

ORDINANCE No. 2015 - 02

AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, AMENDING SECTION 116.03(B) OF THE CITY OF WARSAW CODE OF ORDINANCES IN ORDER TO CREATE A LIMITED GOLF COURSE ALCOHOLIC BEVERAGE LICENSE TO REFLECT THE RECENT CHANGES IN STATE LAW.

BE IT ORDAINED BY THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: Section 116.03(B) of the City of Warsaw's Code of Ordinance is hereby amended as follows:

(B) 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 licenses and a valid state license therefore:

TYPE OF LICENSE	FEE
<i>Distilled Spirit Licenses as set forth in KRS 243.030:</i>	
Distiller's license, per annum	\$500.00
Rectifier's license, per annum	\$3,000.00
Wholesaler's distilled spirits and wine license, per annum	\$3,000.00
Quota retail package license, per annum	\$600.00
Quota retail drink license per annum	\$600.00
Special temporary license, per event	\$50.00
Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$2,000.00
Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$600.00
Nonquota Type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300.00
Distilled spirits and wine special temporary auction license, per event	\$200.00
Special Sunday retail drink license, per annum	\$300.00
Extended hours supplemental license, per annum	\$2,000.00
Caterer's license, per annum	\$800.00
Bottling House or Bottling House Storage License, per annum	\$1,000.00
<u>Limited Golf Course License, per annum (includes distilled spirits, wine and malt beverages)</u>	<u>\$500.00</u>
<i>Malt Beverage Licenses as follows:</i>	
Brewer's license, per annum	\$500.00
Microbrewery license, per annum	\$500.00
Malt Beverage Distributor's license, per annum	\$400.00
Nonquota Retail Malt Beverage Package License, per annum	\$200.00
Nonquota Type 4 Retail Malt Beverage Drink License, per annum	\$200.00
Malt beverage brew-on-premises license, per annum	\$100.00

RECEIVED
2015 APR 16 AM 9 34

- (1) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same license at the same premises.
- (2) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

All other provisions of section 116.03 of the city of Warsaw code of ordinances shall remain unamended and unaffected.

After this amendment, section 116.03(B) will read in full as follows:

(B) 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 therefore:

<i>TYPE OF LICENSE</i>	FEE
<i>Distilled Spirit Licenses as set forth in KRS 243.030:</i>	
Distiller's license, per annum	\$500.00
Rectifier's license, per annum	\$3,000.00
Wholesaler's distilled spirits and wine license, per annum	\$3,000.00
Quota retail package license, per annum	\$600.00
Quota retail drink license per annum	\$600.00
Special temporary license, per event	\$50.00
Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$2,000.00
Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$600.00
Nonquota Type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300.00
Distilled spirits and wine special temporary auction license, per event	\$200.00
Special Sunday retail drink license, per annum	\$300.00
Extended hours supplemental license, per annum	\$2,000.00
Caterer's license, per annum	\$800.00
Bottling House or Bottling House Storage License, per annum	\$1,000.00
Limited Golf Course License, per annum (includes distilled spirits, wine and malt beverages)	\$500.00
<i>Malt Beverage Licenses as follows:</i>	
Brewer's license, per annum	\$500.00
Microbrewery license, per annum	\$500.00
Malt Beverage Distributor's license, per annum	\$400.00
Nonquota Retail Malt Beverage Package License, per annum	\$200.00
Nonquota Type 4 Retail Malt Beverage Drink License, per annum	\$200.00
Malt beverage brew-on-premises license, per annum	\$100.00

RECEIVED
 2015 APR 16 AM 9 34
 SEVEN
 10000

- (1) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same license at the same premises.
- (2) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

SECTION 2: If any provision of this ordinance or related ordinance or statute or the application thereof is held invalid, such invalidity shall not affect other provisions of this ordinance.

SECTION 3: This ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

SECTION 4: All ordinances or parts of any ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

SECTION 5: The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in regular session on the 9th day of March, 2015, and in regular session on the 13th day of April, 2015, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:

By: Nelson Brown
NELSON BROWN, Mayor

ATTEST:

Carolyn J. Marksberry
CLERK CAROLYN MARKSBERRY

PUBLISHED: _____

RECEIVED
2015 APR 16 AM 9 34
ALCOHOL
BEVERAGE CONTROL

ORDINANCE NO. 2013 - 06

AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, AMENDING CHAPTER 116.03 OF THE CITY OF WARSAW CODE OF ORDINANCES IN ORDER TO REFLECT THE RECENT CHANGES IN STATE LAW RELATING TO ALCOHOLIC BEVERAGES.

