

CAMPBELL COUNTY FISCAL COURT
CAMPBELL COUNTY, KENTUCKY

ORDINANCE O-12-13

AN ORDINANCE OF THE CAMPBELL COUNTY FISCAL COURT AMENDING
CHAPTER 111: ALCOHOLIC BEVERAGES IN THE CAMPBELL COUNTY CODE
OF ORDINANCES

WHEREAS, Chapter 111: Alcoholic Beverages in the Campbell County Code of Ordinances relates to the operation and sale of Alcoholic Beverages in the unincorporated area of Campbell County; and

WHEREAS, the Kentucky General Assembly during the 2013 Legislative Session adopted Senate Bill 13 which resulted in changes to the Kentucky Revised Statutes that relate to alcoholic beverages, including making alcohol sales on any primary, regular, local option, or special election days in Kentucky permitted unless prohibited by local government, changing license types and fees, along with other changes to "clean up" existing statutory problems and inconsistencies that existed in Kentucky law and to make the statutes more customer friendly; and

WHEREAS, the Campbell County Fiscal Court has reviewed the changes to said Kentucky Statutes relating to alcoholic beverages and wishes to allow the sale of alcoholic beverages on any primary, regular, local option, or special election day in the unincorporated Campbell County which is contrary to the present Chapter 111: Alcoholic Beverages; and

WHEREAS, the Campbell County Fiscal Court wishes to update the license types in the current Chapter 111: Alcoholic Beverages to be consistent with Kentucky Revised Statutes.

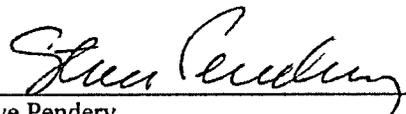
NOW, THEREFORE, IT IS HEREBY ORDAINED by the Campbell County Fiscal Court, Campbell County, Kentucky as follows: that Chapter 111: Alcoholic Beverages in the Campbell County Code of Ordinances is amended as proposed in the attachment.

That all prior ordinances are repealed to the extent of any conflict with the provisions of this ordinance.

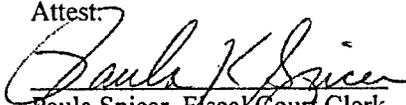
This ordinance shall take effect and be in full force from and after its passage, publication, and recording, according to law.

Read by title and a summary given on the 6th day of November, 2013.

Read and adopted after second reading by title and a summary given on the 20 day of November, 2013.



Steve Pendery
Judge/Executive

Attest:


Paula Spicer, Fiscal Court Clerk

First Publication: 11/14/13
Second Publication: 11/28/13

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

Operation and Sale of Alcoholic Beverages

- 111.01 Hours of operation
- 111.02 Sale or transfer of alcoholic beverages during closing hours
- 111.03 Prohibiting certain persons on premises during closing hours
- 111.04 Open containers
- 111.05 Sales including Sundays or when polls open

Nude or Nearly Nude Activities

- 111.20 Definition
- 111.21 Performing nude or nearly nude activities
- 111.22 Permitting nude or nearly nude activities
- 111.23 Revocation or suspension of liquor license for violations
- 111.24 Revocation and forfeiture of permit for violations

- 111.99 Penalty

Cross Reference:

Responsibility for possession or consumption of alcoholic beverages by minors, see § 130.04

OPERATION AND SALE OF ALCOHOLIC BEVERAGES

§ 111.01 HOURS OF OPERATION.

No premise for which there has been granted a license for the sale by the drink or package, or consumption on or off the premises, of beer, malt beverages, distilled spirits, or wine, shall be permitted to remain open between the hours of 2:30 a.m. and 6:00 a.m.; however, the legislative body of any city, or the County Fiscal Court in the unincorporated areas of the county may, by ordinance, permit such establishments to remain open for such purpose until the hour of 3:00 a.m. (Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.02 SALE OR TRANSFER OF ALCOHOLIC BEVERAGES DURING CLOSING HOURS.

No licensee, his employee, or agent shall permit the sale, dispensing, giving away or consumption of beer, malt beverages, distilled spirits, or wine between the hours of 2:00 a.m. and 6:00 a.m.

(Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.03 PROHIBITING CERTAIN PERSONS ON PREMISES DURING CLOSING HOURS.

(A) During the hours of 2:30 a.m. and 6:00 a.m., no person shall be present upon the premises of an establishment licensed for the sale of alcoholic beverages by the drink except the person who has legal possession of the premises and his bona fide employees, who are actually on the premises for the purposes of cleaning, refurbishing or making repairs to the premises.

(B) During the hours of 2:30 a.m. and 6:00 a.m., no licensee shall permit or allow any person to be present upon the premises of such

establishment except those persons mentioned in division (A) above.

(Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.04 OPEN CONTAINERS.

The presence of any open container of beer, malt beverage, distilled spirits, or wine, between the hours of 2:30 a.m. and 6:00 a.m. shall be prima facia evidence of sale, dispensing, giving away or consumption of said beverage. This section shall not apply to open containers of bar stock of distilled spirits or wine found behind the bar.

(Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.05 SALES INCLUDING SUNDAYS OR WHEN POLLS OPEN.

(A) A person or entity holding a license under the provisions of this chapter and applicable state law

may sell alcoholic beverages or do any act as authorized by the license.

(B) The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license except that no sale of alcoholic beverages shall be made during the hours the polls are open on any regular, primary, school or special election day. The hours when sales are permitted are as follows:

(1) A licensee holding a malt beverage and/or a distilled spirits and wine retail package license. During the period between the hours of 6:00 a.m. to 2:00 a.m. the next morning, except on Sundays when the permitted times are from 11:00 a.m. to midnight on Sunday.

(2) A licensee holding a malt beverage retail drink license and/or a Sunday distilled spirits and wine retail drink license. During the period between the hours of 6:00 a.m. to 2:00 a.m. the next morning, except Sundays when the permitted times are from 11:00 a.m. to midnight, unless New Year's Eve falls on a Sunday, when the permitted times are from 11:00 a.m. until 2:00 a.m. the next morning.

(3) A licensee holding a small winery license or a farm winery license: during the period between the hours of 6:00 a.m. until 2:00 a.m. the next morning, except Sundays when the permitted times are from 11:00 a.m. to midnight, unless New Year's Eve falls on a Sunday, when the permitted times are from 11:00 a.m. until 2:00 a.m. the next morning.

(4) During all times when a licensed premise is open and the licensee is not permitted to sell alcoholic beverages, a licensee shall provide a separate area with the licensed premises capable of being locked, closed off or otherwise properly separated, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with the business as a licensee, and said area shall be kept locked or separated.

(Ord. O-11-85, passed 3-19-86; Am. Ord. O-05-05, passed 5-18-05; Am. Ord. O-10-06, passed 8-9-06) Penalty, see § 111.99

NUDE OR NEARLY NUDE ACTIVITIES

§ 111.20 DEFINITIONS.

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

BUSINESS ESTABLISHMENT. A business within the county where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or a retail cereal malt beverage license.

LICENSE. A retail drink liquor license and/or a retail cereal malt beverage license.

PLACE OF ENTERTAINMENT LICENSE. The license granted by the county pursuant to KRS Chapter 231.

PREMISES. The land and building in and upon which any business establishment is carried on.

RETAIL LICENSEE. Any license holder, including its officers and agent who sells at retail any alcoholic beverage for the sale of which a retail drink liquor license and/or a retail cereal malt beverage liquor license is required.

(Ord. 0-9-85, passed 10-15-85)

§ 111.21 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It shall be unlawful for a person to perform nude, nearly nude, or simulated nude activity on a business establishment's premises. A person is guilty of performing a nude, nearly nude, or simulated nude activity on a business establishment's premises when that person appears in such a manner or attire so as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such a manner or attire as to expose to view that portion of her breast referred to as the areola or nipple, or simulation thereof.

