

ORDINANCE 2013 – 10 - 01

AN ORDINANCE OF THE CITY OF THE CITY OF BELLEVUE, KENTUCKY, RELATING TO SECTIONS OF THE CITY'S CODE OF ORDINANCES PERTAINING TO ALCOHOLIC BEVERAGES AND DIRECTING THAT THIS ORDINANCE BE PUBLISHED BY SUMMARY.

WHEREAS, the City of Bellevue desires to enhance the general welfare of the city deems it necessary and appropriate to amend its existing ordinance pertaining to alcoholic beverages so as to incorporate the changes enacted by the Kentucky General Assembly in 2013 via what is commonly referred to as Senate Bill 13;

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

1. Classification of Licenses; Fee Schedule.

Section 112.20 of the City of Bellevue, Kentucky Code of Ordinances is hereby deleted in its entirety and is replaced with a new Section 112.20 to read as follows:

The following kinds of distilled spirits, win, and malt beverage license may be issued by the city and the annual fee for each license shall be:

- (A) Distilled spirit licenses as set forth in KRS 243.030:
 - i. Distiller's license, per annum\$ 500.00
 - ii. Rectifier's license, per annum \$3,000.00
 - iii. Wholesaler's distilled spirits and wine license, per annum.....\$3,000.00
 - iv. Quota retail package license, per annum.....\$525.00
- (B) Quota retail drink license per annum.....\$525.00
- (C) Special temporary license, per event.....\$166.66
- (D) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages) a/k/a "NQ1, per annum.....\$2,000.00
- (E) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), a/k/a NQ2, per annum.....\$1,000.00
- (F) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), a/k/a NQ3, per annum.....\$300.00
- (G) Distilled spirits and wine special temporary auction license, per event.....\$200.00
- (H) Special Sunday retail drink license, per annum.....\$300.00
- (I) Caterer's license, per annum.....\$800.00
- (J) Bottling house or bottling house storage license, per annum.....\$1,000.00
- (K) Malt beverage licenses as follows:
 - i. Brewer's license, per annum.....\$500.00
 - ii. Microbrewery license, per annum.....\$500.00
 - iii. Malt beverage distributor's license, per annum.....\$400.00

- iv. Nonquota retail malt beverage package license, a/k/a NQ Malt Package, per annum.....\$200.00
- v. Nonquota type 4 retail malt beverage drink license, a/k/a NQ4, per annum..... \$200.00
- vi. Malt beverage brew-on-premises license, per annum.....\$100.00
- (L) Limited restaurant license (includes distilled spirits, wine, and malt beverages, per annum.....\$1200.00
- (M) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum.....\$1,200.00
- (N) 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 licensee at the same premises.
- (O) The holder of a NQ Malt Package license may obtain a NQ4 malt beverage drink license for a fee of fifty dollars (\$50.00) The holder of an NQ4 malt beverage drink license may obtain a NQ Malt Package license for a fee of fifty dollars (\$50.00).

2. Special Temporary Licenses.

Provisions of City of Bellevue, Kentucky, Ordinance 2013- 07- 01 relating to types of special temporary licenses are deleted in their entirety and is replaced with a new section

A special temporary may be issued as set out in KRS. 243.260. In the event the special temporary license is issued for a Limited Outdoor Event at the Bellevue Beach Park (as defined and regulated in Ordinance No. 2013-07-01), it may only be issued to an existing licensee and shall authorize the existing licensee to exercise the privileges of a quota retail drink license and an NQ4 retail malt beverage licensee at a Limited Outdoor Event for a specified and limited time, not to exceed three (3) days, and shall expire when the Limited Outdoor Event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to aspecial temporary licensee.

3. License Period

Section 112.25 of the City of Bellevue, Kentucky Code of Ordinances is hereby deleted in its entirety and is replaced with a new Section 112.20 to read as follows:

(A) All alcohol licenses under this Section 112, except special temporary licenses, be valid for a period of no more than one year and shall begin December 1 and end on November 30. Any licenses issued after such date of any year (or issued in the year the date is changed) shall be assessed a fee which is based on the pro rata portion of the license period period; however, the cost of any license shall not be less than one-half (1/2) the amount of the full fee for an annual license of that type.

(B) The renewal by the City of any license hereunder shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

4. ABC Administrator

Section 112.95(A) of the City of Bellevue, Kentucky Code of Ordinances is hereby amended as follows:

(A) There is hereby established the municipal office of City Alcoholic Beverage Control (ABC) Administrator, ~~who shall be appointed by the Mayor pursuant to KRS 241.170 who shall be the City Clerk-Treasurer.~~

Section 112.95 (D) of the City of Bellevue, Kentucky Code of Ordinances is hereby repealed.

The remainder of Section 112.95 shall remain in full force and effect

Section 31.36 (B) of the City of Bellevue, Kentucky Code of Ordinances is hereby amended as to add the following duties:

(B) ...performance of the duties as required of the City Alcoholic Beverage Control Administrator as set forth in Chapter 112 of this code; ...

The remainder of Section 31.36 (B) shall remain in full force and effect.

5. Miscellaneous.

A. All ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

B. This Ordinance is hereby ordered to be published by Summary.

C. This Ordinance shall take effect and be in force ten (10) days from its passage, approval and publication as provided by law.