BE IT ORDAINED BY THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: Section 116.03(B) of the City of Warsaw's Code of Ordinance is hereby amended as follows:

(B) 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 licenses and a valid state license therefore:

TYPE OF LICENSE	FEE
<i>Distilled Spirit Licenses as set forth in KRS 243.030:</i>	
Distiller's license, per annum	\$500.00
Rectifier's license, per annum	\$3,000.00
Blender's license, per annum	\$3,000.00
Wholesaler's distilled spirits and wine license, per annum	\$3,000.00
Quota Distilled spirits and wine retail package license, per annum	\$600.00
Quota Distilled spirits and wine retail drink license motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum	\$600.00
Special temporary wine license, per event	\$50.00
Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$2,000.00
Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$600.00
Nonquota Type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300.00
Special temporary license, per event	\$50.00
Distilled spirits and wine special temporary auction license, per event	\$200.00
Special private club license, per annum	\$300.00
Distilled spirits and wine Special Sunday retail drink license, per annum	\$300.00
Extended hours supplemental license, per annum	\$2,000.00
Nonresident special agent or solicitor's license, per annum	\$40.00
Restaurant wine license, per annum:	
New applicants	\$600.00
Applicants for renewal	\$400.00
Caterer's license, per annum	\$800.00
Riverboat license, per annum	\$1,200.00

BEVERAGE CONTROL

ALCOHOL

2014 FEB 10 PM 2 51

RECEIVED

Horse race track license, per annum	\$2,000.00
Convention center or convention hotel complex license, per annum	\$2,000.00
Bottling House or Bottling House distilled spirits license or wine Storage License , per annum	\$1,000.00
Automobile race track license, per annum	\$2,000.00
Souvenir retail liquor license, per annum	\$1,000.00
<i>Malt Beverage Licenses as follows:</i>	
Brewer's license, per annum	\$500.00
Microbrewery license, per annum	\$500.00
Malt Beverage Distributor's license, per annum	\$400.00
<u>Nonquota Retail Malt Beverage Package License</u> , per annum	\$200.00
<u>Nonquota Type 4 Retail Malt Beverage Drink License</u> , per annum	\$200.00
Special temporary retail malt beverage license, per event	\$25.00
Malt beverage brew-on-premises license, per annum	\$100.00

- (1) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same license at the same premises.
- (2) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

All other provisions of section 116.03 of the city of Warsaw code of ordinances shall remain unamended and unaffected.

After this amendment, section 116.03(B) will read in full as follows:

(B) 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 therefore:

<i>TYPE OF LICENSE</i>	FEE
<i>Distilled Spirit Licenses as set forth in KRS 243.030:</i>	
Distiller's license, per annum	\$500.00
Rectifier's license, per annum	\$3,000.00
Wholesaler's distilled spirits and wine license, per annum	\$3,000.00
Quota retail package license, per annum	\$600.00
Quota retail drink license per annum	\$600.00
Special temporary license, per event	\$50.00
Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$2,000.00
Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$600.00

Nonquota Type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300.00
Distilled spirits and wine special temporary auction license, per event	\$200.00
Special Sunday retail drink license, per annum	\$300.00
Extended hours supplemental license, per annum	\$2,000.00
Caterer's license, per annum	\$800.00
Bottling House or Bottling House Storage License, per annum	\$1,000.00
<i>Malt Beverage Licenses as follows:</i>	
Brewer's license, per annum	\$500.00
Microbrewery license, per annum	\$500.00
Malt Beverage Distributor's license, per annum	\$400.00
Nonquota Retail Malt Beverage Package License, per annum	\$200.00
Nonquota Type 4 Retail Malt Beverage Drink License, per annum	\$200.00
Malt beverage brew-on-premises license, per annum	\$100.00

- (1) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same license at the same premises.
- (2) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

SECTION 2: If any provision of this ordinance or related ordinance or statute or the application thereof is held invalid, such invalidity shall not affect other provisions of this ordinance.

SECTION 3: This ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

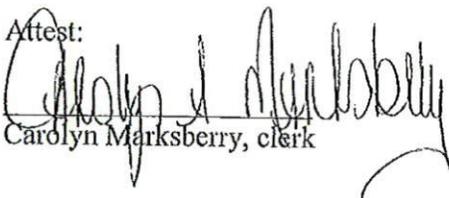
SECTION 4: All ordinances or parts of any ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

SECTION 5: The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in regular session on the 12th day of August, 2013, and in regular session on the 9th day of September, 2013, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

Approved:


 CHARLIE ('CE') FRENCH, Mayor

Attest:


 Carolyn Marksberry, clerk

ORDINANCE NO. 2006 - 13

AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, AMENDING THE CODE OF ORDINANCES IN ORDER TO ESTABLISH TIMES FOR THE SALE ALCOHOLIC BEVERAGES WHEN NEW YEARS' EVE FALLS ON A SUNDAY.

BE IT ORDAINED BY THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: Section 10 (A) of Ordinance 2005-06 of the City of Warsaw is hereby amended to read as follows:

Section 10 - ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE;
SUNDAY SALES.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold or delivered at retail, whether by the drink or by package, in the City between the hours of 1:00 a.m. and 6:00 a.m., Tuesday through Saturday, nor between the hours of 1:00 a.m. and 1:00 p.m. on Sunday, nor between the hours of 12:01 a.m. and 6:00 a.m. on Monday. **PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00A.M. ON MONDAY JANUARY 1.** In addition, no alcoholic beverages may be sold at retail in the City during the hours when any polls are open in the City on any primary or regular election day.

[the rest of Section 10 shall remain unmodified]

SECTION 2: Section 12 of Ordinance 2005-03 of City of Warsaw, as amended by Section 1 of Ordinance 2005-07, is hereby further amended to read as follows:

Section 12 - ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE;
SUNDAY SALES.