(Ord. 0-9-85, passed 10-15-85) Penalty, see § 111.99

§ 111.22 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

judge/executive, pursuant to KRS 231.125.
(Ord. 0-9-85, passed 10-15-85)

A retail licensee, or any other person, corporation, or other entity, is guilty of permitting a nude, nearly nude, or simulated nude activity, when being the retail licensee, or when having control of the business establishment's premises, he allows or permits any person to appear on the premises in such manner or attire so as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or any female to appear on the premises in such manner or attire so as to expose to view any portion of her breast referred to as the areola or nipple, or simulation thereof. A retail licensee or other person, corporation, or other entity, having control of the business establishment's premises, shall also be guilty of permitting a nude, nearly nude, or simulated nude activity, when having knowledge of such activity, he fails to make reasonable and timely effort to halt such activity.
(Ord. 0-9-85, passed 10-15-85) Penalty, see § 111.99

§ 111.23 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.

(A) In the event of a conviction for violation of §§ 111.21 and/or 111.22, the State Alcoholic Beverage Control Administrator or a person designated by him, or the County Alcoholic Beverage Control Administrator, may conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.080 through KRS 241.150) to determine whether the liquor license and/or cereal malt beverage license for the premises upon which the violation occurred, should be revoked or suspended.

(B) In the event of three or more convictions or violations of §§ 111.21 and/or 111.22, after a hearing, the liquor license and/or cereal malt beverage license shall be revoked or suspended.
(Ord. 0-9-85, passed 10-15-85)

§ 111.24 REVOCATION AND FORFEITURE OF PERMIT FOR VIOLATIONS.

Conviction for violation of §§ 111.22 and/or 111.23 shall be deemed ground for revocation and forfeiture of the business establishment's place of entertainment permit by the county

§ 111.99 PENALTY.

(A) Any licensee, his employee, or agent, or any other person who violates any of the provisions of this chapter shall be guilty of a Class B Misdemeanor as defined in the Kentucky Revised Statutes, and sentenced to a fine of not more than \$250 or incarceration in the county jail for not more than 90 days or both. (Ord. 0-11-85, passed 3-19-86)

(B) Performing a nude, nearly nude, or simulated nude activity as set forth in § 111.21 or permitting such activity as set forth in § 111.22, for the first offense is a violation; and punishment shall be fixed as set forth in the Kentucky Revised Statutes; for a second offense, a class A misdemeanor; and for a third and subsequent offense, a class A misdemeanor, and punishment shall be fixed as set forth in the Kentucky Revised Statutes for those offenses. (Ord. 0-9-85, passed 10-15-85)

RECEIVED
2007 FEB -6 A 9:31
ALCOHOLIC
BEVERAGES DIVISION

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

Operation and Sale of Alcoholic Beverages

- 111.01 Hours of operation
- 111.02 Sale or transfer of alcoholic beverages during closing hours
- 111.03 Prohibiting certain persons on premises during closing hours
- 111.04 Open containers
- 111.05 Sales on Sundays or when polls open

Nude or Nearly Nude Activities

- 111.20 Definition
- 111.21 Performing nude or nearly nude activities
- 111.22 Permitting nude or nearly nude activities
- 111.23 Revocation or suspension of liquor license for violations
- 111.24 Revocation and forfeiture of permit for violations

111.99 Penalty

Cross Reference:

Responsibility for possession or consumption of alcoholic beverages by minors, see § 130.04

OPERATION AND SALE OF ALCOHOLIC BEVERAGES

§ 111.01 HOURS OF OPERATION.

8-31-6 - SEE ATTACHED ORDINANCE C-10-06 FOR AMENDMENTS KCB

No premise for which there has been granted a license for the sale by the drink or package, or consumption on or off the premises, of beer, malt beverages, distilled spirits, or wine, shall be permitted to remain open between the hours of 2:30 a.m. and 6:00 a.m.; however, the legislative body of any city, or the County Fiscal Court in the unincorporated areas of the county may, by ordinance, permit such establishments to remain open for such purpose until the hour of 3:00 a.m. (Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.02 SALE OR TRANSFER OF ALCOHOLIC BEVERAGES DURING CLOSING HOURS.