If any provision of this Ordinance is found to be invalid or unconstitutional, such decision shall not affect the validity of the remaining parts of this Ordinance and the same shall remain in full force and effect.

CITY OF BELLEVUE, KENTUCKY

By: Edward M. Riehl
EDWARD RIEHL
ITS: Mayor

ATTEST:

Maury W Swetz
_____, City Clerk

Date of First Reading: 10-9-13

Date of Second Reading and Enactment: 11-13-13

Date of Publication: 11-21-13

CITY OF BELLEVUE, KENTUCKY

ORDINANCE 2013-09-01

AN ORDINANCE LEVYING AN AD VALOREM TAX RATE FOR THE FISCAL PERIOD JULY 1, 2013 THROUGH JUNE 30, 2014 ON ALL PROPERTY LOCATED IN THE CITY OF BELLEVUE, KENTUCKY. LEVYING AN AD VALOREM TAX RATE AND ESTABLISHING THE RATES THEREFORE AND ADOPTING THE CAMPBELL COUNTY PROPERTY VALUATION ADMINISTRATOR'S ASSESSMENT ON SAID PROPERTY AND PROVIDING FOR A TAX LIEN AGAINST ALL TAXABLE PROPERTY IN THE CITY OF BELLEVUE TO SECURE THE PAYMENT OF SAID TAXES.

THE CITY COUNCIL OF THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE

That there be an ad valorem tax for the fiscal year July 1, 2013 through June 30, 2014 on all property situated in the City of Bellevue, Campbell County, Kentucky, said tax to be due on the first day of November, 2013, delinquent on the first day of December, 2013. All taxes, which remain unpaid at the time they become delinquent, shall be subject to a ten (10) percent penalty and a twelve (12) percent per annum interest. The assessment of all property, real and personal in the City of Bellevue, Kentucky as made for the Campbell County Property Valuation Administrator, shall be and the same is hereby adopted as the assessment on said property for the City of Bellevue for the purpose of this tax and the City of Bellevue assessment list shall be made from the Campbell County Property Valuation Administrator assessment list, after it has been supervised and corrected by the County Board of Equalization.

SECTION TWO

The rate of taxation for the City of Bellevue, Kentucky for the fiscal year July 1, 2013 through June 30, 2014 shall be 0.290 of each \$100.00 of assessed valuation for real estate, except and subject to Ordinance 2005-05-04, and 0.354 of each \$100.00 of assessed valuation for personal property. All of said amount shall be and is hereby taxed for the General fund of the City.

SECTION THREE

A lien is hereby created against all property in the City of Bellevue to secure payment of the ad valorem tax provided herein. Said lien shall exist and shall be enforceable for a period of ten (10) years from the date of assessment and shall not, during such period be defeated or cease to exist except by the payment of said tax. Payment of said tax shall satisfy said lien and shall release and discharge the property concerned therefrom.

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

Edward Riehl, Mayor

ATTEST:

Mary H. Scott
Mary H. Scott, City Clerk

1st Reading: 9-11-2013
2nd Reading: 10-9-2013
Publication: 10-17-2013

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ALCOHOL
BEVERAGE CONTROL

ORDINANCE 2013 - 07 - 02

AN ORDINANCE OF THE CITY OF THE CITY OF BELLEVUE, KENTUCKY, DELETING A PORTION OF 112.40 OF THE CODE OF CITY ORDINANCES RELATING TO LIQUOR SALES ON ELECTION DAY, AND DIRECTING THAT THIS ORDINANCE BE PUBLISHED BY SUMMARY.

WHEREAS, pursuant to recent changes in Kentucky law, liquor sales on Election Day have been lifted; and

WHEREAS, pursuant to the City's general police powers it may regulate the hours of the sale of alcoholic beverages;

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

1. **Prohibition on Election Day sales of alcohol lifted.**

The following phrase is stricken from Section 112.40(A) of the Bellevue City Code of Ordinances:

“or during the hours when polls are open in the city on any election day.”

All remaining portions of Section 112.40(A) remain in full force and effect.

2. **Miscellaneous.**

A. All ordinances or parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed.

B. This Ordinance is hereby ordered to be published by Summary.

C. This Ordinance shall take effect and be in force ten (10) days from its passage, approval and publication as provided by law.

D. All ordinances or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

E. If any provision of this Ordinance is found to be invalid or unconstitutional, such decision shall not affect the validity of the remaining parts of this Ordinance and the same shall remain in full force and effect.

CITY OF BELLEVUE, KENTUCKY

By: Edward M. Riehl
EDWARD RIEHL
ITS: Mayor

ATTEST:

Mary W. Scott
_____, City Clerk

Date of First Reading: 7-10-13

Date of Second Reading and Enactment: 8-14-13

Date of Publication: 8-22-13

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ALCOHOL
BEVERAGE CONTROL

CITY OF BELLEVUE**ORDINANCE NO. 2004-09-01****AN EMERGENCY ORDINANCE ENACTING A NEW CITY OF BELLEVUE SALE OF ALCOHOLIC BEVERAGE ORDINANCE THAT MODIFIES THE EXISTING SECTION 112.40 OF THE CODE OF ORDINANCES BY ESTABLISHING NEW HOURS ALCOHOLIC BEVERAGES MAY BE SOLD ON SUNDAYS, AND MODIFYING THE CLOSING TIME FOR SELLERS OF ALCOHOLIC BEVERAGES.**

