTION V

A. HOURS OF SALES PROHIBITED.

(1) No premises for which there has been granted any license for the sale of malt beverages, distilled spirits, or wine shall remain open for the purpose of selling malt beverages, distilled spirits or wine and no sale of malt beverages, distilled spirits or wine shall occur between the hours of 12:00 Midnight and 6:00 a.m. ~~or any time during the 24 hours on a Sunday, or during the hours the polls are open for any regular, primary, school, or special election.~~ **The sale of malt beverages, distilled spirits, or wine may be sold on Sundays during the hours of 1:00 pm til 10:00 PM and during the hours the polls are open for any regular, primary, school or special election.**

(2) For the purposes of this section, no premises shall remain open, shall mean no alcohol beverage containers open or closed shall remain within the area available for customers, past 12:00 Midnight and the parking lot IS TO BE cleared of all customers NO LATER THAN 1:00 AM. The hours defined in this section for prohibited use or sale of alcoholic beverages are applicable to owners, agents, and employees of the premise, as well as customers. However, if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of malt beverages, distilled spirits, and wine, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section.

B. ALCOHOLIC BEVERAGES - PREMISES.

(1) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if said alcoholic beverage is in any opened container.

(2) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of said alcoholic beverages on any parking lot which is adjacent, connected with or used by the patrons of such business establishment which is under the direct control of the licensee.

(3) No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(4) No person shall consume or be in possession of any alcoholic beverage on licensed premises other than alcoholic beverages sold and dispensed by the licensee. The licensee or his agent shall have the authority to order the immediate removal of any alcoholic beverage carried onto licensed premises in violation of this Section.

(5) Exemption for Outdoor Festivals. There is exempted from this section any person or licensee which holds a temporary malt beverage license, which license permits the operation of an outdoor festival, if said festival is conducted no more than three consecutive days annually.

(6) Advertising Alcoholic Beverages Near a School or Church Prohibited. No licensee shall advertise alcoholic beverages by a trade name, trade-mark, or in any other manner within two hundred (200) feet of the property line of any school, school playground, day care, nursery, or church. The distance shall be by straight line.

C. CONDUCT OF PATRONS.

(1) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall monitor the conduct of their patrons to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in such conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, creating excessive noise or trespassing upon private property in the immediate area. Licensee shall conduct his business in a decent orderly manner, and shall not encourage a disorderly place of business, nor permit or engage in disorderly conduct.

(2) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(3) A licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

D. CONDUCTING BUSINESS WITH A MINOR.

(1) As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage, or engage in any of the following actions in the city:

- (a) The possession or consumption of any alcoholic beverages by any person under 21 years of age in or upon any licensed premises or public places; and
- (b) The misrepresentation of the name, address, age, or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

E. AIDING OR ASSISTING PERSONS UNDERAGE.

It shall be unlawful for any person to aid or assist any person under the age of 21 years in purchasing, delivering, serving, or in any way procuring directly or indirectly any alcoholic beverages.

(1) A person shall be immune from prosecution for the criminal offenses identified in subsection 2 of this section if:

- (a) A law enforcement officer has contact with the person because the person:**
 - 1. Requests emergency medical assistance for himself or herself or another person;**
 - 2. Acts in concert with another person who requests emergency medical assistance; or**
 - 3. Appears to be in need of emergency medical assistance and is the individual for whom the request is made;**
- (b) The request is made for an individual who reasonably appears to be in need of medical assistance due to alcohol consumption; and**
- (c) The person described in paragraph (a) of this subsection, if physically capable:**
 - 1. Provides his or her own full name if requested by emergency medical assistance personnel or law enforcement officers;**

- 2. Provides any other relevant information requested by the law enforcement officer that is known to such person;**
- 3. Remains with, or is, the individual who reasonably appears to be in need of medical assistance due to alcohol consumption until professional emergency medical assistance is provided; and**
- 4. Cooperates with emergency medical assistance personnel and law enforcement officers.**

(2) A person who meets the qualifications set forth in subsection (1) of this section shall be immune from criminal prosecution for the following offenses:

- (a) Alcohol intoxication under KRS 222.202(1);**
- (b) Drinking alcoholic beverages in a public place under KRS 222.202(2);**
- (c) Offenses related to possession of alcoholic beverages by a minor under twenty-one (21) years of age under KRS 244.085; and**
- (d) Providing alcohol to minors under twenty-one (21) years of age or assisting minors under twenty-one (21) years of age to purchase alcohol under KRS 244.085 or 530.070.**

F. POSTING OF SIGNS - DISPLAY OF LICENSE.

(1) As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous, prominent place on the license premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(a) A sign or placard at least 18 inches by 11 inches in size with the following message printed on or displayed thereon in 30 point or larger type: Persons under the age of twenty-one (21) years are subject to a fine up to One Hundred (\$100.00) Dollars if they:

1. Enter license premises to buy or have served or delivered to them any alcoholic beverages; or
2. Possess, purchase or attempt to purchase any alcoholic beverages; or
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(2) All valid city licenses issued therefore and the state license to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

G. TEMPORARY SUSPENSION OF SALE.

That the Alcoholic Beverage Control Administrator shall have the right to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire city, or any portion thereof whenever said Alcoholic Beverage Control Administrator considers such action necessary by reason of a serious public emergency such as riot, insurrection, pestilence, epidemic, or any catastrophe of such proportions as would effect the general welfare, public health, safety and morals of all the citizens of the city in general. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken.