No licensee, his employee, or agent shall permit the sale, dispensing, giving away or consumption of beer, malt beverages, distilled spirits, or wine between the hours of 2:00 a.m. and 6:00 a.m. (Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.03 PROHIBITING CERTAIN PERSONS ON PREMISES DURING CLOSING HOURS.

(A) During the hours of 2:30 a.m. and 6:00 a.m., no person shall be present upon the premises of an establishment licensed for the sale of alcoholic beverages by the drink except the person who has legal possession of the premises and his bona fide employees, who are actually on the premises for the purposes of cleaning, refurbishing or making repairs to the premises.

(B) During the hours of 2:30 a.m. and 6:00 a.m., no licensee shall permit or allow any person to be present upon the premises of such establishment except those persons mentioned in division (A) above. (Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.04 OPEN CONTAINERS.

The presence of any open container of beer, malt beverage, distilled spirits, or wine, between the hours of 2:30 a.m. and 6:00 a.m. shall be prima facie evidence of sale, dispensing, giving away or consumption of said beverage. This section shall not apply to open containers of bar stock of distilled spirits or wine found behind the bar. (Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.05 SALES ON SUNDAYS OR WHEN POLLS OPEN. - See ATTACHED ORDINANCE C-10-06 FOR 8-31-6 AMENDMENTS KCB

(A) A person or entity holding a license under the provisions of this chapter and applicable state law may sell alcoholic beverages or do any act as authorized by the license.

§ 111.22 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A retail licensee, or any other person, corporation, or other entity, is guilty of permitting a nude, nearly nude, or simulated nude activity, when being the retail licensee, or when having control of the business establishment's premises, he allows or permits any person to appear on the premises in such manner or attire so as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or any female to appear on the premises in such manner or attire so as to expose to view any portion of her breast referred to as the areola or nipple, or simulation thereof. A retail licensee or other person, corporation, or other entity, having control of the business establishment's premises, shall also be guilty of permitting a nude, nearly nude, or simulated nude activity, when having knowledge of such activity, he fails to make reasonable and timely effort to halt such activity.

(Ord. 0-9-85, passed 10-15-85) Penalty, see § 111.99

§ 111.23 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.

(A) In the event of a conviction for violation of §§ 111.21 and/or 111.22, the State Alcoholic Beverage Control Administrator or a person designated by him, or the County Alcoholic Beverage Control Administrator, may conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.080 through KRS 241.150) to determine whether the liquor license and/or cereal malt beverage license for the premises upon which the violation occurred, should be revoked or suspended.

(B) In the event of three or more convictions or violations of §§ 111.21 and/or 111.22, after a hearing, the liquor license and/or cereal malt beverage license shall be revoked or suspended.

(Ord. 0-9-85, passed 10-15-85)

§ 111.24 REVOCATION AND FORFEITURE OF PERMIT FOR VIOLATIONS.

Conviction for violation of §§ 111.22 and/or 111.23 shall be deemed ground for revocation and forfeiture of the business establishment's place of entertainment permit by the county judge/executive, pursuant to KRS 231.125.

(Ord. 0-9-85, passed 10-15-85)

§ 111.99 PENALTY.

(A) Any licensee, his employee, or agent, or any other person who violates any of the provisions of this chapter shall be guilty of a Class B Misdemeanor as defined in the Kentucky Revised Statutes, and sentenced to a fine of not more than \$250 or incarceration in the county jail for not more than 90 days or both. (Ord. 0-11-85, passed 3-19-86)

(B) Performing a nude, nearly nude, or simulated nude activity as set forth in § 111.21 or permitting such activity as set forth in § 111.22, for the first offense is a violation; and punishment shall be fixed as set forth in the Kentucky Revised Statutes; for a second offense, a class A misdemeanor; and for a third and subsequent offense, a class A misdemeanor, and punishment shall be fixed as set forth in the Kentucky Revised Statutes for those offenses. (Ord. 0-9-85, passed 10-15-85)