WHEREAS, in October, 1992, the City of Bellevue enacted Ordinance 92-9-1 that established the hours alcoholic beverages may sold on Sundays; and

WHEREAS, in 1998, KRS 244.290 was amended by the Kentucky legislature to arguably permit local government including a city of the fourth class such as Bellevue to establish the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries; and

WHEREAS, the application and interpretation of KRS 244.290 as it relates to the validity of portions of Section 112.40 of the Code of Ordinances of the City of Bellevue relating to the sale of distilled spirits and wine on Sundays was reviewed by the state Alcohol Beverage Control ("ABC") Board, Franklin County Circuit Court and the Kentucky Court of appeals in litigation involving Liquor Outlet, LLC; and

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 Commonwealth of Kentucky Court of Appeals held that Section 112.40 of the Code of Ordinances of the City of Bellevue pertaining to the sale of packaged liquor and wine on Sundays was enacted in conflict with the 1992 version of KRS 244.290 and therefore is void; and

WHEREAS, the City of Bellevue desires to establish the hours that distilled spirits and wine may be sold including Sundays within its jurisdictional boundaries in compliance with KRS 244.290, KRS 244.480, related statutory provisions and case law; and

WHEREAS, this ordinance will replace Section 112.40 in its entirety; and

WHEREAS, it is necessary to declare an emergency to pass this ordinance so that Bellevue businesses and establishments can be in compliance with the law related to the time constraints and regulations imposed by this ordinance.

NOW, THEREFORE, BE IT ORDAINED by the city council of the City of Bellevue, Kentucky, that the existing Section 112.40 of the Code of Ordinances of the City of Bellevue is hereby repealed and replaced with this ordinance that will be identified as Section 112.40 in the Code of Ordinances as follows:

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine or malt beverages may be sold at retail in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day or between 2:00 a.m. and 1:00 p.m. on Sunday or during the hours when any polls are open in the city on any election day. Notwithstanding, malt beverages referenced in KRS 243.280 and distilled spirits and wine by the package referenced in KRS 243.240 may be sold at retail in the city on Sunday beginning at 12:00 p.m. (noon).

(B) During the restricted hours set forth in division (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 licensed premises and remove themselves therefrom during such times.


(C) 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 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 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.

Penalty, see Section 112.99

For the reasons set forth above, an emergency is hereby declared to exist and the provisions of this ordinance shall become effective immediately upon its adoption by a vote of two-thirds or more of the city council.

Adopted this 8th day of September, 2004.

Attest:


John D. Meyer, Mayor


Mary H. Scott, City Clerk

1st Reading: 9-8-04

Publication: 9-16-04

CITY OF BELLEVUE

ORDINANCE NO. 2009-04-01

AN ORDINANCE CHANGING THE TIME WHEN DISTILLED SPIRITS, WINE AND MALT BEVERAGES MAY BE SOLD BY THE DRINK ON SUNDAYS IN BELLEVUE, KENTUCKY, FROM 1 P.M. TO 11 A.M.

WHEREAS, on September 8, 2004, the Board of Council of the City of Bellevue enacted Ordinance 2004-09-01 that established the hours that distilled spirits, wine and malt beverages may be sold on Sundays in Bellevue beginning at 1 p.m.; and

WHEREAS, several other Northern Kentucky municipalities have established that distilled spirits, wine and malt beverages may begin sales at 11 a.m.; and

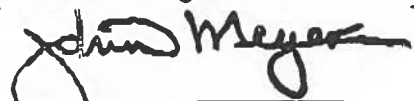
WHEREAS, the Board of Council has received requests from business owners asking that the beginning time that sales be allowed be changed from 1 p.m. to 11 a.m. so that they can compete with neighboring business establishments; and

WHEREAS, the Board of Council desires to change the time when distilled spirits, wine and malt beverages may be sold on Sundays from 1 p.m. to 11 a.m.


NOW, THEREFORE, BE IT ORDAINED by the city council of the City of Bellevue, Kentucky, that the existing Section 112.40(A) of the Code of Ordinances of the City of Bellevue is hereby amended as follows:

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits or wine may be sold at retail in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day, nor from 2:00 a.m. until ~~1:00 p.m.~~ 11 a.m. on Sunday or during the hours when any polls are open in the city on any election day. Notwithstanding, malt beverages referenced in KRS 243.280 and distilled spirits and wine by the package referenced in KRS 243.240 may be sold at retail in the city on Sunday beginning at 11 a.m.

This ordinance shall be effective when read, passed and advertised according to law.


John D. Meyer, Mayor

ATTEST:


Mary H. Scott, City Clerk

1st reading: 4-8-09
2nd reading: 5-13-09
Publication: 5-21-09

ABC office
Fax # 502 564 1442

CITY OF BELLEVUE

ORDINANCE NO. 2005-02-01

AN ORDINANCE CHANGING THE TIME WHEN DISTILLED SPIRITS, WINE AND MALT BEVERAGES MAY BE SOLD BY THE PACKAGE ON SUNDAYS IN BELLEVUE, KENTUCKY, FROM NOON TO 11 A.M.

