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ALCOHOLIC
BEVERAGE CONTROL

ORDINANCE 2013-07-01

AN ORDINANCE OF THE CITY OF CRESTVIEW HILLS, KENTON COUNTY, KENTUCKY, AMENDING SECTIONS 113.01 AND 113.04 OF THE CODE OF ORDINANCES RELATING TO THE TYPES OF ALCOHOLIC LICENSES.

WHEREAS, the Kentucky General Assembly recently enacted Senate Bill 13 which, among others, , amended the definition of a “malt beverage” under KRS 241.010(32) and amended alcohol license types under KRS 243.070; and

WHEREAS, the City of Crestview Hills, Kenton County, Kentucky desires to have the definition of “malt beverage” in the Code of Ordinances consistent with the definition in KRS 241.010(32) and alcohol license types in the Code of Ordinances consistent with the license types in KRS 243.070;

NOW, THEREFORE, BE IT ORDAINED BY THE CRESTVIEW HILLS CITY COUNCIL, CRESTVIEW HILLS, KENTUCKY, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1

That Section 113.01 of the City of Crestview Hills Code of Ordinances shall be amended with the following words and phrases:

§ 113.01 Definitions

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

“ALCOHOL.” Ethyl alcohol, hydrated oxide of ethyl or spirit of win, from whatever source or by whatever process it is produced.

“ALCOHOLIC BEVERAGE.” Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of that permitted under KRS 242 and capable of being consumed by a human being. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing alcohol or not. It does not include the following products if they are unfit for use for beverage purposes: medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopoeia, national formulary, or the American Institute of Homeopathy, patented, patent, and proprietary medicines, toilet, medicinal, and antiseptic preparations solutions, and flavoring extracts and syrups.

“BUILDING CONTAINING LICENSED PREMISES.” The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

“CITY DISTILLED SPIRITS AND MALT BEVERAGE ADMINISTRATOR.” The City Administrator for the City of Crestview Hills.

“CONVICTED” or “CONVICTION.” A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

“DISTILLED SPIRITS” or “SPIRITS.” Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by distilling mixed with water or other substances in solution, except wine.

“DISTRIBUTOR.” Any person who distributes malt beverages for the purpose of being sold at retail.

“LICENSE.” Any license issued pursuant to this chapter.

“LICENSEE.” Any person to whom a license has been issued, pursuant to this chapter.

“MALT BEVERAGE.” ~~Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS 241.010(2)(i).~~ Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt.

“PREMISES.” The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two separate businesses as a enterprise of one owner on the same lot or tract of land, in the same or in different buildings.

“RETAIL SALE.” Any sale where delivery is made in Kentucky to any person not holding a license.

“RETAILER.” Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

“SALE.” Any transfer, exchange or barter for consideration, including all sales made by any person, whether principal, proprietor, agent, servant, or employee of any alcoholic beverage.

“SELL.” Solicit or receive an order for keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

“WHOLESALE SALE.” A sale to any person for the purpose of resale.

“WHOLESALER.” Any person who sells at wholesale any alcoholic beverage for sale of which a license is required, except a distiller, rectifier, brewer, or vintner.

“WINE.” The product of the normal alcoholic fermentation on the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

SECTION 2

That Section 113.04 of the City of Crestview Hills Code of Ordinances shall be amended with the following words and phrases:

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

Wholesaler's Distilled Spirits and Wine License	\$3,000.00
Distilled Spirits and Wine Retail Package License <u>Quota Retail Package License</u>	\$300.00
Distilled Spirits and Wine Retail Drink License <u>Quota Retail Drink License, Motel Drink License, Airport Drink License, Restaurant Drink License</u> Non-quota Type 2 Retail Drink License, or Supplemental Bar License	\$300.00
Distilled Spirits and Wine Special Temporary Liquor License, Per Event <u>Special Temporary License</u>	
(Wine only or Malt Beverage only)	\$25.00
(Distilled Spirits and Wine)	\$50.00
Special Temporary Wine License Per Event \$25.00	
Distilled Spirits and Wine Special Temporary Auction License Per Event	\$100.00
Special Private Club License <u>Non-quota Type 3 Retail Drink License</u>	\$300.00
Distilled Spirits and Wine Special Sunday Retail Drink License	\$100.00
Restaurant Wine License	
(New)	\$300.00
(Renewal)	\$200.00
Caterer's License	\$400.00
Convention Center or Convention Hotel Complex License <u>Non-quota Type 1 Retail Drink License</u>	\$1,000.00

