

ORDINANCE NO. 2017 - 27

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT AMENDING ORDINANCE 14-01, ADOPTED ON JANUARY 7, 2014 AND AMENDED WITH ORDINANCE 2017-18, ADOPTED ON OCTOBER 3, 2017, ESTABLISHING REGULATIONS FOR THE CONTROL AND LICENSING OF ALCOHOLIC BEVERAGES BY AMENDING THE HOURS WHEN SALES OF DISTILLED SPIRITS DRINK LICENSES AND RETAIL MALT BEVERAGE DRINK LICENSES ARE PERMITTED.

WHEREAS, there is a need for regulation of the sale of alcoholic beverages within Boone County, and

WHEREAS, the Boone County Fiscal Court now desires to amend its local ABC Ordinance to ensure fairness and consistency with respect to all businesses required to secure said ABC license, and

WHEREAS, the Fiscal Court of Boone County, Commonwealth of Kentucky, deems it necessary to enact this Ordinance to protect and preserve the health, safety, welfare, and convenience of the inhabitants of Boone County pursuant to Fiscal Court authority under KRS 67.083.

NOW, THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY:

Section One

That the Boone County Fiscal Court hereby amends its ABC regulations, previously enacted pursuant to Ordinance No. 14-01, adopted on January 7, 2014, and amended by Ordinance No. 2017-18, adopted on October 3, 2017, by adding and deleting the following words and phrases:

(SECTION 112.05 HOURS WHEN SALES ARE PERMITTED)

- (A) The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license as follows:
- (1) *Distilled spirits package licenses*: during the period between 6:00 a.m. to 1:00 a.m. daily, except Sunday and from 11:00 a.m. to midnight on Sunday.
 - (2) *Distilled spirits drink licenses*: during the period between 6:00 a.m. to 2:30 a.m. daily except Sunday and from 1:00 p.m. to midnight on Sunday, except when December 31st falls on a Sunday on which day license holders may extend service until 2:30 a.m. provided that all required licenses have been obtained from the County ABC Administrator and State ABC Board.
 - (3) *Retail malt beverages drink licenses*: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday, except when December 31st falls on a Sunday on which day license holders may extend service until 2:30 a.m. provided that all required licenses have been obtained from the County ABC Administrator and State ABC Board.

Section Two

That the provisions of this Ordinance are severable; and the invalidity of any portion of this Ordinance shall not affect the validity of any other provision; and such other provisions shall remain in full force and effect so long as they remain in the absence of those provisions determined to be invalid.

Section Three

This Ordinance shall be in effect and in full force from and after its adoption and publication as provided by law.

Adopted this 19th day of December, 2017

First Reading - the 21st day of November, 2017

Second Reading - the 19th day of December, 2017 Yes 4 No 0



**GARY W. MOORE, Judge/Executive
Boone County Fiscal Court**

Attest:

**Sharon Burcham,
Fiscal Court Clerk**

ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT

Ordinance No. 14-01

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT REPEALING ORDINANCE 340.5, ORDINANCE 410.7, ORDINANCE 05-03, ORDINANCE 08-08 AND ORDINANCE 13-10 IN THEIR ENTIRETY AND ENACTING AN ORDINANCE TO CORRESPOND WITH THE CHANGES IN THE COMMONWEALTH OF KENTUCKY ALCOHOL BEVERAGE CONTROL STATUTES, AFFIRMING A LICENSE FEE SCHEDULE, REVISING THE NAMES AND TYPES OF ALCOHOL LICENSES ISSUED, EXTENDING HOURS OF SALE, MODIFYING INFORMATION REQUIRED FOR LICENSE APPLICATIONS, MODIFYING THE ISSUANCE DATE, TERM AND DUE DATE FOR FEES DUE FOR ANNUAL ALCOHOL BEVERAGE CONTROL LICENSES, AND PROMULGATING OTHER RULES AND REGULATIONS PERTAINING TO SUCH.

WHEREAS, the Kentucky General Assembly has effectuated comprehensive revisions to state laws enacted in the 2013 special session of the General Assembly (Senate Bill 13) relating to alcoholic beverage control: and

WHEREAS, the Boone County Fiscal Court now desires to amend and update its local ordinances to ensure alignment and compliance with the new statutory ABC legislative framework, and

WHEREAS, there is a need for regulation of the sale of alcoholic beverages and the times of day alcohol may be sold.