WHEREAS, on September 8, 2004, the Board of Council of the City of Bellevue enacted Ordinance 2004-09-01 that established the hours that distilled spirits, wine and malt beverages may be sold on Sundays in Bellevue beginning at noon; and

WHEREAS, several other Northern Kentucky municipalities have established that distilled spirits, wine and malt beverages may begin sales at 11 a.m.; and

WHEREAS, the Board of Council has received requests from business owners asking that the beginning time that sales be allowed be changed from noon to 11 a.m. so that they can compete with neighboring business establishments; and

WHEREAS, the Board of Council desires to change the time when distilled spirits, wine and malt beverages may be sold on Sundays from noon to 11 a.m.

NOW, THEREFORE, BE IT ORDAINED by the city council of the City of Bellevue, Kentucky, that the existing Section 112.40(A) of the Code of Ordinances of the City of Bellevue is hereby amended as follows:

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits or wine may be sold at retail in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day, nor from 2:00 a.m. until 1:00 p.m. on Sunday or during the hours when any polls are open in the city on any election day. Notwithstanding, malt beverages referenced in KRS 243.280 and distilled spirits and wine by the package referenced in KRS 243.240 may be sold at retail in the city on Sunday beginning at ~~12:00 p.m. (noon)~~ 11 a.m.

This ordinance shall be effective when read, passed and advertised according to law.

ATTEST:

John D. Meyer, Mayor

Mary H. Scott, City Clerk

1st reading: _____

2nd reading: _____

Publication: _____

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

General Provisions

- 112.01 Definitions
- 112.02 Use by person under 21 years of age on property of owners/occupants
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- 112.21 Form, content of city license
- 112.22 Application; issuance
- 112.23 Approval of application
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- 112.62 Identification cards to be carried
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- 112.81 Performing nude or nearly nude activities
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- 112.83 Revocation or suspension of liquor license for violations
- 112.84 Revocation or suspension of occupational license for violations

Administration and Enforcement

- 112.95 Alcoholic Beverage Control (ABC) Administrator
112.96 Right of entry; search and seizure
112.97 Suspension, revocation or license

112.99 Penalty

Cross-reference:

Riverfest, alcoholic beverages, see §§ 100.15, 100.16

GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

(A) As used in this chapter, those words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) Further, the following words and phrases have the meanings indicated:

(1) "ABC ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administrator created and established by the city pursuant to § 112.95.

(2) "BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

(3) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(4) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(5) "EMPLOYMENT." Working in any capacity, including as a volunteer, as a proprietor, or in any capacity for which compensation is given.

(6) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

(7) "PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

(8) "STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

(9) "TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages. (Ord. 2005-04-01, passed 5-18-05)

§ 112.02 USE BY PERSONS UNDER 21 YEARS OF AGE ON PROPERTY OF OWNERS/OCCUPANTS.

(A) (1) No person being the owner or occupant or otherwise in possession or control of any property located within the city, who knows or should know, through the exercise of reasonable diligence, shall allow any person under the age of 21 years to remain on the property while in possession of alcoholic or malt beverages, or while consuming alcoholic or malt beverages, unless the alcoholic or malt beverages are given by a physician in the regular line of medical practice, or by a parent or legal guardian.

(2) It shall be an affirmative defense under this section if the person charged with the violation, within one hour after the utilization of alcoholic or malt beverages constituting the basis of the violation, enlisted the aid of, and cooperated with law enforcement personnel, to cause the individuals who are under 21 years of age and are utilizing alcoholic or malt beverages in violation of this section to leave the property.

(B) (1) No person being the parent, or guardian or otherwise having the care, custody, or control of any minor knowingly shall allow the minor to violate any provisions of this section or shall aid, abet, induce, cause, encourage, or contribute to the minor violating any provisions of this section, including, without limitation, allowing a minor having a proclivity for possession or consumption of alcoholic or malt beverages to be in possession of property located within the city under circumstances such that a reasonably responsible adult should have known that a violation of this section was likely to occur thereon.

(2) It shall be an affirmative defense under this section if the minor in possession of the property, within one hour after the utilization of alcoholic or malt beverages constituting the basis of the violation enlisted the aid of and cooperated with law enforcement to cause minors who are utilizing alcoholic or malt beverages in violation of this section to leave the property.

(C) For the purpose of this chapter the words "ALCOHOLIC BEVERAGES" AND "MALT BEVERAGES" shall have the same meaning given to them in KRS 241.010.

(Ord. 86-12-2, passed 1-14-87) Penalty, see § 112.99

§ 112.03 CONSUMPTION OF ALCOHOLIC BEVERAGES UPON PARKING AREAS.

(A) It shall be unlawful for any person to consume malt, liquor, or vinous beverages upon any premises used as a vehicular parking area when this parking area is utilized in conjunction with a business premises engaged in the dispensing of malt, liquor, or vinous beverages by the package.

(B) It shall be unlawful for any person, corporate, or otherwise, who operates a business engaged in the dispensation of malt, liquor, or vinous beverages by the package, to permit any person to consume any

malt, liquor, or vinous beverages upon any premises used in conjunction with this business a vehicular parking area.

(C) Any person, corporate or otherwise, or employee or agent thereof, engaged in a business referred to in division (B) of this section who has a vehicular parking area in conjunction with his business shall be required to post his premises with a sign notifying any person using the parking area of the contents of this section. This sign and letters thereon are to be of sufficient size as to notify any person using any portion of this parking area of the provisions of this section.

('71 Code, § 132.05) (Ord. 271, passed 5-24-72) Penalty, see § 112.99

§ 112.04 SURVEILLANCE OF CITY LIQUOR STORES BY OUT-OF-STATE REVENUE OFFICERS PROHIBITED.