(A) Pursuant to the authority of KRS 244.290, at no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale or during the hours when any polls are open in the City on any primary or regular election day, and in no event may any alcoholic beverage be sold between the hours of 1:00 a.m. and 6:00 a.m., Tuesday through Saturday, nor between the hours of 1:00 a.m. and 1:00

p.m. on Sunday, nor between the hours of 12:01 a.m. and 6:00 a.m. on Monday.

- (B) PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00A.M. ON MONDAY JANUARY 1.

[the rest of Section 12 shall remain unmodified]

SECTION 3: This Ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

SECTION 4: All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

SECTION 5: The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in Regular Session on the 13th day of November, 2006, and in Special Session on the 11th day of December, 2006 with 4 yes votes, 2 no votes, and 0 abstentions, was approved by the Mayor, and was ordered published in summary according to law.

APPROVED:

MAYOR TRAVIS A. SIMPSON

ATTEST:

CAROLYN MARKSBERRY, Clerk

1st reading__ 11/13/06 _____

2nd reading__ 12/11/06 _____

Publication _____

ORDINANCE NO. 2005 - 0007

AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, AMENDING SECTION 12 OF ORDINANCE 2005-03 TO AMEND TIMES FOR THE SALE ALCOHOLIC BEVERAGES TO INCLUDE SUNDAY SALES.

WHEREAS, Kentucky Revised Statutes 244.290 was amended to allow cities of the fourth class such as Warsaw, Kentucky, to establish hours and times in which distilled spirits and wine may be sold within their jurisdictional boundaries;

WHEREAS, the Commonwealth of Kentucky Court of Appeals affirmed the validity of KRS 244.290 regarding the ability of a city to establish the hours for the sale of distilled spirits and wine within its jurisdictional boundaries; and

WHEREAS, the city of Warsaw, Kentucky desires to establish the hours that distilled spirits and wine may be sold, including Sundays, in compliance with KRS 244.290 and related statutory and case law.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I: Section 12 of Ordinance 2005-03 of City of Warsaw, is hereby amended as follows:

Section 12-ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE; SUNDAY SALES.

~~Any licensee, licensed pursuant to this ordinance, shall NOT sell any alcoholic beverage at any time:~~

- ~~(A) The licensee does not have food available for sale;~~
- ~~(B) During the hours of 1:00 a.m. and 11:00 a.m., Tuesday through Saturday, nor between 1:00 a.m. on Sunday (Saturday evening) and 11:00 a.m. on Monday; or~~
- ~~(C) During the hours the polls are open on any primary or regular election day.~~

(A) Pursuant to the authority of KRS 244.290, at no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale or during the hours when any polls are open in the City on any primary or regular election day, and in no event may any alcoholic beverage be sold between the hours of 1:00 a.m. and 6:00 a.m., Tuesday through Saturday, nor between the hours of 1:00 a.m. and 1:00 p.m. on Sunday, nor between the hours of 12:01 a.m. and 6:00 a.m. on Monday.

(B) In order to sell liquor by the drink on Sunday between the hours of 1:00 p.m. and midnight Sunday evening, the licensee must apply for and obtain from the City a limited Sunday Drink license.

(C) The limited Sunday drink licenses shall be issued only to those hotels, motels, inns,

or restaurants authorized to sell alcoholic beverages by the drink under KRS 242.185(3); and to those the holders of distilled spirits and wine retail drink licenses that have applied to the state administrator and meet all other legal requirements for obtaining a limited Sunday liquor by the drink license.

(D) All terms and procedures set forth herein for Licenses for the sale of alcoholic beverages by the drink for consumption on the premises, including but not limited to the procedures for application, approval, denial, hearing, expiration and renewal, shall apply to Limited Sunday Drink Licenses.

(E) The license fee for the Limited Sunday Drink Licenses shall be Three Hundred Dollars (\$300.00), which shall also be credited against the Regulatory License Fee set forth in Section 11 of Ordinance 2005-03, in the amount of a monthly credit of \$25.00, representing the pro rata portion of the initial license cost.

(F) During the restricted hours set forth in Subsection (A), no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby unless otherwise provided herein. During such times, all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such City licenses or any supplements thereto as officers, agents, or employees of the person to whom such license was issued. All other persons shall vacate the licenses premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(G) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City ABC Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and City licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, closed off and separated from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

Once amended, Section 12 of Ordinance 2005-03 shall read as follows:

Section 12-ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE; SUNDAY SALES.

(A) Pursuant to the authority of KRS 244.290, at no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale or during the hours when any polls are open in the City on any primary or regular election day, and in no event may

any alcoholic beverage be sold between the hours of 1:00 a.m. and 6:00 a.m., Tuesday through Saturday, nor between the hours of 1:00 a.m. and 1:00 p.m. on Sunday, nor between the hours of 12:01 a.m. and 6:00 a.m. on Monday.

(B) In order to sell liquor by the drink on Sunday between the hours of 1:00 p.m. and midnight Sunday evening, the licensee must apply for and obtain from the City a limited Sunday Drink license.

(C) The limited Sunday drink licenses shall be issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 242.185(3); and to those the holders of distilled spirits and wine retail drink licenses that have applied to the state administrator and meet all other legal requirements for obtaining a limited Sunday liquor by the drink license.

