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ORDINANCE NO. 2013-15

AN ORDINANCE OF THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, AMENDING CHAPTERS 112 AND 116 OF THE CITY CODE OF ORDINANCES IN ORDER TO AMEND THE FEE SCHEDULE AND HOURS OF OPERATION FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY.

BE IT ORDAINED BY THE CITY OF ALEXANDRIA, IN CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: Section 112.01 of Chapter 12 of the City Code of Ordinances is hereby amended in order to allow for the sale of alcoholic beverages on election days, as follows:

§ 112.01 HOURS OF SALE.

(A) Any premises in the city to which a license for the sale by the drink of malt beverages or distilled spirits or wine has been issued is hereby authorized to remain open for the sale of such beverages until 2:00 a.m.

(B) Any premises in the city to which a license for the sale by the drink of malt beverages or distilled spirits or wine has been issued is hereby authorized to remain open until 2:30 a.m. for the sale of soft drinks and other non-alcoholic purposes.

(C) Hours of sale of Sundays and on election days.

(1) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold at retail, whether by the drink or by package, in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day, including on Sundays; and except as otherwise regulated by law, such alcoholic beverages may be sold during all other hours, including on Sundays. ~~In addition, no distilled spirits, wine, or malt beverages may be sold at retail, whether by the drink or by package, in the city during the hours when any polls are open in the city on any election day.~~

(2) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the 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 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 2: A new section of Chapter 112 of the City Code of Ordinances, to be numbered Section 112.03, is hereby created to read in full as follows:

§ 112.03 ALCOHOLIC BEVERAGE LICENSE FEE.

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(A) The business or occupation of manufacturing, trafficking, or selling alcoholic beverages, either wholesale or retail, is of such a nature as to require special regulations and supervisions and special license provisions. There is hereby levied and established an annual license fee for the privilege of manufacturing, trafficking, or selling alcoholic beverages for any person or business in the respective sums or amounts hereinafter specified, and no person or business shall permit the manufacturing, trafficking, or selling of alcoholic beverages on its premises within the corporate limits of the city without first having paid the established fee and having obtained the prescribed license therefor. Nothing in this provision will be presumed to exclude a person engaging in the sale of alcoholic beverages from paying the occupational license fee required and imposed in this chapter, if in addition to engaging in the sale of alcoholic beverages some other business is transacted from the same premises.

(B) The following annual license fees are imposed on the manufacture or sale of alcoholic beverages, in addition to any occupational license fee that may be required herein: [Exhibit 'A' to Ordinance 2013-15, together with its list of available Alcoholic Beverage Licenses and corresponding fees, is attached hereto and incorporated herein by reference].

SECTION 3: Section 116.20 of Chapter 116 of the City Code of Ordinances is hereby amended as follows:

§ 116.20 ALCOHOLIC BEVERAGE LICENSE FEE.

~~(A) The business or occupation of manufacturing, trafficking, or selling alcoholic beverages, either wholesale or retail, is of such a nature as to require special regulations and supervisions and special license provisions. There is hereby levied and established an annual license fee for the privilege of manufacturing, trafficking, or selling alcoholic beverages for any person or business in the respective sums or amounts hereinafter specified, and no person or business shall permit the manufacturing, trafficking, or selling of alcoholic beverages on its premises within the corporate limits of the city without first having paid the established fee and having obtained the prescribed license therefor. Nothing in this provision will be presumed to exclude a person engaging in the sale of alcoholic beverages from paying the occupational license fee required and imposed in this chapter, if in addition to engaging in the sale of alcoholic beverages some other business is transacted from the same premises.~~

~~(B) The following annual license fees are imposed on the manufacture or sale of alcoholic beverages, in addition to any occupational license fee that may be required herein:~~

| | |
|---|-------------------------|
| (1) Package and drink liquor. | Fee Per Year |
| (a) Distiller's license | \$500.00 |
| (b) Rectifier's license | 600.00 |
| (c) Blender's license | 600.00 |
| (d) Wholesaler's license | 600.00 |
| (e) Retail drink license | 200.00 |
| (f) Retail package license | 200.00 |
| (g) Special private club license | 100.00 |
| (2) Malt beverage. | Fee Per Year |
| (a) Brewer's license | \$500.00 |
| (b) Distributor's license | 50.00 |

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~~(b) Distributor's license~~ 50.00
~~(c) Retailer's license~~ 50.00

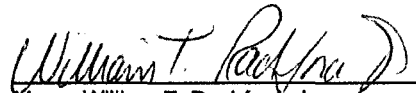
[Note, the list of available Alcoholic Beverage Licenses and corresponding fees has been amended and moved to new Section 112.03 per adoption of Ordinance 2013-15]

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

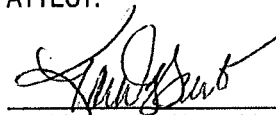
SECTION 5: If any sentence, clause, section or part of this ordinance or the application thereof to any particular situation is, for any reason, found to be unconstitutional, illegal or invalid, such cannot effect or appeal any of the remaining provisions, sentences, clauses or sections or parts of this ordinance.