H. SUSPENSION, REVOCATION OF LICENSE.

(1) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the Alcoholic Beverage Control Administrator upon the occurrence of:

- (a) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;
- (b) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto;
- (c) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(2) However, city licenses must be revoked by the Alcoholic Beverage Control Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the Alcoholic Beverage Control Administrator, a license may, as an alternative and in lieu of part or all of the days of any suspension period, pay the amount of \$50.00 per day, as set forth in KRS 243.480.

SECTION VI

A. GENDER NEUTRALITY.

The terms he, his or any other masculine description utilized in this ordinance shall be interchangeable with the terms she, her or any other feminine description and vice versa.

SECTION VII

A. REVOCATION.

Ordinances 2001-004B, 2002-001, 2008-003 and 2012-008A relating to alcoholic beverages is hereby repealed in their entirety.

SECTION VIII

A. SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IX

A. PENALTY.

(1) Any person, firm, or corporation who shall violate any provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

- (a) If for a violation of any state statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.
- (b) If for a violation of any provision of this chapter by a fine or not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in jail for not more than thirty (30) days, or both, in the discretion of the court.
- (c) If a restaurant licensee holding a limited retail drink license fails to file the bi-annual report required under this ordinance, or files a false, fraudulent, or forged report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee in addition to any other criminal penalty provided for by state law or by Section (b) herein.
- (d) If a restaurant licensee is deemed ineligible for a limited retail drink license based upon the bi-annual report required under this ordinance, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.

(e) In addition to the penalty stated herein, any person who shall violate any provision of this ordinance shall be guilty of a Class B Misdemeanor.

SECTION X

A. PASSAGE

This Ordinance shall become effective upon its second reading, passage and publication.

City of Springfield, Kentucky

Signed by Mayor Debbie Wakefield and Attested by Laurie Smith City Clerk

First reading given June 9, 2015

Second reading given June 23, 2015

Published in The Springfield Sun on July 1, 2015

Council Member	yes	no
Carolyn Hardin	<u> X </u>	___
Willie Ellery	<u> X </u>	___
Ashley Davis	<u> X </u>	___
Brooke Coulter	<u> X </u>	___
Chuck Polin	<u> X </u>	___
Bob Goodlett	___	<u> X </u>

CITY OF SPRINGFIELD
ORDINANCE NO. 2012-008A

AN ORDINANCE AMENDING SECTIONS 1 AND 111 OF ORDINANCE NO. 2001-004B
FOR THE PURPOSE OF SELLING ALCOHOLIC BEVERAGES.

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION I

A. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, and unless the context of the provision requires otherwise, and in addition to the definitions and rules of construction set out in this Section, the definitions contained in Sections 241.010 of the Kentucky Revised Statutes are adopted as the meaning of such words used in this chapter.

4a) CONVENIENT STORE. *A retail store that is open long hours and sells grocery, snack, household, miscellaneous items and gasoline at the pump.*

SECTION III

C. DENIAL OF APPLICATION.

No license provided for in this ordinance shall be issued if there is cause for refusal as specified in KRS 243.450, and the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

(7) An applicant premise is located in the downtown business area of the City of Springfield adjacent to and facing the two block area of Main Street extending from Doctor Street on the West to Walnut Street on the East unless the applicant premises is a bona fide restaurant **or convenient store.**

This Ordinance shall become effective upon its second reading, passage and publication.

City of Springfield, Kentucky

John W. Cecconi
John W. Cecconi, Mayor

ATTEST:

Laurie Smith
Laurie Smith, City Clerk/Treasurer

First reading given October 9, 2012 Second reading given December 10, 2012

Published in The Springfield Sun on December 19, 2012

Council Member	yes	no		yes	no
Paul Borders	RESIGNED		Lisa Haydon	ABSENT	
Willie Ellery	✓	—	Debbie Wakefield	✓	—
Brooke Coulter	✓	—	Carolyn Hardin	✓	—

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

CITY OF SPRINGFIELD

ORDINANCE NUMBER 2008-01

**AN ORDINANCE LEVYING A RESTAURANT/LODGING (Transient Room) LICENSE FEE
AND PROVIDING FOR ITS COLLECTION**

WHEREAS, The Springfield City Council desires to fund marketing and the development of tourism activity within the City of Springfield;

WHEREAS, The City of Springfield will create by Ordinance a City Tourism Commission for the promotion of these activities within the City of Springfield, known as the Springfield Tourism Commission. This commission will be established by KRS and all applicable state laws.