(D) All terms and procedures set forth herein for Licenses for the sale of alcoholic beverages by the drink for consumption on the premises, including but not limited to the procedures for application, approval, denial, hearing, expiration and renewal, shall apply to Limited Sunday Drink Licenses.

(E) The license fee for the Limited Sunday Drink Licenses shall be Three Hundred Dollars (\$300.00), which shall also be credited against the Regulatory License Fee set forth in Section 11 of Ordinance 2005-03, in the amount of a monthly credit of \$25.00, representing the pro rata portion of the initial license cost.

(F) During the restricted hours set forth in Subsection (A), no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby unless otherwise provided herein. During such times, all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such City licenses or any supplements thereto as officers, agents, or employees of the person to whom such license was issued. All other persons shall vacate the licenses premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(G) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City ABC Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and City licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, closed off and separated from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

SECTION II: All other provisions in Ordinances 2005-03 of the City of Warsaw, Kentucky shall remain unamended and unaffected by this Ordinance.

SECTION III: All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

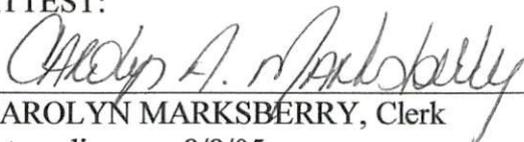
The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in Regular Session on the 8th day of August, 2005, and in Regular Session on the 12th day of September, 2005, with 4 yes votes, 2 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:



MAYOR TRAVIS A. SIMPSON

ATTEST:



CAROLYN MARKSBERRY, Clerk

1st reading 8/8/05

2nd reading 9/12/05

Publication 9/21/05

RECEIVED
2012 NOV 8 AM 10 14
ALCOHOL
BEVERAGE CONTROL

ORDINANCE NO. 2005 - 0006

AN ORDINANCE OF THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, CREATING A NEW SECTION IN THE CODE OF ORDINANCES TO ESTABLISH UNIFORM REGULATIONS AND REQUIREMENTS FOR THE LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES, INCLUDING THE ESTABLISHMENT OF CITY LICENSE FEES; AND ASSIGNING THE DUTIES OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR TO THE CITY CLERK; AND ESTABLISHING TIMES FOR THE SALE ALCOHOLIC BEVERAGES.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

Section 1 - GENERAL PROVISIONS.

The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243, and 244 pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted, except as otherwise lawfully provided herein.

Section 2 - CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The duties of the City Alcoholic Beverage Control Administrator (the "City ABC Administrator") shall be assigned to the office of City Clerk.

(B) The City ABC Administrator shall be appointed by the Mayor and may be removed by the Mayor with or without cause. No conflict of interest shall be deemed to arise if the individual appointed as City ABC Administrator is also employed by the City in some other capacity.

(C) The City ABC Administrator shall take an oath prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars (\$1000.00) before entering upon his/her duties. The cost of this bond shall be borne by the City.

(D) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Council.

(E) The function of the City ABC Administrator shall be the same with respect to city licenses and regulations as the functions of the State Alcoholic Beverage Control Board, created by KRS 241.030, with respect to state licenses and regulations, except that no regulation adopted by a City ABC Administrator may be less stringent than the statutes relating to alcoholic beverage control or than the regulations of the State Alcoholic Beverage Control Board.

(F) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The

licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(G) The City ABC Administrator shall have the power and duty to suspend or revoke for cause a license granted for the purposes of KRS 242.185. The City ABC Administrator, on his/her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this Ordinance.

Section 3 - LICENSE.

(A) The business or occupation of manufacturing, trafficking, or selling alcoholic beverages, wither wholesale or retail, is of such a nature as to require special regulations and supervision and special license provisions. 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.

(B) 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 licenses and a valid state license therefore:

Distilled spirit licenses as set forth in KRS 243.030:

Distiller's license, per annum	.....	\$500.00
Rectifier's license, per annum	.....	\$3,000.00
Blender's license, per annum	.....	\$3,000.00
Wholesaler's distilled spirits and wine license, per annum	.....	\$3,000.00
Distilled spirits and wine retail package license, per annum	.....	\$600.00
Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license per annum:	.....	\$600.00
Special temporary wine license, per event	.....	\$50.00
Distilled spirits and wine special temporary auction license, per event	.....	\$200.00

Special private club license, per annum	.....	\$300.00
Distilled spirits and wine special Sunday retail drink license, per annum	.....	\$300.00
Extended hours supplemental license, per annum	.....	\$2,000.00
Nonresident special agent or solicitor's license, per annum	.....	\$40.00

Restaurant Wine License, per annum:

New Applicants	.....	\$600.00
Applicants for renewal	.....	\$400.00

Caterer's License per annum	.....	\$800.00
Riverboat License per annum	.....	\$1,200.00
Horse Race Track License per annum	.....	\$2,000.00
Convention Center or Convention Hotel Complex License per annum	.....	\$2,000.00
Bottling House Distilled Spirits License or Wine Storage License per annum	.....	\$1,000.00
Automobile Race Track License per annum	.....	\$2,000.00
Souvenir Retail Liquor License per annum	.....	\$1,000.00

Malt beverage licenses as follows:

Brewer's license, per annum	.....	\$500.00
Microbrewery license, per annum	.....	\$500.00
Malt beverage distributor's license, per annum	.....	\$400.00
Retail malt beverage license, per annum	.....	\$200.00

Special temporary retail malt beverage license, per event	.....	\$25.00
Malt beverage brew-on-premises license, per annum	.....	\$100.00

(C) Any City license issued pursuant to this ordinance shall be prominently displayed on the premises in conjunction with the display of the state license(s) in accordance to state law.