SECTION 6: The foregoing Ordinance was introduced by Council Member Stacey Graus, was read, passed and adopted by the Council of the City of Alexandria, Kentucky, meeting in **regular sessions on the 17th day of October, 2013, and on the 7th day of November, 2013, with 5 yes votes, 1 no vote (Joe Anderson), and 0 abstentions**, and was thereafter approved by the Mayor and ordered published in summary according to law.

APPROVED:


Mayor William T. Rachford, Jr.

ATTEST:


Clerk/Treasurer Karen M. Barto

Published: Nov. 14, 2013

| City License Fees | Fee |
|---|------------|
| <i>Distilled Spirit Licenses as set forth in KRS 243.030</i> | |
| Distiller's License, per annum | \$500 |
| Rectifier's License, per annum | \$3,000 |
| Wholesaler's Distilled Spirit and Wine License, per annum | \$3,000 |
| Quota Retail Package License, per annum | \$210 |
| Quota Retail Drink License, per annum | \$210 |
| Special Temporary License, per event | \$150 |
| Non-quota Type 1 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum | \$2,000 |
| Non-quota Type 2 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum | \$500 |
| Non-quota Type 3 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum | \$300 |
| Distilled Spirits and Wine Special Temporary Auction License, per event | \$200 |
| Special Sunday Retail Drink License, per annum | \$150 |
| Extended Hours Supplemental License, per annum | \$2,000 |
| Caterer's License, per annum | \$800 |
| Bottling House or Bottling House Storage License, per annum | \$1,000 |
| <i>Malt Beverage Licenses as follows:</i> | |
| Brewer's License, per annum | \$500 |
| Microbrewery License, per annum | \$500 |
| Malt Beverage Distributor's License, per annum | \$400 |
| Non-quota Retail Malt Beverage Package License, per annum | \$52.50 |
| Non-quota Type 4 Retail Malt Beverage Drink License, per annum | \$52.50 |
| Malt Beverage Brew-On-Premises License, per annum | \$100 |
| Limited Restaurant License (includes distilled spirits, wine, and malt beverages), per annum | \$1,200 |
| Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum | \$1,200 |

(1) The fee for each of the first five 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 to the same licensee at the same premises.

(2) The holder of a non-quota retail malt beverage package license may obtain a Non-quota type 4 malt beverage drink license for a fee of fifty dollars. The holder of a Non-quota type 4 malt beverage drink license may obtain a non-quota retail malt beverage package license for a fee of fifty dollars (\$50).

CHAPTER 112: ALCOHOLIC BEVERAGES

Cross reference:

License requirements; fees, see § 110.26

§ 112.01 HOURS OF SALE.

(A) Any premises in the city to which a license for the sale by the drink of malt beverages or distilled spirits or wine has been issued is hereby authorized to remain open for the sale of such beverages until 2:00 a.m.

(B) Any premises in the city to which a license for the sale by the drink of malt beverages or distilled spirits or wine has been issued is hereby authorized to remain open until 2:30 a.m. for the sale of soft drinks and other non-alcoholic purposes.

(C) KRS 244.290 as it relates to hours of sale on Sundays or during the hours when the polls are open on a regular primary, school or special or general election day shall remain in full force and effect.

(1) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold at retail, whether by the drink or by package, in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day. On Sundays no distilled spirits, wine, or malt beverages may be sold at retail, whether by the drink or by package, in the city between the hours of 2:00 a.m. and 11:00 a.m.; provided that no distilled spirits, wine, or malt beverages may be sold by package at retail on Sunday after 7:00 p.m. or before 6:00 a.m. on Mondays. Distilled spirits, wine, or malt beverages may be sold at retail by the drink in the city on Sundays and Mondays until 2:00 a.m.; and after 11:00 a.m. on Sundays. In addition, no distilled spirits, wine, or malt beverages may be sold at retail in the city during the hours when any polls are open in the city on any election day.

(2) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the 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 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.

(Ord. 13-76, passed 6-15-76; Am. Ord. 22-91, passed 6-13-91; Am. Ord. 2005-02, passed 3-3-05; Am. Ord. 2006-31, passed 10-19-06) Penalty, see § 112.99

§ 112.02 CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS.

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

ALCOHOLIC BEVERAGE. Shall have the meaning indicated in KRS 242.010; and

MINOR. Any natural person who is less than twenty-one (21) years of age; and

PERSON. Any natural person, corporation, partnership, joint venture or unincorporated association of persons, or any combination thereof.