(A) For the purpose of this section, "FOREIGN STATE AGENT" or "FOREIGN STATE OFFICER" shall mean any person compensated directly or indirectly by a state, other than the Commonwealth of Kentucky.

(B) No foreign state agent or foreign state officer shall enter into the city for the purpose of enforcing a foreign state's laws relating to alcoholic beverages, including any law levying a tax on alcoholic beverages, or to conduct an investigation or surveillance activities in the city relating to a possible violation of the foreign state's law relating to the importation of alcoholic beverages. (Ord. 87-3-1, passed 4-8-87) Penalty, see § 112.99

LICENSES

§ 112.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

The following kinds of distilled spirits, wine, and malt beverage licenses may be issued by the city and the annual fees for each license shall be:

<u>(A) Distilled Spirits and Wine Licenses</u>	<u>Fees</u>
Distiller's license, per annum	\$ 500
Rectifier's license, per annum	1,500
Blender's license, per annum	1,500
Wholesaler's license, per annum	600
Retail package license, per annum	500
Retail drink license, per annum	500
Special private club license, per annum	100
Special Sunday retail drink license, per annum	100
Nonresident, special agent, or solicitor's license, per annum	20
Restaurant wine license, per annum	400

<u>(B) Malt Beverage Licenses</u>	<u>Fees</u>
Malt brewer's license, per annum	\$ 250.00
Malt distributor's license, per annum	200.00
Malt retailer's license	
New, per annum	200.00
Renewal, per annum	150.00
Micro brewery, per annum	250.00

(C) Temporary and Other

Special temporary spirit and wine retail license, per month or part of a month	166.66
Special temporary malt retail license, per month or part of a month	25.00
Transfer of license	20.00
(KRS 243.070) (Ord. 85-1-3, passed 2-13-85; Am. Ord. 2010-08-01, passed 9-8-10) Penalty, see § 112.99	

§ 112.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the ABC Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

(1) Comply with all of the provisions for state licenses required by KRS 243.440; and

(2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

§ 112.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, and upon the approval of the ABC Administrator, city licenses shall be originally issued by the City Clerk-Treasurer and renewed by him upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

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

(1) All information required by KRS 243.390 to be contained in the application for state licenses.

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names, addresses, photographs, and fingerprints of the applicant and all shareholders, officers, agents, servants, and employees thereof.

(B) The approval of the applicant, the application, and the premises described therein by the ABC Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

§ 112.23 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original city license and 15 days of the date of an application for renewal of a city license, the ABC Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

§ 112.24 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the ABC Administrator shall not approve any application for a city license if:

(A) The applicant, the application, or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages;

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

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

(D) Any statement or representation in the application is false;
or

(E) In the exercise of sound discretion, the ABC Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the ABC Administrator shall consider in the exercise of his discretion are: public sentiment in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

§ 112.25 LICENSE PERIOD.

(A) All licenses issued under this chapter shall expire on June 30 each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to the renewal, and shall not prevent subsequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued under this chapter after July 1 of any year, he shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1. However, no license shall be issued for a shorter period than six months and no license fee shall be less than one-half the annual fee.
(KRS 243.090) (Ord. 85-1-3, passed 2-13-85) Penalty, see § 112.99

§ 112.26 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the ABC Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.
Penalty, see § 112.99

§ 112.27 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS 243.280, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.

(B) As set forth in KRS 243.230, no city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

SALE OF ALCOHOLIC BEVERAGES

§ 112.40 HOURS.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits or wine may be sold at retail in the city between the hours of 2:00 a.m. and 6:00 a.m. of any day, nor from 2:00 a.m. until 11:00 a.m. on Sunday or during the hours when polls are open in the city on any election day. Notwithstanding, malt beverages referenced in KRS 243.280 and distilled spirits and wine by the package referenced in KRS 243.240 may be sold at retail in the city on Sunday beginning at 11:00 a.m.

(Ord. 92-9-1, passed 10-14-92)

(B) During the restricted hours set forth in division (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 licensed premises and remove themselves therefrom during such times.

(C) 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 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 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.

(Am. Ord. 2004-09-01, passed 9-8-04; Am. Ord. 2005-02-01, passed 3-9-05; Am. Ord. 2009-04-01, passed 5-13-09) Penalty, see § 112.99

§ 112.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the ABC Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.
Penalty, see § 112.99

§ 112.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.
Penalty, see § 112.99

§ 112.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

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

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

"Persons under the age of 21 years are subject to a fine up to \$500 if they:

(1) Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or

(2) Possess, purchase or attempt to purchase any alcoholic beverages; or

(3) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.
Penalty, see § 112.99

Statutory reference:

Display of state license required, see KRS 243.620, 244.270, and 244.360

§ 112.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any law, rule, or regulation of any governmental agency having jurisdiction thereof or any officer or agency thereof.
Penalty, see § 112.99

§ 112.45 CONDUCTING BUSINESS WITH MINOR.

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

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

(B) The misrepresentation of the name, address, age, or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.
Penalty, see § 112.99

§ 112.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the ABC Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain;

acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the ABC Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

EMPLOYEES OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGE

§ 112.60 REGISTRATION, PHOTOGRAPHING, AND FINGERPRINTING REQUIRED.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where distilled spirits, wine and/or malt beverages are sold or dispensed by the drink shall register with the city, and is required to be fingerprinted and photographed by the city within five days from the time of his employment.