(D) In no way shall a license set forth herein confer a right to any person or entity not otherwise authorized to conduct that type of business.

Section 4 - LICENSE APPLICATION.

(A) A completed application shall be submitted to the City ABC Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Board.

(B) Applicants for a license shall pay a license fee as set forth above. Any license issued after July 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six (6) months.

(C) The applicant for a city license shall tender with its application a consent document which shall state:

“The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his/her duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time.”

Section 5 -APPROVAL OF APPLICATION

(A) Within thirty (30) days of the date of the application for an original city license and fifteen (15) days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

(B) If the City ABC Administrator rejects an application, the City ABC Administrator shall notify the applicant of his or her decision by registered mail at the address given in the application or supplement. The applicant may, within thirty (30) days after the date of the mailing of the notice from the City ABC Administrator, indicate, in writing, his or her desire for a hearing.

Section 6 - DENIAL OF APPLICATION

The City ABC Administrator, pursuant to KRS 243.450, shall not approve any

application for a city license for which provision is made herein if:

(A) The applicant or the premises for which the license is being sought does not comply fully with the provisions of this ordinance and with all alcoholic beverage control statutes and the regulations of the State Alcoholic Beverage Control Board and the regulations of the City ABC Administrator;

(B) The applicant and any shareholder, officer, agent, servant, or employee has caused, permitted, or engaged in any act for which the revocation or non-issuance of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee had a state license or city license which was revoked within two years of the date of application, where the premises or any portion thereof described in a state license or city license was revoked during such time;

(D) The applicant has made any false material statements or representations in his/her application; or

(E) The City ABC Administrator is otherwise not required to approve the license.

Section 7 - REVOCATION AND SUSPENSION.

(A) Any license issued pursuant to this Ordinance may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any to the provisions of KRS Chapter 241, 243, or 244, or any rule or regulation of the State Alcoholic Beverage Control Board or of the City ABC Administrator or as described in KRS 243.490.

(B) Any license issued pursuant to this Ordinance may also be revoked or suspended in accordance to KRS 243.500.

(C) The City ABC Administrator may institute proceedings, either on his or her own, or on the complaint of any person, to revoke or suspend a license.

(D) The City ABC Administrator shall notify the licensee of the violation in writing and provide the licensee with the opportunity for a hearing as set forth herein.

(E) The licensee may have the alternative, subject to the approval of the City ABC Administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers, and blenders, one thousand dollars (\$ 1,000) per day; wholesale liquor licensees, four hundred dollars (\$ 400) per day; wholesale beer licensees, four hundred dollars (\$ 400) per day; retail licensees authorized to sell distilled spirits, wine, or beer by the package or drink, fifty dollars (\$ 50) per day; and all remaining licensees, fifty dollars (\$

50) per day.

Section 8 - HEARINGS.

(A) Should a request for a hearing be made for the refusal to issue or renew a license or for the suspension or revocation of a license, the City ABC Administrator is to hold said hearing consistent with KRS Chapter 13B and pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(1) Definitions. All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified.

(2) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board.

(3) Briefs. Briefs may be filed at the request of the City ABC Administrator, or at the option of the applicant or licensee.

(4) Rules of Evidence. The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided, however, that the hearing officer may relax such rules in any case where, in his/her judgment, the ends of justice will be better served by so doing.

(5) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas.

(6) Transcripts. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

(7) Decisions. All decisions shall be written and based upon evidence developed at the hearing.

(B) Appeals from orders of the City ABC Administrator shall be taken in accordance to KRS 241.200.

Section 9 - EXPIRATION DATE OF LICENSE; RENEWAL.

(A) A license issued pursuant to this ordinance shall expire on June 30 of each year. Application for renewal of such license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 5 upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of the applicable

annual license fee(s) as set forth herein.

(B) The renewal of the license issued pursuant to this ordinance shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(C) No license issued under this ordinance shall be transferred or assigned either as to license or location except with the prior approval of the City ABC Administrator and not then until a payment of One Hundred Dollars (\$100) shall be made to the City.

Section 10 - ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE; SUNDAY SALES.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold or delivered at retail, whether by the drink or by package, in the City between the hours of 1:00 a.m. and 6:00 a.m., Tuesday through Saturday, nor between the hours of 1:00 a.m. and 1:00 p.m. on Sunday, nor between the hours of 12:01 a.m. and 6:00 a.m. on Monday. In addition, no alcoholic beverages may be sold at retail in the City during the hours when any polls are open in the City on any primary or regular election day.

(B) During the restricted hours set forth in Subsection A, no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby unless otherwise provided herein. During such times, all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such City licenses or any supplements thereto as officers, agents, or employees of the person to whom such license was issued. All other persons shall vacate the licenses premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City ABC Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and City licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, closed off and separated from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

Section 11 - DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by the license for which provision is made herein or else the license will be declared dormant and become null and void after ninety (90) days.