CAMPBELL COUNTY FISCAL COURT
ORDINANCE NO. 0-10-06

**AN ORDINANCE AMENDING PRIOR ORDINANCE NO. 0-05-05
AND SECTIONS 111.01 AND 111.05 OF THE CAMPBELL COUNTY
CODE OF ORDINANCES TO REVISE THE HOURS WHEN SALES
ARE PERMITTED WITH RESPECT TO MALT BEVERAGES, RETAIL
LICENSE AND DISTILLED SPIRITS AND WINE BOTH RETAIL,
PACKAGE AND DRINK LICENSE.**

WHEREAS, the Campbell County Fiscal Court desires to amend its Ordinances concerning the sale of alcohol on Sundays so to insure that Campbell County businesses are not placed at a competitive disadvantage relative to the sale of alcohol and also to be consistent with many of the cities within Campbell County that have permitted the Sunday sale of alcohol;

WHEREAS, the Fiscal Court has the authority pursuant to KRS 244.290 and KRS 244.480 to establish the times during which alcohol may be sold within its jurisdictional boundaries including Sunday sales.

NOW THEREFORE, BE IT ORDAINED BY THE CAMPBELL COUNTY FISCAL COURT AS FOLLOWS:

That Sections 111.01 and 111.05 of the Campbell County Code of Ordinances are hereby amended to read as follows:

(A) A person or entity holding a license under the provisions of this chapter and applicable state law may sell alcoholic beverages or do any act as authorized by the license. The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license except that no sale of alcoholic beverages shall be made during the hours the polls are open on any regular, primary, school or special election day. The hours when sales are permitted are as follows:

(1) A licensee holding a malt beverage and/or a distilled spirits and wine retail package license: during the period between the hours of 6:00 am to 2:00 am the next morning, except on Sundays when the permitted times are from 11:00 am to Midnight on Sunday.

~~(2) A licensee holding a distilled spirits and wine retail drink license: during the period between the hours of 6:00 am to 2:00 am the next morning, except during the period between the hours of 2:00 am Sunday to 6:00 am Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of KRS 244.290(4), stated as follows, the period shall include the hours from 1:00 pm to midnight on Sunday:~~

Sund
Drum Sales - OK 11AM - 12AM
Sunday PKG Sales - OK 11PM - 12AM
Weekday Sales - 6 - 2 AM 2:00AM
Campbell County
2006

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

Operation and Sale of Alcoholic Beverages

- 111.01 Hours of operation
- 111.02 Sale or transfer of alcoholic beverages during closing hours
- 111.03 Prohibiting certain persons on premises during closing hours
- 111.04 Open containers
- 111.05 Sales including Sundays or when polls open

Nude or Nearly Nude Activities

- 111.20 Definition
- 111.21 Performing nude or nearly nude activities
- 111.22 Permitting nude or nearly nude activities
- 111.23 Revocation or suspension of liquor license for violations
- 111.24 Revocation and forfeiture of permit for violations

111.99 Penalty

Cross Reference:

Responsibility for possession or consumption of alcoholic beverages by minors, see § 130.04

OPERATION AND SALE OF ALCOHOLIC BEVERAGES

§ 111.01 HOURS OF OPERATION.

No premise for which there has been granted a license for the sale by the drink or package, or consumption on or off the premises, of beer, malt beverages, distilled spirits, or wine, shall be permitted to remain open between the hours of 2:30 a.m. and 6:00 a.m.; however, the legislative body of any city, or the County Fiscal Court in the unincorporated areas of the county may, by ordinance, permit such establishments to remain open for such purpose until the hour of 3:00 a.m. (Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.02 SALE OR TRANSFER OF ALCOHOLIC BEVERAGES DURING CLOSING HOURS.

No licensee, his employee, or agent shall permit the sale, dispensing, giving away or consumption of beer, malt beverages, distilled spirits, or wine between the hours of 2:00 a.m. and 6:00 a.m. (Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.03 PROHIBITING CERTAIN PERSONS ON PREMISES DURING CLOSING HOURS.

(A) During the hours of 2:30 a.m. and 6:00 a.m., no person shall be present upon the premises of an establishment licensed for the sale of alcoholic beverages by the drink except the person who has legal possession of the premises and his bona fide employees, who are actually on the premises for the purposes of cleaning, refurbishing or making repairs to the premises.