The City Council of the City of Springfield, Kentucky does hereby ordain as follows:

Section 1. A. Pursuant to KRS 91A.400, there is hereby levied upon the retail sales of all food, beverage and alcoholic beverages by restaurants and on lodging in Springfield, Kentucky, a fee of a three percent (3%) of the gross amount of such sales; which shall be passed on to the customer or ultimate consumer.

Section 2. A. On or before the twentieth day of each calendar month, each restaurant and Lodging Owner/Operator shall report to the City Clerk/Treasurer or Treasurer of the Springfield Tourism Commission, on forms provided by the Commission, the gross sales of that restaurant/lodging facility from food and alcoholic beverages for the preceding calendar month and on the gross revenue of motels, hotels and other overnight establishments, and calculate the fee due for that month by computing three percent (3%) of its gross sales from food and non-alcoholic beverages and on lodging, and the operator shall remit with the form the fee due to the Springfield Tourism Commission.

B. For each 1-30 day period the report and the fee, or either, is past due, there shall be added as a penalty two percent (2%) of the fee due. There is a minimum of \$10.00 regardless of the amount of fee due, if any.

Section 3. A. A lien is hereby granted unto the City upon all property, real and personal of any restaurant/lodging facility, to secure the unpaid fee receipts due from that restaurant/lodging facility, which lien shall be perfected by filing a notice of the amount due and statement of lien in the office of the Washington County Court Clerk, Springfield, Kentucky, describing the property on which the lien is asserted.

B. Any person who violates this chapter or fails to comply with any of its requirements shall, on being adjudged liable thereof, be fined not less than \$25.00 nor more than \$50.00, and in addition shall pay all costs and expenses involved in the collection of the past due amount. Each day a violation continues shall be considered a separate civil offense. Nothing herein contained shall prevent the City of Springfield, Kentucky, from taking any other lawful action as is necessary to prevent or remedy any violation.

- Section 4. A. The Springfield Tourism Commission shall only expend the money within the guidelines of KRS 91A.350. The Springfield Tourism commission shall retain fifty percent (50%) of fee receipts for marketing and promotional efforts and the City of Springfield shall receive fifty percent (50%) of the fee receipts to be distributed to tourism-related "quality of life" initiatives in the City of Springfield as deemed eligible by a majority of both the City Council and Tourism Commission. Potential "quality of life" recipients identified that directly impact the tourism industry include, but are not limited to, the following: Idle Hour Park, Springfield Opera House, Children/Community Theater, Downtown Main Street Festivals, Sutton Conference Center, website enhancements, signage improvements and other activities that are culturally beneficial to the public good..
- B. The City of Springfield Tourism Commission will account for all funding in an account entitled Springfield Tourism Commission and shall remit a check each quarter for 50% of monies, accompanied by a quarterly report, to the City of Springfield Treasurer. Said reports shall also be submitted to the Springfield City Council, and Tourism Commission Members within fifteen days following the close of each fiscal year quarter. The remaining account will be expended upon recommendations of the Tourism Commission.

- Section 5. A. A restaurant as used in this ordinance is any fixed or mobile commercial establishment that engages in the preparation and serving of ready-to-eat foods in portions to the consumer, including, but not limited to: restaurants; coffee shops, cafeterias; short order cafes; luncheonettes; grilles; tea rooms; sandwich shops; soda fountains; roadside and festival stands; street vendors; catering kitchens; grocery delicatessen, convenience store delicatessen; or similar places in which food is prepared for sale for consumption on the premises or elsewhere. It does not include schools, food vending machines, establishments serving beverages only in single service or original containers..
- B. A lodging facility is defined as an establishment that accommodates overnight visitors, on a daily, weekly, monthly basis, for a charge, regardless of how the charge is characterized by the establishment and includes hotels/motels, suites, bed and breakfasts and similar transient lodging establishments. A lodging facility is not to be construed to include apartments, apartment houses and complexes where rental arrangements are usually fixed and ongoing and customarily for the period of 30 days or longer.
- C. Temporary food stands, booths, street concessions and similar type operations, whether operated by nonprofit corporations or not, when food is prepared and sold for immediate consumption, are not exempt from this fee.

- Section 6. A. No present or former employee of the Springfield Tourism Commission or any other person shall divulge any information acquired by him of the affairs of any person, or information regarding fee schedules, returns or reports required to be filed with the Tourism Commission, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business. This prohibition

does not extend to information required in prosecutions for making false reports or any other infraction of this ordinance, nor does it extend to any matter, which is in any way made a matter of public record, nor does it preclude furnishing any taxpayer or his properly authorized agent with information respecting his own report. Further, this prohibition does not preclude the Tourism Commission or any employee of the Commission from testifying in any court, or from introducing as evidence returns or reports filed with the Tourism Commission, in an action for violation of state or federal tax laws.