(B) Any license under which no business is transacted during a period of ninety (90) days shall become null and void and revoked by the City ABC Administrator. At the expiration of the ninety (90) day period the license shall be surrendered to the City ABC Administrator, unless:

(1) The licensee is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; and

(2) The licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business **prior** to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein.

(C) The City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period.

Section 12- CIVIL OFFENSE.

Any violation of any provision herein is hereby classified as a civil offense pursuant to KRS 65.8808 and subchapter §§§§ 65.60 et seq. and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the provisions herein, and nothing contained herein, or in subchapter §§§§ 65.60 et seq. shall prohibit the enforcement of the provisions herein by any other means authorized by law, specifically, without limitation, the provisions or Section 13 herein.

(A) If a citation for a violation of any provision herein is not contested by the person charged with the violation and the violation is timely remedied, the civil fine to be imposed for each offense shall be fifty dollars (\$50.00) for the first offense, ninety dollars (\$90.00) for the second offense, and two hundred ten dollars (\$210.00) for the third and thereafter, offense.

(B) If a citation is contested and a hearing before the Code Enforcement Board is required, or if the violation is not remedied, the maximum civil fine which may be imposed at the discretion of the Board shall be from twenty dollars (\$20.00) to two hundred dollars (\$200.00) for the first offense; from sixty dollars (\$60.00) to six hundred dollars (\$600.00) for

the second offense; and from one hundred eighty dollars (\$180.00) to one thousand eight hundred dollars (\$1,800.00) for the third, and thereafter, offense.

(C) Each section violated shall be considered a separate fineable offense. If two (2) or more sections are violated, the fines shall be cumulative and be enforced under the same citation. Each day a violation exists shall be considered a separate offense without issuance of a separate citation.

Section 13 - PENALTY.

Any violation of a provision herein shall constitute a violation, punishable by a fine of up to Five Hundred Dollars (\$500) for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense. However, nothing contained herein shall prohibit the City from enforcing any provision of this chapter by following the applicable state penalties set forth in KRS Chapters 241, 242, 243, and 244.

Section 14 - SEVERABILITY.

If any provision of this ordinance or related ordinance or statute or the application thereof is held invalid, such invalidity shall not affect other provisions of this ordinance.

Section 15 - EFFECTIVE DATE.

This Ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

Section 16.

All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in Regular Session on the 8th day of August, 2005, and in Regular Session on the 12th day of September, 2005, with 5 yes votes, 1 no votes, and abstentions, and was ordered published in summary according to law.

APPROVED:

TS

MAYOR TRAVIS A. SIMPSON

ATTEST:

Carolyn A. Marksberry

CAROLYN MARKSBERRY, Clerk

1st reading 8/8/05

2nd reading 9/12/05

Publication 9/21/05

H:\MAD-05\WARSAW-81490009\Ordinances\Alcohol Ordinances\Distilled Spirit Licenses rev. 8-10-05.wpd

of alc

ORDINANCE NO. 2005 - 03

AN ORDINANCE OF THE CITY OF WARSAW, IN GALLATIN COUNTY, KENTUCKY, DETERMINING THAT AN ECONOMIC HARDSHIP EXISTS AND CREATING A NEW SECTION IN THE CODE OF ORDINANCES TO ESTABLISH UNIFORM REGULATIONS AND REQUIREMENTS FOR THE LICENSING AND REGULATION OF THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK IN CERTAIN RESTAURANTS, DINING FACILITIES, HOTELS, MOTELS, AND INNS; AND ASSIGNING THE DUTIES OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR TO THE CITY CLERK.

WHEREAS, the City of Warsaw desires to promote economic development and tourism in the City for the betterment of the City;

WHEREAS, the City of Warsaw has experienced an economic hardship in recent years, due in part to the closing of some businesses located in the City, which has resulted in the elimination of employment opportunities for citizens of the City and a decrease in the tax base of the City;

WHEREAS, the City of Warsaw has also experienced an economic hardship in recent years by the expansion of tourism in neighboring cities and towns, which has decreased the tourism in the City;

WHEREAS, the City of Warsaw has been contacted on numerous occasions by various business owners inquiring into locating a restaurant or hotel in the City conditioned on the ability to serve liquor by the drink at the proposed establishments;

WHEREAS, the City of Warsaw has lost these potential businesses in the past primarily because liquor by the drink was not available;

WHEREAS, the City of Warsaw will benefit economically by an increase in restaurants and hotels locating in the city, which will increase employment opportunities for citizens of the City; increase the City's tax base; and attract tourism in this historic City;

WHEREAS, the Council of the City of Warsaw has determined that an economic hardship exists within the City and that the sale of alcoholic beverages by the drink for consumption on the premises could aid economic growth and development and tourism within the City by making provisions for the sale of alcoholic beverages by the drink at certain restaurants, dining facilities, hotels, motels, or inns; and

WHEREAS, the Council of the City of Warsaw desires to enact a comprehensive regulatory ordinance to provide for uniform regulations and requirements for the licensing and regulation of the sale of alcoholic beverages by the drink for consumption on the premises;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF WARSAW, GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

2014 JUL 31 AM 9 14
RECEIVED
ALCOHOL
BEVERAGE CONTROL

RECEIVED

Section 1 - PURPOSE.