WHEREAS, the Fiscal Court of Boone County, Commonwealth of Kentucky, deems it necessary to enact this Ordinance to protect and preserve the health, safety, welfare, and convenience of the inhabitants of Boone County pursuant to Fiscal Court authority under KRS 67.083.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF BOONE COUNTY, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

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SECTION I

That the Boone County Fiscal Court hereby rescinds and repeals in its entirety Ordinance 340.5, Ordinance 410.7, Ordinance 05-03, Ordinance 08-08, and Ordinance 13-10.

SECTION II

No person or entity shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transport or other traffic in alcoholic beverages, within Boone County, Kentucky unless that person or entity holds the county license that authorizes such act. However, in the event said person or entity is required to obtain a license from a city/municipality located within Boone County for such activity, no county license is required.

SECTION III

Any person or entity conducting a place of business in Boone County, Kentucky, patronized by the public, who does not have a county license to sell alcoholic beverages, shall not permit the sale or trafficking of alcoholic beverages on the premises of the place of business.

Any person or entity conducting a place of business in Boone County, Kentucky, patronized by the public, which has only a license to sell alcoholic malt beverages and not the corresponding county license to sell liquor or distilled spirits shall not permit the sale or trafficking of liquor or distilled spirits on the premises of the place of business.

Any person or entity conducting a place of business in Boone County, Kentucky, patronized by the public and holding a county license to sell liquor or distilled spirits shall not permit any person to drink such beverages on the premises of the place of business unless a license to sell such beverages by the drink is obtained.

SECTION IV

An Alcoholic Beverage Control (ABC) Administrator shall be appointed by the Boone County Judge Executive and shall have the authority to approve all county licenses with respect to manufacturing, storing, selling, purchasing, transporting and trafficking in alcoholic beverages in Boone County.

The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by Boone County Fiscal Court upon the approval of the county ABC Administrator and subject to the provisions of this ordinance. The fees for each such license shall be:

<i>LICENSE TYPES AND FEES</i>	<i>FEE</i>
a. Quota Retail Package License (QP)	\$ 800.50
b. Quota Retail Drink License (QD)	\$ 800.50
c. Non-Quota (NQ) Retail Malt Beverage Package License (New Applicants) *	\$ 400.50
d. Non-Quota Type 4 (NQ4) Retail Malt Beverage Drink License (New Applicants) *	\$ 400.50
e. Non-Quota (NQ) or Non-Quota Type 4 (NQ4) Retail Drink License (Renewal) *	\$ 150.50
f. Non-Quota Type 2 (NQ2) Retail Drink License (includes distilled spirits, wine, and malt beverages)	\$ 995.50
g. Non-Quota Type 3 (NQ3) Retail Drink License (includes distilled spirits, wine, and malt beverages)	\$ 210.50
h. Special temporary license – (per event)	\$ 133.83
i. Special Sunday retail drink license	\$ 300.50
j. Limited restaurant license (includes distilled spirits, wine, and malt beverages)	\$1,200.50
k. Limited golf course license (includes distilled spirits, wine, and malt beverages)	\$1,200.50

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.

* The holder of a Non-Quota (NQ) Retail Malt Beverage Package License may obtain a Non-Quota Type 4 (NQ4) Malt Beverage Drink License for a fee of fifty dollars (\$50). The holder of a Non-Quota Type 4 (NQ4) Malt Beverage Drink License may obtain a Non-Quota (NQ) Retail Malt Beverage Package License for a fee of fifty dollars (\$50).

Pursuant to KRS 243.600, the Boone County Clerk shall issue the County License and collect a fee of fifty cents (\$.50) for his/her services for each license issued. The county clerk shall report and pay to the County Treasurer at the end of each month such fees collected. The fee schedule above includes these fees.

SECTION V

The issuance of all new licenses and/or changes to current licenses shall be as follows:

- a) Application for the issuance of all licenses provided for in this Ordinance shall be made in the Judge Executive's Office to the Alcohol Beverage Control (ABC) Administrator on such applications as prescribed by the State Alcohol Beverage Control Office. The license fee shall be due immediately after receiving the state license.
- b) No license shall be issued without the approval of the ABC Administrator.
- c) All new and renewal of annual licenses shall be filed and fees paid in the County Clerk's Office not later than 15 days prior to the issuance date.
- d) If after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the ABC Administrator within ten (10) days after the change.
- e) All license fees collected pursuant hereto shall be placed in the General Fund of the County.