Section 7. A. Every restaurant/lodging facility as defined in this ordinance shall keep such records, receipts, invoices, and other pertinent papers in such form as the Tourist Commission may require, for not less than four (4) years from the making of such records unless the Tourism Commission in writing sooner authorizes their destruction. The Tourism Commission or the City Clerk/Treasurer may have access to all of the above records to the extent necessary to determine proper compliance with this chapter.

B. In the event of an overpayment or an incorrect payment, a request for refund will be accepted with proof of detailed overpayment and explanation. The City reserves the right to request further proof of overpayment or incorrect payment and if deemed appropriate the request that the business making such a claim take credits on future returns in lieu of a reimbursement by check. The period that the City will consider reimbursement on is limited to two (2) years prior to the posted date of request.

Section 8. A. The license fee provided for in this Ordinance is levied, commencing on the first day of May, 2008. The first report and remittance of tax due from restaurant/lodging operators shall be on the 20th day of June, 2008.

This ordinance shall be effective upon its adoption and publication as required by law upon roll call vote:

Paul Borders	Yes	Willie Ellery	Yes	Brian Bishop	Yes
Johnny Hardin	Yes	Carolyn Hardin	Yes	Mike Elliott	Absent

First Reading Date: February 12, 2008

Second Reading Date: March 11, 2008

Publication Date: March 26, 2008

Signed by Mayor John W. Cecconi and Attested by Laurie Smith, City Administrator

CITY OF SPRINGFIELD
ORDINANCE NO. 2008-003

AN ORDINANCE AMENDING SECTION 5A OF ORDINANCE NO. 2001-004B
FOR THE PURPOSE OF SELLING ALCOHOLIC BEVERAGES.

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS:

SECTION V

A. HOURS OF SALES PROHIBITED.


(1) No premises for which there has been granted any license for the sale of malt beverages, distilled spirits, or wine shall remain open for any purpose **OPEN FOR THE PURPOSE OF SELLING MALT BEVERAGES, DISTILLED SPIRITS OR WINE AND NO SALE OF MALT BEVERAGES, DISTILLED SPIRITS OR WINE SHALL OCCUR** between the hours of 12:00 Midnight and 6:00 a.m., or any time during the 24 hours on a Sunday, or during the hours the polls are open for any regular, primary, school, or special election.

(2) For the purposes of this section, no premises shall remain open, shall mean no alcohol beverage containers open or closed shall remain within the area available for customers **past 12:00 Midnight** and **THE** parking lot **IS TO BE** cleared of all customers **NO LATER THAN 1:00 AM**. The hours defined in this section for prohibited use or sale of alcoholic beverages are applicable to owners, agents, and employees of the premise, as well as customers. However, if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of malt beverages, distilled spirits, and wine, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section.

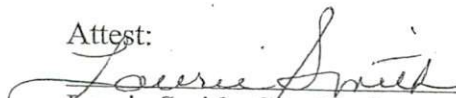
SECTION III: Passed and approved by the City Council of the City of Springfield, on this 8th day of April, 2008, with Yea and Nay Votes as follows:

Paul Borders Y, John R. Hardin Y, Brian Bishop Y,

Carolyn Hardin Y, John W. Ellery Y, Mike Elliott Y.


Mayor John W. Cecconi

Attest:


Laurie Smith, City Clerk

First Reading: March 11, 2008

Second Reading: April 8, 2008

Published in the Springfield Sun: April 16, 2008.

ALCOHOL
BEVERAGE CONTROL

2008 AUG 15 AM 9 30

RECEIVED

ORDINANCE NO. 2002-001

AN ORDINANCE AMENDING ORDINANCE NO. 2001-004B GOVERNING THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF SPRINGFIELD, KENTUCKY, DEFINING SAID REGULATIONS, SETTING FORTH A LICENSE PROCEDURE, SETTING FEES FOR SAID LICENSE AND SETTING PENALTIES FOR VIOLATIONS.

Whereas, the City of Springfield hereby amends Section II (A) 1 as follows:

SECTION II

A. ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR – OFFICE AND FUNCTIONS.

(1) There is hereby created the office of Alcoholic Beverage Control Administrator (hereinafter, "the Administrator"). The Administrator shall be appointed by the Mayor, based upon the qualifications of the candidates to fill the position, subject to the approval of the City Council for a term of one year. The salary of the Administrator shall be set at \$400.00 per month to commence on July 1, 2001. (initial budget for the office shall be \$400.00 per month and be reviewed annually). The duties of the Administrator are to carry out the provisions of this ordinance and all other state and local ordinances pertaining to the sale of alcoholic beverages in the City of Springfield.

Now, therefore be it ordained and effective upon second reading, passage and publication.