It is the purpose of this Ordinance to promote economic growth, development and tourism within the City of Warsaw by making provisions for the sale of alcoholic beverages by the drink at certain restaurants, dining facilities, hotels, motels, and inns consistent with the provisions of KRS 242.185 now in effect and as may be hereafter amended by the Kentucky General Assembly.

Section 2 - GENERAL PROVISIONS.

The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243, and 244 pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted, except as otherwise lawfully provided herein.

Section 3 - CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The duties of the City Alcoholic Beverage Control Administrator (the "City ABC Administrator") shall be assigned to the office of City Clerk.

(B) The City ABC Administrator shall be appointed by the Mayor and may be removed by the Mayor with or without cause. No conflict of interest shall be deemed to arise if the individual appointed as City ABC Administrator is also employed by the City in some other capacity.

(C) The City ABC Administrator shall take an oath prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars (\$1000.00) before entering upon his/her duties. The cost of this bond shall be borne by the City.

(D) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Council.

(E) The function of the City ABC Administrator shall be the same with respect to city licenses and regulations as the functions of the State Alcoholic Beverage Control Board, created by KRS 241.030, with respect to state licenses and regulations, except that no regulation adopted by a City ABC Administrator may be less stringent than the statutes relating to alcoholic beverage control or than the regulations of the State Alcoholic Beverage Control Board.

(F) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(G) The City ABC Administrator shall have the power and duty to suspend or revoke for

RECEIVED
CITY OF WARSAW
ALCOHOLIC BEVERAGE CONTROL

2014 JUL 31 AM 9 14

RECEIVED

cause a license granted for the purposes of KRS 242.185. The City ABC Administrator, on his/her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this Ordinance.

Section 4 - LICENSE.

(A) Licenses for the sale of alcoholic beverages by the drink for consumption on the premises shall only be issued to:

- (1) Hotels, motels, or inns containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons; or
- (2) Bona fide restaurants, within the meaning of KRS 241.010, open to the general public having dining facilities for not less than one hundred (100) persons.

(B) A license for the sale of alcoholic beverages by the drink for consumption on the premises shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.185 and otherwise comply with all other applicable laws and regulations pertaining to alcoholic beverages.

(C) Nothing contained herein shall be in any way interpreted or construed to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a restaurant or dining facility set out hereinabove.

(D) Any City license issued pursuant to this ordinance shall be prominently displayed on the premises in conjunction with the display of the state license(s) in accordance to state law.

Section 5 - LICENSE APPLICATION.

(A) Representatives of restaurants, dining facilities, hotels, motels, or inns seeking the license for which provision is made herein shall submit a completed application to the City ABC Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Board.

(B) Applicants for a license under this ordinance shall pay a license fee of Six Hundred Dollars (\$600). Any license issued after July 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six (6) months.

(C) The applicant for a city license for which provision is made herein shall tender with its application a consent document which shall state:

"The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his/her duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time."

RECEIVED
2014 JUL 31 AM 9 14
ALCOHOL
BEVERAGE CONTROL

Section 6 - APPROVAL OF APPLICATION

(A) Within thirty (30) days of the date of the application for an original city license for which provision is made herein and fifteen (15) days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

(B) If the City ABC Administrator rejects an application, the City ABC Administrator shall notify the applicant of his or her decision by registered mail at the address given in the application or supplement. The applicant may, within thirty (30) days after the date of the mailing of the notice from the City ABC Administrator, indicate, in writing, his or her desire for a hearing.

Section 7 - DENIAL OF APPLICATION

The City ABC Administrator, pursuant to KRS 243.450, shall not approve any application for a city license for which provision is made herein if:

(A) The applicant or the premises for which the license is being sought does not comply fully with the provisions of this ordinance and with all alcoholic beverage control statutes and the regulations of the State Alcoholic Beverage Control Board and the regulations of the City ABC Administrator;

(B) The applicant and any shareholder, officer, agent, servant, or employee has caused, permitted, or engaged in any act for which the revocation or non-issuance of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee had a state license or city license which was revoked within two years of the date of application, where the premises or any portion thereof described in a state license or city license was revoked during such time;

(D) The applicant has made any false material statements or representations in his/her application; or

(E) The City ABC Administrator is otherwise not required to approve the license.

Section 8 - REVOCATION AND SUSPENSION.

(A) Any license issued pursuant to this Ordinance may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any to the provisions of KRS Chapter 241, 243, or 244, or any rule or regulation of the State Alcoholic Beverage Control Board or of the City ABC Administrator or as described in KRS 243.490.

(B) Any license issued pursuant to this Ordinance may also be revoked or suspended in accordance to KRS 243.500.

RECEIVED
2014 JUL 31 AM 9 14
ALCOHOLIC BEVERAGE CONTROL

(C) The City ABC Administrator may institute proceedings, either on his or her own, or on the complaint of any person, to revoke or suspend a license.

(D) The City ABC Administrator shall notify the licensee of the violation in writing and provide the licensee with the opportunity for a hearing as set forth herein.