(B) During the hours of 2:30 a.m. and 6:00 a.m., no licensee shall permit or allow any person to be present upon the premises of such establishment except those persons mentioned in division (A) above.

(Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.04 OPEN CONTAINERS.

The presence of any open container of beer, malt beverage, distilled spirits, or wine, between the hours of 2:30 a.m. and 6:00 a.m. shall be prima facie evidence of sale, dispensing, giving away or consumption of said beverage. This section shall not apply to open containers of bar stock of distilled spirits or wine found behind the bar.

(Ord. 0-11-85, passed 3-19-86) Penalty, see § 111.99

§ 111.05 SALES INCLUDING SUNDAYS OR WHEN POLLS OPEN.

(A) A person or entity holding a license under the provisions of this chapter and applicable state law

No drinking, selling, giving, dispensing

Licensee & employees may be on Prem. 2:30 AM - 6:00 AM

Open Containers

Remain open
h.w.s.
Grower Super-Flat
Cities & Co. may adopt
Local ordinance to stay
Prohibit 3am at
Police & Drink bill
11-03-86

may sell alcoholic beverages or do any act as authorized by the license.

(B) The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license except that no sale of alcoholic beverages shall be made during the hours the polls are open on any regular, primary, school or special election day. The hours when sales are permitted are as follows:

(1) A licensee holding a malt beverage and/or a distilled spirits and wine retail package license. During the period between the hours of 6:00 a.m. to 2:00 a.m. the next morning, except on Sundays when the permitted times are from 11:00 a.m. to midnight on Sunday.

(2) A licensee holding a malt beverage retail drink license and/or a Sunday distilled spirits and wine retail drink license. During the period between the hours of 6:00 a.m. to 2:00 a.m. the next morning, except Sundays when the permitted times are from 11:00 a.m. to midnight, unless New Year's Eve falls on a Sunday, when the permitted times are from 11:00 a.m. until 2:00 a.m. the next morning.

(3) A licensee holding a small winery license or a farm winery license: during the period between the hours of 6:00 a.m. until 2:00 a.m. the next morning, except Sundays when the permitted times are from 11:00 a.m. to midnight, unless New Year's Eve falls on a Sunday, when the permitted times are from 11:00 a.m. until 2:00 a.m. the next morning.

(4) During all times when a licensed premise is open and the licensee is not permitted to sell alcoholic beverages, a licensee shall provide a separate area with the licensed premises capable of being locked, closed off or otherwise properly separated, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with the business as a licensee, and said area shall be kept locked or separated.

(Ord. O-11-85, passed 3-19-86; Am. Ord. O-05-05, passed 5-18-05; Am. Ord. O-10-06, passed 8-9-06) Penalty, see § 111.99

NUDE OR NEARLY NUDE ACTIVITIES

§ 111.20 DEFINITIONS.

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

BUSINESS ESTABLISHMENT. A business within the county where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or a retail cereal malt beverage license.

LICENSE. A retail drink liquor license and/or a retail cereal malt beverage license.

PLACE OF ENTERTAINMENT LICENSE. The license granted by the county pursuant to KRS Chapter 231.

PREMISES. The land and building in and upon which any business establishment is carried on.

RETAIL LICENSEE. Any license holder, including its officers and agent who sells at retail any alcoholic beverage for the sale of which a retail drink liquor license and/or a retail cereal malt beverage liquor license is required. (Ord. 0-9-85, passed 10-15-85)

§ 111.21 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It shall be unlawful for a person to perform nude, nearly nude, or simulated nude activity on a business establishment's premises. A person is guilty of performing a nude, nearly nude, or simulated nude activity on a business establishment's premises when that person appears in such a manner or attire so as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such a manner or attire as to expose to view that portion of her breast referred to as the areola or nipple, or simulation thereof.