John W. Cecconi

Mayor John W. Cecconi

ATTEST:
Laurie Smith

Laurie Smith, City Clerk

First reading date: 1/8/02
Second reading date: 2/12/02
Publication date: 2/20/02

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

410.5

SPRINGFIELD

ORDINANCE NO. 2001-004B

A COMPREHENSIVE REGULATORY ORDINANCE FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF SPRINGFIELD, KENTUCKY, DEFINING SAID REGULATIONS, SETTING FORTH A LICENSE PROCEDURE, SETTING FEES FOR SAID LICENSE AND SETTING PENALTIES FOR VIOLATIONS.

WHEREAS, based upon documented experiences within the City of Springfield, and the experiences of other governmental units in the State of Kentucky, the City of Springfield finds it necessary to regulate the use of alcoholic beverages within the City of Springfield in order to protect the health, safety and welfare of the citizens of the City of Springfield.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGFIELD, KENTUCKY:

SECTION I

A. DEFINITIONS. The following words, terms and phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, and unless the context of the provision requires otherwise, and in addition to the definitions and rules of construction set out in this Section, the definitions contained in Sections 241.010 of the Kentucky Revised Statutes are adopted as the meaning of such words used in this chapter.

1) **ALCOHOLIC BEVERAGE.** Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is capable of being consumed by human beings. It includes every beverage for which the Commonwealth of Kentucky requires a license under KRS Chapter 243.

2) **BOARD.** The State Alcoholic Beverage Control Board created by KRS 241.030.

3) **CITY.** City of Springfield, Kentucky.

4) **CITY ADMINISTRATOR, ADMINISTRATOR or ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.** The City of Springfield's Alcoholic Beverage Control Administrator.

5) **CONVICTED or CONVICTION.** A finding of guilt resulting from a plea of guilty an Alford plea, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

RECEIVED
2019 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

6) DISTILLED SPIRITS. Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

7) LICENSE. Any license issued pursuant to KRS 243.020 to 243.670, and any license issued by the City Alcoholic Beverage Control Administrator.

8) LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670, or by the City of Springfield Alcoholic Beverage Control Administrator.

9) MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS Chapter 242.

10) PREMISES or LICENSED PREMISES. A building or structure and does not include any appurtenant structures, parking lots or areas outside the confines of such building or structure.

11) RESTAURANT or BONA FIDE RESTAURANT. A facility where the usual and customary business is the serving of meals to consumers and that has a bona fide kitchen facility which has been inspected, approved, and holds a valid certification by the County Health Department, and that derives at least seventy percent (70%) of its total gross receipts from the sale of food. The name of the establishment must also convey to members of the general public that the principle business of the facility is the sale of food.

12) RETAIL SALE. The sale for use or consumption and not for resale.

13) SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor or agent, servant or employee, of any alcoholic beverage. Sale further means to solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

14) STATE LICENSE. A license authorized by KRS 242.030 to 243.680.

15) WHOLESALE SALE. A sale to any person for the purpose of resale.

16) WINE. The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharin and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

SECTION II

A. ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR - OFFICE AND FUNCTIONS.

(1) There is hereby created the office of Alcoholic Beverage Control Administrator (hereinafter, "the Administrator"). The Administrator shall be appointed by the Mayor, based upon the qualifications of the candidates to fill the position, subject to the approval of the City Council for a term of one year. The salary of the Administrator shall be set at \$400.00 per month, to commence on July 1, 2001. The duties of the Administrator are to carry out the provisions of this ordinance and all other state and local ordinances pertaining to the sale of alcoholic beverages in the City of Springfield.

The office of Alcoholic Beverage Control Administrator for the City of Springfield was created by the City Council of said city pursuant to KRS 241.160 to carry out the duties imposed by the Kentucky Revised Statutes and by Ordinance of the City of Springfield.

(2) Any person desiring to obtain a license to sell or disperse wholesale or retail distilled spirits or malt beverages shall make application to the City Administrator on appropriate forms provided by the Administrator. If, in the judgment of the Administrator, the applicant has complied with all requirements of the state and local alcoholic beverage control law, an appropriate license shall be issued.

(3) The City Alcoholic Beverage Control Administrator shall, in the exercise of sound discretion, refuse to issue or renew an alcoholic beverage license to any person who has not conducted his business in a decent orderly manner or who is known to conduct or encourage a disorderly place of business or who permits or engages in disorderly conduct, or who has been convicted of any violation of any criminal or penal law, except minor traffic violations, during the two (2) years immediately preceding his application. It is hereby deemed and declared to be in the best interest of public health, welfare and safety that the Administrator shall have discretion to issue such licenses as he deems will promote the general welfare of the City of Springfield.

(4) All revenue derived from license fees or fines herein provided shall be paid to the City Alcoholic Beverage Control Administrator for the benefit of the City of Springfield and said revenue shall become a part of the general funds of the city.

(5) The Alcoholic Beverage Control Administrator shall make an annual written report of his office to the City Council.

RECEIVED
2019 JUN 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

SECTION III

A. LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale, or dispense, or have in his possession for sale, any alcoholic beverage within the city without having the appropriate license hereinafter provided for, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and, shall not entitle the holder of the license to sell from any other premises within the city.