(E) The licensee may have the alternative, subject to the approval of the City ABC Administrator, to pay in lieu of part or all of the days of any suspension period, a sum of fifty dollars (\$50) per day.

Section 9 - HEARINGS.

(A) Should a request for a hearing be made for the refusal to issue or renew a license or for the suspension or revocation of a license, the City ABC Administrator is to hold said hearing consistent with KRS Chapter 13B and pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(1) Definitions. All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified.

(2) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board.

(3) Briefs. Briefs may be filed at the request of the City ABC Administrator, or at the option of the applicant or licensee.

(4) Rules of Evidence. The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided, however, that the hearing officer may relax such rules in any case where, in his/her judgment, the ends of justice will be better served by so doing.

(5) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas.

(6) Transcripts. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

(7) Decisions. All decisions shall be written and based upon evidence developed at the hearing.

(B) Appeals from orders of the City ABC Administrator shall be taken in accordance to KRS 241.200.

Section 10 - EXPIRATION DATE OF LICENSE; RENEWAL.

ALCOHOL
BEVERAGE CONTROL

2019 JUL 31 AM 9 14

RECEIVED

(A) A license issued pursuant to this ordinance shall expire on June 30 of each year. Application for renewal of such license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 6 upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of a renewal fee of Six Hundred Dollars (\$600).

(B) The renewal of the license issued pursuant to this ordinance shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(C) No license issued under this ordinance shall be transferred or assigned either as to license or location except with the prior approval of the City ABC Administrator and not then until a payment of One Hundred Dollars (\$100) shall be made to the City.

Section 11 - REGULATORY LICENSE FEE.

(A) A Regulatory License Fee in the amount of one percent (1%) is imposed annually upon the gross receipts of each establishment located in the City and licensed to sell alcoholic beverages by the drink for consumption on the premises, for the purpose of full reimbursement to the City of the estimated costs of any additional policing, regulatory, legal or administrative related expenses. The Regulatory License Fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to the license fee imposed in Sections 10 and 12 herein.

(B) The City Council shall adopt at the beginning of each budget period for each fiscal year such a percentage rate as shall be reasonably estimated to insure full reimbursement to the City for the cost of any additional policing, regulatory, or administrative expenses relating to this ordinance.

(C) Payment of the Regulatory License Fee shall accompany tax returns approved for use by the City ABC Administrator, submitted to the City Clerk by the 20th day of each month for the preceding month's sales. There shall be a monthly credit of \$50.00, representing the pro rata portion of the initial license cost for which provision is made in this ordinance.

(D) Failure to pay the monthly remittance within ten (10) days after the due date shall constitute a violation of this ordinance, and in addition, shall constitute grounds for an immediate thirty (30) day suspension of the license for which provision is made herein.

Section 12 - ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE

Any licensee, licensed pursuant to this ordinance, shall NOT sell any alcoholic beverage at any time:

(A) The licensee does not have food available for sale;

(B) During the hours of 1:00 a.m. and 11:00 a.m., Tuesday through Saturday, not between 1:00 a.m. on Sunday (Saturday evening) and 11:00 a.m. on Monday; or

2014 JUL 31 PM 9 14
RECEIVED
ALCOHOLIC BEVERAGE CONTROL

(C) During the hours the polls are open on any primary or regular election day.

Section 13 - DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by the license for which provision is made herein or else the license will be declared dormant and become null and void after ninety (90) days.

(B) Any license under which no business is transacted during a period of ninety (90) days shall become null and void and revoked by the City ABC Administrator. At the expiration of the ninety (90) day period the license shall be surrendered to the City ABC Administrator, unless:

(1) The licensee is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; and

(2) The licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein.

(C) The City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period.

Section 14 - PENALTY.

The sale of alcoholic beverages by the drink for consumption on the premises within the city not in conformity with this ordinance shall constitute a violation, punishable by a fine of up to Five Hundred Dollars (\$500) for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.

Section 15 - SEVERABILITY.

If any provision of this ordinance or related ordinance or statute or the application thereof is held invalid, such invalidity shall not affect other provisions of this ordinance.

Section 16 - EFFECTIVE DATE.

This Ordinance shall be effective upon its adoption and approval according to law and publication thereafter.

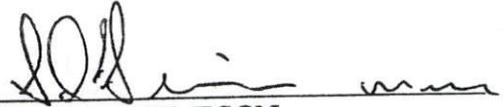
RECEIVED
2014 JUL 31 AM 9 14
ALCOHOL
BEVERAGE CONTROL

Section 17

All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

The foregoing Ordinance was read, passed and adopted by the Council of the City of Warsaw, Kentucky, meeting in Regular Session on the 11th day of July, 2005, and in Regular Session on the 8th day of August, 2005, with 6 yes votes, 0 no votes, and 0 abstentions, and was ordered published in summary according to law.

APPROVED:



MAYOR TRAVIS A. SIMPSON

ATTEST:



CAROLYN MARKSBERRY, Clerk

1st reading 7/11/05

2nd reading 8/17/05

Publication 8/17/05

H:\MEM\Warsaw\Warsaw Liquor by drink ord. 1st reading 7-11-05.wpd

RECEIVED
2014 JUL 31 AM 9 14
ALCOHOL
BEVERAGE CONTROL