The issuance date and due date for fees for all annual licenses shall be as follows:

- a) The issuance date for all such license for which, as of the effective date of this Ordinance and the licensee holds a valid corresponding state license shall be before November 30th of each year. The license fee shall be due at the time of issuance.
- b) All new licenses shall be issued when approved under the provisions of the State guidelines and the fee shall be due at the time of issuance. Fees due when issued after one-half of a year (May) will be one half of the fee for new applicants under NQ and NQ4 fees for malt beverage. No proration will be given for distilled spirits or wine.
- c) Applications for renewal of annual license shall be filed in the County Clerk's Office not later than 15 days prior to the issuance date.

SECTION VI

The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license as follows:

- a) Distilled spirits package licenses: During the period between 6:00 a.m. to 1:00 a.m. daily, except Sunday and from 11:00 a.m. to midnight on Sunday.
- b) Distilled spirits drink licenses: During the period between 6:00 a.m. to 2:30 a.m. daily except Sunday and from 1:00 p.m. to midnight on Sunday.
- c) Retail Malt beverage drink licenses: During the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday.

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

SECTION VII

Before commencing or doing any business for the time which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting may readily see the license.

No licensee shall post the license, or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic of alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

SECTION VIII

No person being the owner, occupant or otherwise in possession of any property located in the county, shall knowingly allow any person under the age of twenty-one (21) years, (except members of his or her immediate family, spouse or children), to remain on such property while such person under the age of twenty-one (21) years is in the possession of or consuming any alcoholic beverage.

SECTION IX

Any person or entity in violation of any provision of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00). Each day that such a violation continues shall constitute a separate offense for which a citation may be issued and a fine imposed.

SECTION X

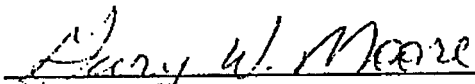
That the provisions of this Ordinance are severable; and the invalidity of any portion of this Ordinance shall not affect the validity of any other provision; and such other provisions shall remain in full force and effect so long as they remain in the absence of those provisions determined to be invalid.

SECTION XI

That this Ordinance shall take effect and be in full force when passed, published and recorded according to the law.


Introduced and given First Reading on the 17th day of December, 2013.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 7th day of January, 2014, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE, BOONE COUNTY
JUDGE/EXECUTIVE

ATTEST:



Daphne Kornblum
Fiscal Court Clerk

ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT

Ordinance No. 13-09

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT AMENDING ITS CODE OF ORDINANCES AND SPECIFICALLY SECTION 112.14 OF CHAPTER 112, REVISING THE REGULATION AND HOURS WHEN SALES OF ALCOHOLIC BEVERAGES ARE PERMITTED.

WHEREAS, the Boone County Fiscal Court has previously adopted by ordinance provisions pertaining to the times permitted for sale of alcoholic beverages; and

WHEREAS, the Kentucky General Assembly has enacted revisions to state law relating to alcoholic beverage control: and

WHEREAS, the Boone County Fiscal Court now desires to revise the hours when sales of alcoholic beverages are permitted.

NOW, THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF BOONE, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION ONE

That Section 112.14 of Ordinance 410.7 enacted on 3-21-95, as amended by Ordinance 05-03 enacted on 4-19-05 and further amended by Ordinance 08-08 enacted on 6-3-08, is hereby amended to read as follows:

§ 112.14 HOURS WHEN SALES ARE PERMITTED.

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

(1) A licensee holding a distilled spirits and wine retail package license: during the period between the hours of 6:00 a.m. to 1:00 a.m. daily, except Sunday, and from 11:00 a.m. to midnight on Sunday.

(2) A licensee holding a distilled spirits and wine retail drink license and restaurant wine license: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily, ~~except during the period between the hours of 2:30 a.m. Sunday and to 6:00 a.m. Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of KRS 224.290(4), stated as follows, the period shall include the hours~~ from 1:00 p.m. to midnight on Sunday:

~~(a) Have dining facilities with a minimum seating capacity of 100 people at tables;~~

~~(b) Receive at least 50% of their gross annual income from the dining facilities from the sale of food.~~

(3) A licensee holding a distilled spirits license, wine wholesaler's license and malt beverage distributor's license: during the period between the hours of 6:00 a.m. and 12:00 a.m. daily excluding Sunday.