(B) No employer, whether a person, firm, or corporation, shall allow any person to remain in employment longer than five days unless within the five-day period, the employee shall have registered and shall have been fingerprinted and photographed by the city.

(C) The registration and identification card shall remain valid for a period of two years from the date of issuance by the city. Upon expiration of the registration and identification card, the employee shall renew his or her registration in accordance herewith.

(D) All registration and identification cards issued prior to the effective date of this section and not bearing an expiration date shall expire on July 1, 2005.
(Ord. 85-8-4, passed 8-28-85; Am. Ord. 2005-04-01, passed 5-18-05)
Penalty, see § 112.99

§ 112.61 FEE.

A fee of twenty-five dollars (\$25.00) is hereby established for each person registered, fingerprinted and photographed. The fee shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.
(Ord. 85-8-4, passed 8-28-85; Am. Ord. 2005-04-01, passed 5-18-05)

§ 112.62 IDENTIFICATION CARDS TO BE CARRIED.

(A) The registrants under this subchapter shall be required to have the identification cards issued by the city in their immediate possession during their hours of employment.

(B) The identification card shall contain the registrant's photograph, full legal name, date of birth, hair color, weight, gender and place of employment.

(Ord. 85-8-4, passed 8-28-85; Am. Ord. 2005-04-01, passed 5-18-05)
Penalty, see § 112.99

§ 112.63 DRINK LICENSE AS ACCESSORY USE WITH ANOTHER BUSINESS AS PRINCIPAL USE AT SAME LOCATION.

Only those persons employed by a business having a distilled spirits, wine or malt beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to, restaurants and hotels, who are directly engaged in that portion of that business which sells distilled spirits, wine or malt beverages by the drink, shall be required to register.

(Ord. 85-8-4, passed 8-28-85; Am. Ord. 2005-04-01, passed 5-18-05)
Penalty, see § 112.99

§ 112.64 FESTIVALS OR SIMILAR EVENTS.

Any employee, volunteer help, or working proprietors at a festival or similar event which lasts less than five days, for which a temporary liquor license has been issued by the city, shall not be required to register under this subchapter.

(Ord. 85-8-4, passed 8-28-85; Am. Ord. 2005-04-01, passed 5-18-05)

§ 112.65 EXCEPTION.

This registration procedure shall not apply to hosts and hostesses whose primary function is to greet and seat guests, waiters and waitresses whose primary function is the service of food, cleaning and maintenance workers and independent contractors.

(Ord. 85-8-4, passed 8-28-85; Am. Ord. 2005-04-01, passed 5-18-05)

NUDE OR NEARLY NUDE ACTIVITIES

§ 112.80 DEFINITIONS.

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

"BUSINESS ESTABLISHMENTS." A business within the city where liquor, beer, or wine is sold for consumption on the premises pursuant to a retail drink liquor license or retail cereal malt beverage liquor license that has been issued by the city.

"LICENSE." A retail drink liquor license or a retail cereal malt beverage liquor license issued by the city.

"LICENSEE." Any person to whom a retail drink liquor license or a retail cereal malt beverage liquor license has been issued by the city including the officers and agents of the licensee.

"OCCUPATIONAL LICENSE." The occupational license issued for the business establishment pursuant to §§ 110.01 through 110.09.

"PERSON." A human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority.

"PREMISES." The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

"RETAIL LICENSEE." Any licensee including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.
(Ord. 85-8-4, passed 8-28-85)

§ 112.81 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on a business establishment's premises in a manner or attire 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 portion of the breast referred to as the areola, nipple, or simulation thereof.

(Ord. 85-8-4, passed 8-28-85) Penalty, see § 112.99

§ 112.82 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A license or retail license is guilty of permitting nude or nearly nude activity when having control of the business establishment's premises which it knows or has reasonable cause to know, it is being used by any person to appear on the premises in a manner or attire as to expose to view portions of the pubic area, anus, vulva, or genitals, or any simulation thereof; or used by any female to appear on the premises in a manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof, it permits this activity or fails to make reasonable and timely effort to halt or abate that activity or use.
(Ord. 85-8-4, passed 8-28-85) Penalty, see § 112.99

§ 112.83 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 112.81 and 112.82 of this subchapter occurs, the ABC Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.160 and 241.190), to determine whether the liquor license, at whose business establishment the activity prohibited by this subchapter occurred, shall have his or its license suspended or revoked.

(B) In the event three or more violations of §§ 112.81 and 112.82 occur at a business establishment within a 12-month period, the ABC Administrator, after a hearing, shall revoke the retail drink license or retail cereal malt beverage liquor license or both. (Ord. 85-8-4, passed 8-28-85) Penalty, see § 112.99

§ 112.84 REVOCATION OR SUSPENSION OF OCCUPATIONAL LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 112.81 and 112.82 occurs, the ABC Administrator shall prefer charges against the retail license pursuant to this subchapter, and after notice, a hearing and the like, held by the City Council, the occupation license shall either be revoked or suspended.

(B) In the event that three or more violations of §§ 112.81 and 112.82 occur at a business establishment within a 12-month period, after notice and hearing and the like, pursuant to the this subchapter, the City Council shall revoke the occupational license of the retail license. (Ord. 85-8-4, passed 8-28-85)

ADMINISTRATION AND ENFORCEMENT

§ 112.95 ALCOHOLIC BEVERAGE CONTROL (ABC) ADMINISTRATOR.