(B) No person shall cause, permit, aid, encourage or engage in the consumption or possession of alcoholic beverages by a minor in the city, unless such possession or consumption of alcoholic beverages occurs at the residence of the minor and in the presence of another person who is over twenty-one (21) years of age, and related to the minor, and who resides with the minor at the same residence.

(Ord. 21-1991, passed 6-13-91)

§ 112.50 CIVIL OFFENSE

Any violation of any provision of Chapter 112 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 of Chapter 112, and nothing contained herein, or in subchapter §§ 65.60 et seq. shall prohibit the enforcement of the provisions of Chapter 112 by any other means authorized by law, specifically, without limitation, the provisions of § 112.99.

(A) If a citation for a violation of any provision of Chapter 112 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.

(Ord. 03-2000, passed 3-2-00)

Cross reference:

Code Enforcement Board, see §§ 35.60-35.70

§ 112.99 PENALTY.

(A) Any person who, by himself or acting through another directly or indirectly, violates § 112.01 shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), imprisoned for not more than six (6) months, or both, for a first offense. For a second and each subsequent offense, he shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), imprisoned for not more than six (6) months, or both. This penalty shall be in addition to the revocation of the offender's license.

(KRS 244.990(1))

(B) Any person who violates any of the terms or provisions of § 112.02 shall be guilty of a misdemeanor and be fined not more than five hundred dollars (\$500.00) or imprisoned, according to law, for a period of not more than ninety (90) days, or any combination of such fine or imprisonment.

(Am. Ord. 21-91, passed 6-13-91)

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TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: ALCOHOLIC BEVERAGES

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CHAPTER 112: ALCOHOLIC BEVERAGES

Cross reference:

License requirements; fees, see § 110.26

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(C) KRS 244.290 as it relates to hours of sale on Sundays or during the hours when the polls are open on a regular primary, school or special or general election day shall remain in full force and effect.

(1) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold at retail, whether by the drink or by package, in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day. On Sundays no distilled spirits, wine, or malt beverages may be sold at retail, whether by the drink or by package, in the city between the hours of 2:00 a.m. and 11:00 a.m.; provided that no distilled spirits, wine, or malt beverages may be sold by package at retail on Sunday after 7:00 p.m. or before 6:00 a.m. on Mondays. Distilled spirits, wine, or malt beverages may be sold at retail by the drink in the city on Sundays and Mondays until 2:00 a.m.; and after 11:00 a.m. on Sundays. In addition, no distilled spirits, wine, or malt beverages may be sold at retail in the city during the hours when any polls are open in the city on any election day.

(2) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the 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 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.

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§ 112.02 CONSUMPTION OF ALCOHOLIC BEVERAGES BY MINORS.

*6am - 2am WeekDay hrs.
- Sunday PKg hrs - 11am - 7pm
Drunk hrs - 11am - 2am*

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

ALCOHOLIC BEVERAGE. Shall have the meaning indicated in KRS 242.010; and

MINOR. Any natural person who is less than twenty-one (21) years of age; and

PERSON. Any natural person, corporation, partnership, joint venture or unincorporated association of persons, or any combination thereof.

(B) No person shall cause, permit, aid, encourage or engage in the consumption or possession of alcoholic beverages by a minor in the city, unless such possession or consumption of alcoholic beverages occurs at the residence of the minor and in the presence of another person who is over twenty-one (21) years of age, and related to the minor, and who resides with the minor at the same residence.

(Ord. 21-1991, passed 6-13-91)

§ 112.50 CIVIL OFFENSE

Any violation of any provision of Chapter 112 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 of Chapter 112, and nothing contained herein, or in subchapter §§ 65.60 et seq. shall prohibit the enforcement of the provisions of Chapter 112 by any other means authorized by law, specifically, without limitation, the provisions of § 112.99.

(A) If a citation for a violation of any provision of Chapter 112 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.

(Ord. 03-2000, passed 3-2-00)

Cross reference:

Code Enforcement Board, see §§ 35.60-35.70

§ 112.99 PENALTY.

(A) Any person who, by himself or acting through another directly or indirectly, violates § 112.01 shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), imprisoned for not more than six (6) months, or both, for a first offense. For a second and each subsequent offense, he shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), imprisoned for not more than six (6) months, or both. This penalty shall be in addition to the revocation of the offender's license.

(KRS 244.990(1))

(B) Any person who violates any of the terms or provisions of § 112.02 shall be guilty of a misdemeanor and be fined not more than five hundred dollars (\$500.00) or imprisoned, according to law, for a period of not more than ninety (90) days, or any combination of such fine or imprisonment.

(Am. Ord. 21-91, passed 6-13-91)

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