(Ord. 0-9-85, passed 10-15-85) Penalty, see § 111.99

Handwritten notes: Pkg. Malt Beverage, Pkg. Distilled Spirits, Sunday Distilled, JFW - 6-21-05, 12 AM - 2 AM, 11-8-85

§ 111.22 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A retail licensee, or any other person, corporation, or other entity, is guilty of permitting a nude, nearly nude, or simulated nude activity, when being the retail licensee, or when having control of the business establishment's premises, he allows or permits any person to appear on the premises in such manner or attire so as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or any female to appear on the premises in such manner or attire so as to expose to view any portion of her breast referred to as the areola or nipple, or simulation thereof. A retail licensee or other person, corporation, or other entity, having control of the business establishment's premises, shall also be guilty of permitting a nude, nearly nude, or simulated nude activity, when having knowledge of such activity, he fails to make reasonable and timely effort to halt such activity. (Ord. 0-9-85, passed 10-15-85) Penalty, see § 111.99

§ 111.23 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.

(A) In the event of a conviction for violation of §§ 111.21 and/or 111.22, the State Alcoholic Beverage Control Administrator or a person designated by him, or the County Alcoholic Beverage Control Administrator, may conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.080 through KRS 241.150) to determine whether the liquor license and/or cereal malt beverage license for the premises upon which the violation occurred, should be revoked or suspended.

(B) In the event of three or more convictions or violations of §§ 111.21 and/or 111.22, after a hearing, the liquor license and/or cereal malt beverage license shall be revoked or suspended. (Ord. 0-9-85, passed 10-15-85)

§ 111.24 REVOCATION AND FORFEITURE OF PERMIT FOR VIOLATIONS.

Conviction for violation of §§ 111.22 and/or 111.23 shall be deemed ground for revocation and forfeiture of the business establishment's place of entertainment permit by the county judge/executive, pursuant to KRS 231.125. (Ord. 0-9-85, passed 10-15-85)

§ 111.99 PENALTY.

(A) Any licensee, his employee, or agent, or any other person who violates any of the provisions of this chapter shall be guilty of a Class B Misdemeanor as defined in the Kentucky Revised Statutes, and sentenced to a fine of not more than \$250 or incarceration in the county jail for not more than 90 days or both. (Ord. 0-11-85, passed 3-19-86)

(B) Performing a nude, nearly nude, or simulated nude activity as set forth in § 111.21 or permitting such activity as set forth in § 111.22, for the first offense is a violation; and punishment shall be fixed as set forth in the Kentucky Revised Statutes; for a second offense, a class A misdemeanor; and for a third and subsequent offense, a class A misdemeanor, and punishment shall be fixed as set forth in the Kentucky Revised Statutes for those offenses. (Ord. 0-9-85, passed 10-15-85)

9/1/05 LP Sunday Ordinance

**CAMPBELL COUNTY FISCAL COURT
CAMPBELL COUNTY, KENTUCKY**

ORDINANCE O-05-05

AN ORDINANCE AMENDING SECTIONS 111.01 AND 111.05 OF THE CAMPBELL COUNTY CODE OF ORDINANCES TO REVISE THE HOURS WHEN SALES ARE PERMITTED WITH RESPECT TO MALT BEVERAGES, RETAIL LICENSE AND DISTILLED SPIRITS AND WINE BOTH RETAIL, PACKAGE AND DRINK LICENSE.

WHEREAS, the Campbell County Fiscal Court desires to amend its Ordinances concerning the sale of alcohol on Sundays so to insure that Campbell County businesses are not placed at a competitive disadvantage relative to the sale of alcohol and also to be consistent with many of the cities within Campbell County that have permitted the Sunday sale of alcohol;

WHEREAS, the Fiscal Court has the authority pursuant to KRS 244.290 and KRS 244.480 to establish the times during which alcohol may be sold within its jurisdictional boundaries including Sunday sales.