B. APPLICATION FOR LICENSE.

(1) Applications for licenses shall be made to the city administrator, in writing signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation. Such applications shall be made on forms supplied by the city administrator and no license shall be issued until completed in full and the appropriate fee therefore has been paid.

A written application must be made with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the Alcoholic Beverage Control Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

- (a) All information required by KRS 243.390 to be contained in the application for state licenses.
- (b) A consent by the applicant to the inspection of the licensed premises, by the administrator, where alcoholic beverages are sold, stored or otherwise trafficked in, without first obtaining a search warrant. Additionally, the administrator may confiscate any contraband property or items.
- (c) Documentary evidence of an application for a state license, which corresponds to the city license for which the application is being made.
- (d) Original applications for any alcoholic beverage license must be accompanied by a copy of notice of the applicants intention to make application, published once before such application is filed, in the regular edition of the official newspaper of the city, which shall be, "The Springfield Sun".

(2) All applicants, all officers of any applicant corporation, all persons holding 5% or more of the stock in an applicant corporation or owners or partners of an applicant partnership shall each submit fingerprints and a current color photograph of themselves with all other documents as required in the application process or during any subsequent renewal if not previously provided or otherwise deemed necessary by the city administrator.

ALCOHOL
BEVERAGE CONTROL

2019 AUG 15 AM 9 30

RECEIVED

C. DENIAL OF APPLICATION.

No license provided for in this ordinance shall be issued if there is cause for refusal as specified in KRS 243.450, and the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

- (1) The applicant, the application, or the premises described therein do not fully comply with the provisions of this ordinance and all laws in regard to alcoholic beverages;
- (2) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;
- (3) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;
- (4) The applicant, his agent, or manager has been convicted of a felony;
- (5) An applicant who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application.
- (6) A partnership, unless all the members of the partnership shall be qualified to obtain such a license.
- (7) An applicant premise is located in the downtown business area of the City of Springfield adjacent to and facing the two block area of Main Street extending from Doctor Street on the West to Walnut Street on the East unless the applicant premises is a bona fide restaurant.
- (8) An applicant premise is located in the City of Springfield not zoned for commercial use under the zoning laws of the City of Springfield. This section shall not preclude the issuance of a license on premises for which a proper zoning change has been granted by the zoning board and City Council of Springfield.
- (9) Any statement or representation in the application is false.

RECEIVED
2019 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

(10) In the exercise of sound discretion, the Alcoholic Beverage Control Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this Ordinance and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the Alcoholic Beverage Control Administrator shall consider in the exercise of his discretion are: public sentiment in the area; number of license outlets in the area; potential for future growth; traffic flow and parking availability; type of area involved; type of transportation involved; safety issues; financial potential of the area, and the intended name of the applicant premises. No alcohol beverage license shall be issued to a restaurant intending to use the words, "Saloon, Bar, Joint or Roadhouse", nor shall any other term be used that would likely bring disrepute upon the neighborhood in which it would be located, or the City of Springfield.

SECTION IV

A. CLASSIFICATION OF LICENSES.

(1) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(2) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license.

B. LICENSE FEE SCHEDULE.

(1) The licenses authorized under this subchapter shall be divided into the following categories and the applicant shall, at the time of his application, pay to the City of Springfield the appropriate fee for each license applied for:

- (a) Distilled spirits, wine, and retail package license \$600.00 per year.**
Retail package sale of distilled spirits and wine in sealed containers,
but not for consumption on the licensed premises.

(b) Retail malt beverage license.....\$200.00 per year.
Malt beverage retailer's license.

(c) Restaurant wine license

(a) New applicants..... \$600.00 per year.

(b) Applicants for renewal.....\$400.00 per year.

Retail sale of wine for consumption on the licensed premises of a bona fide restaurant where distilled spirits for consumption on the premises is not available, or a license has not been issued.

(d) Limited retail restaurant, motel, hotel, or inn drink license \$600.00 per year.

Retail sale of distilled spirits and wine by the drink for consumption on the licensed premises.

(e) Special temporary malt beverage license \$25.00 per event.

Retail sale of malt beverages. Available only to religious, charitable, fraternal, or other not-for-profit organizations, for periods not in excess of three consecutive days, one time per year. (July 1 through June 30).

(2) No license shall be issued hereunder until the same has been approved as required by law and by the State Alcoholic Beverage Control Board and by the City Alcohol Beverage Control Administrator. Licenses which have been approved according to law shall then be issued by the City Clerk.

(3) Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than one-half the full annual license fee.

(4) Any license issued to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises.

(5) All licenses shall expire on June 30 of each year.

C. LICENSE CONDITIONS.

All licenses issued hereunder shall be subject to the following conditions:

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license.

RECEIVED
2011 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

(b) Retail malt beverage license.....\$200.00 per year.
Malt beverage retailer's license.

(c) Restaurant wine license

(a) New applicants..... \$600.00 per year.