(4) A licensee holding a malt beverage retailer's license: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily, except Sunday and during the period between the hours of 11:00 a.m. to midnight on Sunday.

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

(Ord. 410.7, passed 3-21-95; Am. Ord. 05-03, passed 4-19-05; Am. Ord. 08-08, passed 6-3-08)
Penalty, see § 112.99

SECTION II

That the provisions of this Ordinance are severable; and the invalidity of any portion of this Ordinance shall not affect the validity of any other provision; and such other provisions shall remain in full force and effect so long as they remain in the absence of those provisions determined to be invalid.

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to the law.

Introduced and given First Reading on the 26th day of March, 2013.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 23rd day of April, 2013, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.

Gary W. Moore
GARY W. MOORE, BOONE COUNTY
JUDGE/EXECUTIVE

ATTEST:
Daphne Kornblum
Daphne Kornblum
Fiscal Court Clerk

DATE PUBLISHED 5/2/13

Boone
County

ORDINANCE NO. 08-08

AN ORDINANCE AMENDING SECTION 112.14 OF THE BOONE COUNTY CODE OF ORDINANCES RELATING TO MALT BEVERAGES, RETAIL LICENSE AND DISTILLED SPIRITS, AND WINE BOTH RETAIL PACKAGE AND DRINK LICENSE, SAID SECTION HAVING BEEN PREVIOUSLY ADOPTED BY ORDINANCE 410.7 ON MARCH 21, 1995 AND AMENDED BY ORDINANCE 05-03 ON APRIL 19, 2005.

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

SECTION I

That the Boone County Fiscal Court hereby amends Section 112.14 of the Boone County Code of Ordinances with the following words and phrases:

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

(1) A licensee holding a distilled spirits and wine retail package license: during the period between the hours of 6:00 a.m. to 1:00 a.m. daily, except Sunday, and from 11:00 a.m. to midnight on Sunday.

(2) A licensee holding a distilled spirits and wine retail drink license: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily, except during the period between the hours of 4:00 2:30 a.m. Sunday to 6:00 a.m. Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of KRS 224.290(4), stated as follows, the period shall include the hours from 1:00 p.m. to midnight on Sunday:

(a) Have dining facilities with a minimum seating capacity of 100 people at tables;

(b) Receive at least 50% of their gross annual income from the dining facilities from the sale of food.

(3) A licensee holding a distilled spirits license, wine wholesaler's license and malt beverage distributor's license: during the period between the hours of 6:00 a.m. and 12:00 a.m. daily excluding Sunday.

(4) A licensee holding a malt beverage retailer's license: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily, except Sunday and during the period between the hours of 11:00 a.m. to midnight on Sunday.

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

SECTION II

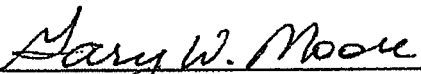
If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION III

That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 6th day of May, 2008.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 3rd day of June, 2008, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval attested by the County Fiscal Court Clerk and declared to be in full force and effect.


BOONE COUNTY JUDGE/EXECUTIVE
GARY W. MOORE

ATTEST:


BLAIR SCHROEDER
FISCAL COURT CLERK


ROBERT NEACE
BOONE COUNTY ATTORNEY

6-19-08

DATE PUBLISHED

**ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT**

ORDINANCE NO. 05-03

AN ORDINANCE AMENDING SECTION 112.14 OF THE BOONE COUNTY CODE OF ORDINANCES TO REVISE THE HOURS WHEN SALES ARE PERMITTED WITH RESPECT TO MALT BEVERAGES, RETAIL LICENSE AND DISTILLED SPIRITS AND WINE BOTH RETAIL PACKAGE AND DRINK LICENSE.