(A) There is hereby established the municipal office of City Alcoholic Beverage Control (ABC) Administrator, who shall be appointed by the Mayor pursuant to KRS 241.170.

(B) The ABC Administrator, before entering upon his duties as such, shall take the 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 \$1,000.

(C) The functions of the ABC Administrator shall be the same as provided by Kentucky Revised Statutes.

(D) The ABC Administrator shall be reimbursed for all authorized expenses and shall receive compensation as set by ordinance. (Ord. 85-8-4, passed 8-28-85)

For use of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be guilty of a misdemeanor and shall be fined not less than \$50 nor more than \$500.

(H) Any person, firm or corporation convicted of violating §§ 112.60 through 112.67 shall be guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$500. (Ord. 85-8-4, passed 8-28-85)

(I) (1) Performing nude or nearly nude activities as set forth in § 112.81 or permitting those activities as set forth in § 112.82, is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes.

(2) The second violation of §§ 112.81 or 112.82 above within a 12-month period shall constitute a class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

(3) Three or more violations of §§ 112.81 or 112.82 within a 12-month period shall constitute a class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes. (Ord. 85-8-1, passed 8-25-85)

~~(8)(7)~~ "STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

~~(9)(8)~~ "TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

§ 112.60 REGISTRATION, PHOTOGRAPHING, AND FINGERPRINTING REQUIRED.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where ~~liquor or beer is~~ distilled spirits, wine and/or malt beverages are sold and/or dispensed by the drink as defined in both the state statutes or the city ordinances, shall register in a book of registration to be kept by the Police Department with the city, and is required to be fingerprinted and photographed by the ~~Police Department~~ the city within five days from the time of his or her employment. ~~No person shall fail to register or be fingerprinted and photographed.~~

(B) No employer, whether a person, firm, or corporation, shall allow any person to remain in ~~that~~ employment longer than five days unless within the five-day period, the employee shall have registered, ~~and shall have been~~ fingerprinted and photographed by the city.

(C) The registration and identification card shall remain valid for a period of two years from the date of issuance by the city. Upon expiration of the registration and identification card, the employee shall renew his or her registration in accordance herewith.

(D) All registration and identification cards issued prior to the effective date of this ordinance and not bearing an expiration date shall expire on July 1, 2005.

§ 112.61 FEE.

~~The city shall require a payment of \$5 of each person registered, which charge~~ A fee of twenty-five dollars (\$25.00) is hereby established for each person registered, fingerprinted and photographed. The fee shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

§ 112.62 IDENTIFICATION CARDS TO BE CARRIED.

(A) The registrants under this subchapter shall be required to have the identification cards issued by the ~~Police Department~~ city in their immediate possession during their hours of employment. ~~The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight, and place of employment.~~

(B) The identification card shall contain the registrant's photograph, full legal name, date of birth, hair color, weight, gender and place of employment.

§ 112.63 DRINK LICENSE AS ACCESSORY USE WITH ANOTHER BUSINESS AS PRINCIPAL USE AT SAME LOCATION.

~~These businesses~~ Only those persons employed by a business having a liquor or beer distilled spirits, wine or malt beverages by the drink license as an accessory use with another

business as the principal use at the same location, including, but not limited to, restaurants and hotels, ~~shall register only those persons~~ who are directly engaged in that portion of that business which sells liquor or beer distilled spirits, wine or malt beverages by the drink, shall be required to register.

§ 112.64 FESTIVALS OR SIMILAR EVENTS.

Any employee, volunteer help, or working proprietors at a festival or similar event which lasts less than five days, for which a temporary liquor license has been ~~secured~~ issued by the city, shall not be required to register under this subchapter.

§ 112.65 SPECIAL PRIVATE CLUBS.

~~The employees, volunteer help, or working proprietors of a holder of a special private club license shall be exempt from registration under this subchapter if and only if:~~

~~(A) — The special private club license is limited to malt beverages; and~~

~~(B) — The use of the special private club license is an accessory use to a principal permitted use.~~

§ 112.66 CLEANING AND MAINTENANCE WORKERS.

~~Any establishment having a liquor or beer by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of liquor or beer by the drink.~~

§ 112.67 EXCEPTION.

This registration procedure shall not apply to hosts and hostesses whose primary function is to greet and seat guests, waiters and waitresses whose primary function is the service of food, cleaning and maintenance workers and independent contractors.

This ordinance shall be effective when read, passed and advertised according to law.

ATTEST:

John D. Meyer, Mayor

Mary H. Scott, City Clerk

1st reading: _____

2nd reading: _____

Publication: _____

CITY OF BELLEVUE, KENTUCKY

ORDINANCE NO. 86-12-2

AN ORDINANCE ESTABLISHING A VIOLATION AS TO THE OWNERS/OCCUPANTS OF PROPERTY IN THE CITY OF BELLEVUE AND THE USE OF ALCOHOLIC AND MALT BEVERAGES BY INDIVIDUALS UNDER THE AGE OF TWENTY-ONE (21) YEARS ON SAID PROPERTY AND ESTABLISHING A VIOLATION AS TO PARENTS/GUARDIANS RESPONSIBLE AS TO MINORS IN VIOLATION OF THIS ORDINANCE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, that;

SECTION 1 - No person being the owner or occupant or otherwise in possession and/or control of any property located within the City of Bellevue, who knows or should know, through the exercise of reasonable diligence, shall allow any person under the age of twenty-one (21) years to remain on such property while in possession of alcoholic or malt beverages, or while consuming alcoholic or malt beverages, unless such alcoholic or malt beverages are given by a physician in the regular line of medical practice, or by a parent, or by a legal guardian.