NOW THEREFORE, BE IT ORDAINED BY THE CAMPBELL COUNTY FISCAL COURT AS FOLLOWS:

That Sections 111.01 and 111.05 of the Campbell County Code of Ordinances are hereby amended to read as follows:

(A) A person or entity holding a license under the provisions of this chapter and applicable state law may sell alcoholic beverages or do any act as authorized by the license. The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license except that no sale of alcoholic beverages shall be made during the hours the polls are open on any regular, primary, school or special election day. The hours when sales are permitted are as follows:

(1) A licensee holding a distilled spirits and wine retail package license: during the period between the hours of 6:00 am to 2:00 am the next morning, except on Sundays when the permitted times are from 11:00 am to Midnight on Sunday.

(2) A licensee holding a distilled spirits and wine retail drink license: during the period between the hours of 6:00 am to 2:00 am the next morning, except during the period between the hours of 2:00 am Sunday to 6:00 am Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of KRS 244.290(4), stated as follows, the period shall include the hours from 1:00 pm to midnight on Sunday:

“(a) Having dining facilities with a minimum seating capacity of one hundred (100) people at tables; and
(b) Receiving at least fifty percent (50%) of their gross annual income from the dining facilities from the sale of food.”

(3) A licensee holding a malt beverage retailer’s license: during the period between the hours of 6:00 am to 2:00 am the next morning, except Sundays when the permitted times are from 11:00 am to midnight.

(4) A licensee holding a small winery license or a farm winery license: during the period between the hours of 6:00 am until 2:00 am the next morning, except Sundays when the permitted times are from 11:00 am until Midnight.

(5) During all times when a licensed premise is open and the licensee in not permitted to sell alcoholic beverages, a licensee shall provide a separate area with the licensed premises capable of being locked, closed off or otherwise properly separated, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with the business as a licensee, and said area shall be kept locked or separated.

(B) Any prior legislation passed by the Campbell County Fiscal Court in conflict with the provisions of this Ordinance is hereby amended as necessary to the extent of any such conflict.

(C) Penalty – See Section 111.99 of Code of Ordinances.

Introduced and presented for First Reading on the 9th day of May, 2005.

Adopted by the Campbell County Fiscal Court after a Second Reading on the 18th day of May, 2005.

This Amended Ordinance shall take effect upon its passage, approval and publication, pursuant to law.


STEVE PENDERY

Campbell County Judge Executive

Attest:


Sandra L. Mulligan
Fiscal Court Clerk

Advertising #1 May 12, 2005
Advertising #2 May 26, 2005

2003
7-15-7

CAMPBELL COUNTY FISCAL COURT
AMENDED ORDINANCE NO. 0-11-85

AN ORDINANCE RELATING TO CLOSING HOURS OF PREMISES FOR WHICH LICENSES FOR THE SALE BY THE DRINK OR PACKAGE OF BEER, MALT BEVERAGE, DISTILLED SPIRITS OR WINES HAVE BEEN GRANTED, AND PROHIBITING THE SALE OR ANY OTHER TRANSFER OF SAID BEVERAGES DURING CLOSING HOURS AND THE PROHIBITION OF CERTAIN PERSONS ON THE PREMISES DURING CLOSING HOURS AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CAMPBELL COUNTY FISCAL COURT as follows:

1. No premise for which there has been granted a license for the sale by the drink or package, or consumption on or off the premises, of beer, malt beverages, distilled spirits or wine, shall be permitted to remain open between the hours of 2:30 A.M. and 6:00 A.M., provided however, the legislative body of any city, or the Campbell County Fiscal Court in the unincorporated areas of the County may, by ordinance, permit such establishments to remain open for such purpose until the hour of 3:00 A.M.

2. No licensee, his employee or agent shall permit the sale, dispensing, or giving away of beer, malt beverages, distilled spirits, or wine between the hours of 2:00 A.M. and 6:00 A.M.

3. (a) During the hours of 2:30 A.M. and 6:00 A.M., no person shall be present upon the premises of an establishment licensed for the sale of alcoholic beverages by the drink except the person who has legal possession of the premises and his bona fide employees, who are actually on the premises for the purposes of cleaning, refurbishing or making repairs to the premises.

(b) During the hours of 2:30 A.M. and 6:00 A.M., no licensee shall permit or allow any person to be present upon the premises of such establishment except those persons mentioned in sub-section (a).