WHEREAS, Boone County Ordinance No. 112.14(A) prohibits, in (1) the retail package sale of distilled spirits and wine between the hours of 1:00 a.m. Sunday and 6:00 a.m. Monday, in (2) the retail drink sale of distilled spirits and wine between the hours of 2:30 a.m. Sunday and 6:00 a.m. Monday and allows in (4) the retail sale of malt beverages between the hours of 1:00 p.m. and 12:00 midnight Sunday in unincorporated Boone County; and

WHEREAS, the Boone County Fiscal Court was approached by and presented with a request from several Boone County businesses to amend the current ordinance regarding hours of sale of malt beverages and distilled spirits and wine to allow their sale on Sundays; and

WHEREAS, the Boone County Fiscal Court heard presentations regarding the surrounding local governments that allow malt beverages and distilled spirits and wine to be sold on Sunday; and

WHEREAS, the Boone County Fiscal Court requested, and administration obtained, information regarding surrounding local governments' Sunday sale of malt beverages and distilled spirits and wine; and

WHEREAS, the Boone County Fiscal Court heard presentations regarding the adverse effect the current ordinance regarding the sale of malt beverages and distilled spirits and wine has on Boone County businesses; and

WHEREAS, the Boone County Fiscal Court has a compelling interest in ensuring that Boone County businesses are not placed at a competitive disadvantage by Boone County ordinances regulating commerce.

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

SECTION I – That certain subsections of the Code of Ordinances Section 112.14 be and are hereby amended to read as follows:

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

(1) A licensee holding a distilled spirits and wine retail package license: during the period between the hours of 6:00 a.m. to 1:00 a.m. daily, ~~except during the period between the hours of 1:00 a.m. Sunday to 6:00 a.m. Monday. Sunday, and from 11:00 a.m. to midnight on Sunday.~~

(2) A licensee holding a distilled spirits and wine retail drink license: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily, except during the period between the hours of 1:00 a.m. Sunday to 6:00 a.m. Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of KRS 244.290(4), stated as follows, the period shall include the hours from 1:00 p.m. to midnight on Sunday:

“(a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables;

“(b) Receive at least fifty percent (50%) of their gross annual income from the dining facilities from the sale of food.”

(3) A licensee holding a distilled spirits license, wine wholesaler's license and malt beverage distributor's license: during the period between the hours of 6:00 a.m. and 12:00 a.m. daily excluding Sunday.

(4) A licensee holding a malt beverage retailer's license: ~~on weekdays and Saturdays~~ during the period between the hours of 6:00 a.m. to 2:30 a.m. daily, except the following morning, and on Sundays and during the period between the hours of 1:00 p.m. 11:00 a.m. to midnight on Sunday.

~~(5) A licensee holding a malt beverage special temporary license for retail consumption of malt beverages issued under KRS 243.290 by the State Department of Alcoholic Beverage Control, and in addition being issued a license by the Commissioner of Alcoholic Beverages for the county, may have retail malt beverage sales on Sunday between the period of 2:00 p.m. Sunday to 2:30 a.m. Monday, provided licensee operates in accordance with KRS 243.290.~~

~~(6) A licensee holding a special temporary wine license for consumption of wine in compliance with and issued under KRS 243.260 by the State Department of Alcoholic Beverage Control, and in addition being issued a license by the Commissioner of Alcoholic Beverages for the county, may have retail wine sales on Sunday during the period between 2:00 p.m. on Sunday to 2:30 a.m. on Monday, provided licensee operates in accordance with KRS 243.260.~~

**ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT**

ORDINANCE NO. 05-03

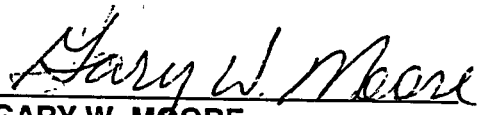
(B) During all times when a licensed premise is open and the licensee is not permitted to sell alcoholic beverages, a licensee shall provide a separate area within the licensed premises capable of being locked, closed off or otherwise properly separated, within which is kept all stocks of alcoholic beverages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

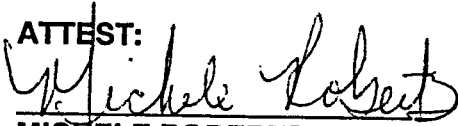
(Ord. 410.7, passed 3-21-95) Penalty, see § 112.99

SECTION II - That this Ordinance shall take effect and be in full force when passed, published and recorded according to law.

Introduced and given First Reading on the 15th day of March, 2005.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 19th day of April, 2005, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval attested by the County Fiscal Court Clerk and declared to be in full force and effect.


GARY W. MOORE
BOONE COUNTY JUDGE/EXECUTIVE

ATTEST:

MICHELE ROBERTS
FISCAL COURT CLERK


JAMES R. SCHRAND II
BOONE COUNTY ATTORNEY

April 28, 2005
DATE PUBLISHED