It shall be an affirmative defense under this section if the person charged with the violation, within one hour after the utilization of alcoholic or malt beverages constituting the basis of the violation, enlisted the aid of, and cooperated with law enforcement personnel, to cause the individuals who are under twenty-one (21) years of age and are utilizing alcoholic or malt beverages in violation of this ordinance to not remain on the property.

SECTION 2 - No person being the parent or guardian or otherwise having the care, custody or control of any minor knowingly shall allow such minor to violate any provisions of this ordinance or shall aid, abet, induce, cause, encourage or contribute to such minor violating any provisions of this ordinance, including, without limitation, allowing a minor having a proclivity for possession or consumption of alcoholic or malt beverages to be in possession of property located within the City of Bellevue under circumstances such that a reasonably responsible adult should have known that a violation of this ordinance was likely to occur thereon.

It shall be an affirmative defense under this section if the minor in possession of the property, within one hour after the utilization of alcoholic or malt beverages constituting the basis of the violation enlisted the aid of and cooperated with law enforcement to cause minors who are utilizing alcoholic or malt beverages in violation of this ordinance to not remain on the property.

SECTION 3 - The word "alcoholic beverages" and "malt beverages" as used in this ordinance shall have the meaning given to them in Kentucky Revised Statute 241.010.

SECTION 4 - Any person who has violated Section 1 or Section 2 of this ordinance for the first time, shall be guilty of a violation and be punished by a fine of not less than Five (\$5.00) Dollars, nor more than Two Hundred Fifty (\$250.00) Dollars. Any person who has violated Section 1 or Section 2 of this ordinance for the second time, or any subsequent time, shall be guilty of a violation and punished by a fine of not less than Two Hundred Fifty (\$250.00) Dollars, nor more than Five Hundred (\$500.00) Dollars.

SECTION 5 - All ordinances, resolutions or parts thereof, in conflict with the provisions of this ordinance, are to the extent of such conflict, hereby repealed.

SECTION 6 - The provisions of this ordinance are severable. If any provision, section, paragraph, sentence or part thereof be held unconstitutional or invalid, such decision shall not affect or impair the validity of the remainder of the ordinance, it being the legislative intent to ordain and enact such provision, section, paragraph, sentence or part hereof, separately and independently of each other.

SECTION 7 - This ordinance shall become effective from and after its adoption and publication according to law.

ATTEST:

Myra J. Scholz
City Clerk

Tom Burke
Mayor

First reading 12/22/86
Second reading 1/11/87
Publication 1/22/87

CITY OF BELLEVUE, KENTUCKY

ORDINANCE NO. 85-1-3

AN ORDINANCE ESTABLISHING ALCOHOLIC BEVERAGES
LICENSE CLASSIFICATIONS AND ANNUAL FEES.

BE IT ORDAINED BY THE CITY OF BELLEVUE, THAT:

SECTION I: LICENSE CLASSIFICATIONS; FEES

That the following kinds of distilled spirits and wine licenses and malt beverage license may be issued by the city and the annual fees for each license shall be;

(A) Distilled Spirits and Wine Licenses

Distiller's license, per annum	\$ 500.00
Rectifier's license, per annum	1,500.00
Blender's license, per annum	1,500.00
Wholesaler's license, per annum	600.00
Retail package license, per annum	500.00
Retail drink license, per annum	500.00
Special private club license, per annum	100.00
Special Sunday retail drink license, per annum	100.00
Nonresident, special agent or Solicitor's license, per annum	20.00
Restaurant wine license New, per annum	150.00
Renewal, per annum	100.00

(B) Malt Beverage Licenses

Malt brewer's license, per annum	250.00
Malt distributor's license, per annum	200.00
Malt retailer's license New, per annum	200.00
Renewal, per annum	150.00
Malt package license, per annum	150.00

(C) Temporary and Other

Special temporary malt retail license, per day, not to exceed five (5) days	5.00
Transfer of license	20.00

SECTION II: LICENSE PERIOD

(A) All licenses issued under this chapter shall expire on June 30 each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to the renewal, and shall not prevent subsequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued under this chapter, after July 1 of any year, he shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1.

CITY OF BELLEVUE, KENTUCKY

ORDINANCE NO. 85-1-2

AN ORDINANCE REPEALING ORDINANCE NO. 84-10-1 REQUIRING THE LICENSING OF DOGS, SETTING A LICENSE FEE, AND REQUIRING A COLLAR.

BE IT ORDAINED BY THE CITY OF BELLEVUE, THAT:

Section 1. Ordinance No. 84-10-1, an ordinance requiring the licensing of dogs by the City of Bellevue is hereby repealed.

Section 2. This ordinance shall take effect December 31, 1985 after adoption and publication.

ATTEST:

Lucas J. Anderson
Mayor

Myrna Frischholz
City Clerk

First Reading 1-23-85
Second Reading 2-13-85
Publication 2-28-85