(b) Applicants for renewal.....\$400.00 per year.

Retail sale of wine for consumption on the licensed premises of a bona fide restaurant where distilled spirits for consumption on the premises is not available, or a license has not been issued.

(d) Limited retail restaurant, motel, hotel, or inn drink license \$600.00 per year.

Retail sale of distilled spirits and wine by the drink for consumption on the licensed premises.

(e) Special temporary malt beverage license \$25.00 per event.

Retail sale of malt beverages. Available only to religious, charitable, fraternal, or other not-for-profit organizations, for periods not in excess of three consecutive days, one time per year. (July 1 through June 30).

(2) No license shall be issued hereunder until the same has been approved as required by law and by the State Alcoholic Beverage Control Board and by the City Alcohol Beverage Control Administrator. Licenses which have been approved according to law shall then be issued by the City Clerk.

(3) Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than one-half the full annual license fee.

(4) Any license issued to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises.

(5) All licenses shall expire on June 30 of each year.

C. LICENSE CONDITIONS.

All licenses issued hereunder shall be subject to the following conditions:

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license.

AlcOrd2001

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

(2) A limited retail drink license for the sale of Distilled Spirits by the drink at restaurants, motels, hotels, and inns shall be issued only on the following conditions:

(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred twenty five (125) persons. A restaurant must be a bona fide restaurant establishment, open to the general public and have dining facilities for not less than one hundred twenty five (125) persons, and must derive at least seventy percent (70%) of their total gross receipts from the sale of food.

(3) A restaurant wine license may be issued to an applicant, who is an owner or lessee of a bona fide restaurant. Other conditions for a restaurant wine license shall be governed by KRS 243.032.

(4) Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department, and an inspection and certification by the city fire chief that the premises of the applicant meets all fire, building and safety standards.

(5) All alcoholic beverages must be consumed on the premises.

(6) No licensee shall require a minimum cover charge, or charge admission to the premises.

(7) All licensees shall conduct alcohol awareness training annually for all employees and the certificate for same must be available to the Alcoholic Beverage Control Administration.

(8) Each restaurant licensee shall file with the City Clerk/Treasurer and the city's Alcoholic Beverage Control Administrator every six (6) months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages. The report shall be notarized and sworn to by the person filing the report. In addition, the licensee agrees to provide tax returns, receipts, or any other business record which the administrator may request in order to verify the information contained in the report.

(9) No license for the sale of alcoholic beverages at retail shall be used for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(10) No city license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(11) A license that might be issued shall be refused for the same causes set forth in state law for the refusal of state licenses.

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

(12) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state license.

(13) No applicant shall become a licensee who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two (2) years preceding the application; is under the age of twenty one (21) years; is not a citizen of the United States and has not had an actual bona fide residence in the state for at least one (1) year before the date on which his application for a license is made; is a partnership or corporation unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is twenty one (21) years of age or more and is a citizen of the United States; has had any license issued under state law relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute, until the expiration of two (2) years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two (2) years from the date of the revocation or conviction. Prior to the issuance of any license, the Police Department shall investigate all applicants pertaining to the above requirements. (KRS 243.100)

(14) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(15) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen it from the public view.

(16) A licensee which holds a restaurant-wine license or limited retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.

(17) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.

(18) No live entertainment shall be permitted upon any licensed premises which has more than two (2) members who comprise the act, show, or production. No live entertainment shall be permitted past the hour of 10:00 p.m.

RECEIVED
2019 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

SECTION V

A. HOURS OF SALES PROHIBITED.

(1) No premises for which there has been granted any license for the sale of malt beverages, distilled spirits, or wine shall remain open for any purpose between the hours of 12:00 Midnight and 6:00 a.m., or any time during the 24 hours on a Sunday, or during the hours the polls are open for any regular, primary, school, or special election.

(2) For the purposes of this section, no premises shall remain open, shall mean no alcohol beverage containers open or closed shall remain within the area available for customers, and doors to the premises closed and locked, and parking lot cleared of all customers. The hours defined in this section for prohibited use or sale of alcoholic beverages are applicable to owners, agents, and employees of the premise, as well as customers. However, if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of malt beverages, distilled spirits, and wine, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section.

B. ALCOHOLIC BEVERAGES - PREMISES.

(1) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if said alcoholic beverage is in any opened container.

(2) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of said alcoholic beverages on any parking lot which is adjacent, connected with or used by the patrons of such business establishment which is under the direct control of the licensee.

(3) No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(4) No person shall consume or be in possession of any alcoholic beverage on licensed premises other than alcoholic beverages sold and dispensed by the licensee. The licensee or his agent shall have the authority to order the immediate removal of any alcoholic beverage carried onto licensed premises in violation of this Section.

RECEIVED
2019 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

(5) Exemption for Outdoor Festivals. There is exempted from this section any person or licensee which holds a temporary malt beverage license, which license permits the operation of an outdoor festival, if said festival is conducted no more than three consecutive days annually.

(6) Advertising Alcoholic Beverages Near a School or Church Prohibited. No licensee shall advertise alcoholic beverages by a trade name, trade-mark, or in any other manner within two hundred (200) feet of the property line of any school, school playground, day care, nursery, or church. The distance shall be by straight line.

C. CONDUCT OF PATRONS.

(1) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall monitor the conduct of their patrons to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in such conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, creating excessive noise or trespassing upon private property in the immediate area. Licensee shall conduct his business in a decent orderly manner, and shall not encourage a disorderly place of business, nor permit or engage in disorderly conduct.

(2) A licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

D. CONDUCTING BUSINESS WITH A MINOR.

(1) As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage, or engage in any of the following actions in the city:

(a) The possession or consumption of any alcoholic beverages by any person under 21 years of age in or upon any licensed premises or public places; and

(b) The misrepresentation of the name, address, age, or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

E. AIDING OR ASSISTING PERSONS UNDERAGE.

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

It shall be unlawful for any person to aid or assist any person under the age of 21 years in purchasing, delivering, serving, or in any way procuring directly or indirectly any alcoholic beverages.

F. POSTING OF SIGNS - DISPLAY OF LICENSE.

(1) As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous, prominent place on the license premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(a) A sign or placard at least 18 inches by 11 inches in size with the following message printed on or displayed thereon in 30 point or larger type:

Persons under the age of twenty-one (21) years are subject to a fine up to One Hundred (\$100.00) Dollars if they:

- 1. Enter license premises to buy or have served or delivered to them any alcoholic beverages; or**
- 2. Possess, purchase or attempt to purchase any alcoholic beverages; or**
- 3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.**

(2) All valid city licenses issued therefore and the state license to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

G. TEMPORARY SUSPENSION OF SALE.

That the Alcoholic Beverage Control Administrator shall have the right to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire city, or any portion thereof whenever said Alcoholic Beverage Control Administrator considers such action necessary by reason of a serious public emergency such as riot, insurrection, pestilence, epidemic, or any catastrophe of such proportions as would effect the general welfare, public health, safety and morals of all the citizens of the city in general. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken.

H. SUSPENSION, REVOCATION OF LICENSE.

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

(1) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the Alcoholic Beverage Control Administrator upon the occurrence of:

(a) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(b) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto;

(c) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(2) However, city licenses must be revoked by the Alcoholic Beverage Control Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the Alcoholic Beverage Control Administrator, a license may, as an alternative and in lieu of part or all of the days of any suspension period, pay the amount of \$50.00 per day, as set forth in KRS 243.480.

SECTION VI

A. GENDER NEUTRALITY.

The terms he, his or any other masculine description utilized in this ordinance shall be interchangeable with the terms she, her or any other feminine description and vice versa.

SECTION VII

A. REVOCATION.

Ordinance Sections 410.1, 410.2, 410.3, and 410.4 relating to alcoholic beverages are hereby repealed in their entirety.

SECTION VIII

A. SEVERABILITY.

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION IX

A. PENALTY.

(1) Any person, firm, or corporation who shall violate any provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

- (a) If for a violation of any state statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.
- (b) If for a violation of any provision of this chapter by a fine or not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in jail for not more than thirty (30) days, or both, in the discretion of the court.
- (c) If a restaurant licensee holding a limited retail drink license fails to file the bi-annual report required under this ordinance, or files a false, fraudulent, or forged report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee in addition to any other criminal penalty provided for by state law or by Section (b) herein.
- (d) If a restaurant licensee is deemed ineligible for a limited retail drink license based upon the bi-annual report required under this ordinance, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.
- (e) In addition to the penalty stated herein, any person who shall violate any provision of this ordinance shall be guilty of a Class B Misdemeanor.

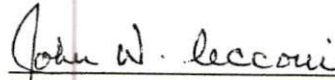
RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL

SECTION X

A. PASSAGE

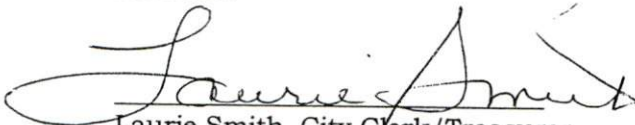
This Ordinance shall become effective upon its second reading, passage and publication.

City of Springfield, Kentucky



John W. Ceconi, Mayor

ATTEST:



Laurie Smith, City Clerk/Treasurer

First reading given 3-23-, 2001

Second reading given 4-10-01, 2001

Published in The Springfield Sun on 4-18-01, 2001

Council Member	yes	no
Paul Borders	<u>X</u>	—
Mary Haydon	<u>X</u>	—
Willie Ellery	<u>X</u>	—
John Coyle	—	<u>X</u>
John Hardin	—	<u>X</u>
James Logsdon	—	<u>X</u>

Mayor John Ceconi voted yes

RECEIVED
2014 AUG 15 AM 9 30
ALCOHOL
BEVERAGE CONTROL