Bottling House Distilled Spirits License or Wine Storage License	\$1,000.00
Malt Beverage Microbrewery License	\$300.00
Malt Beverage Distributor's License	\$400.00
Retail Malt Beverage License	
Non-quota Type 4 Retail Malt Beverage Drink License, Non-quota Retail Malt Beverage Package License	\$100.00
Special Temporary Retail Malt Beverage License Per Event	\$25.00

(B) Issuance date for new licenses. The issuance date and due date for fees for all annual licenses shall be as follows:

- (1) All new licenses shall be issued when approved under the provisions of this chapter and the fee shall be due at the time of issuance.
- (2) The issuance date for all such licenses for which, as of the effective date of January 1, 2008, the licensee holds a valid corresponding state license, shall be July 1, 2009. The license fee shall be due at the time of issuance.
- (3) Applications for renewal of annual licenses shall be filed with the City's Distilled Spirits and Malt Beverage Administrator not later than 15 days prior to the issuance date.
- (C) If the applicant for any city alcoholic beverage license is indebted to the city for any reason such as unpaid taxes, assessments, fees or fines, or similar obligations, the license applied for shall not be issued until all such indebtedness, together with any penalty or interest associated therewith, shall have been paid in full.
- (D) If any section, paragraph or clause of this section is held by a proper Court to be invalid, such invalidity shall not ~~effect~~ affect the remaining sections, paragraphs or clauses, it being hereby expressly declared that the remainder of this section would have been passed despite such invalidity.

SECTION 3

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

SECTION 4

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

**CITY OF CRESTVIEW HILLS, KENTUCKY
MUNICIPAL CORPORATION OF THE FOURTH CLASS**

By: _____
Paul W. Meier, Mayor

ATTEST: _____
Kelly L. Micek, City Clerk

DATE OF FIRST READING: July 11th, 2013

DATE OF SECOND READING AND ENACTMENT: August 8th, 2013

DATE OF PUBLICATION: _____

ORDINANCE NO. 2009-4-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CRESTVIEW HILLS, KY., RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING ORDINANCE NO. 1981-2-1 TO REVISE THE HOURS WHEN ALCOHOL SALES ARE PERMITTED, AND THE RESPECTIVE FEES AND LICENSES REQUIRED FOR ALCOHOL SALES WITHIN THE CITY LIMITS OF THE CITY OF CRESTVIEW HILLS, KY.

Whereas, the City of Crestview Hills, Kentucky, having attained classification as a fourth class City has responsibility under Chapter 244 of the Kentucky Revised Statutes to regulate, license and control of sales of alcoholic beverages within the city limits of the City of Crestview Hills, Kentucky; *and*,

Whereas, the City Council for the City of Crestview Hills hereby finds that orderly regulation of alcoholic beverage sales within the jurisdiction of the City of Crestview Hills is necessary to promote and protect the public health, safety, and welfare of the community, as well as the citizens and businesses located within the City of Crestview Hills, and those persons visiting the City of Crestview Hills, Ky.

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1

Sections 113.01 and 113.02 of the Crestview Hills Code of Ordinances, Ordinance No. 1981-2-1 are amended to read as follows:

~~§113.01 HOURS OF OPERATION FOR LICENSED BUSINESSES.~~

~~Businesses licensed to sell distilled spirits and wine and malt beverages at retail may remain open for business within the city limits during those hours and on those days authorized by the law of the Commonwealth of Kentucky~~

~~§113.02 ANNUAL LICENSE FEES.~~

~~(A) — For the privilege of selling distilled spirits and wine by the package at retail an annual license fee in the sum of three hundred dollars (\$300.00) shall be paid by the licensee.~~

~~(B) — For the privilege of selling distilled spirits by the drink at retail, an annual license fee in the sum of three hundred dollars (\$300) shall be paid by the licensee;~~

~~(C) — For the privilege of selling malt beverages at retail and annual license fee in the sum of twenty-five dollars (\$25) shall be paid by the licensee.~~

~~(D) — For the privilege of selling malt beverages and wine at retail, an annual license fee in the sum of seventy-five (\$75) shall be paid by the licensee.~~

~~(E) — All license fees levied by this chapter shall be paid at the time of submission of the initial application or a renewal of the particular license sought by the applicant, and in any event, before July 1 of each fiscal year.~~

§ 113.01: *DEFINITIONS*

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

“ALCOHOL.” Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

“ALCOHOLIC BEVERAGE.” Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of that permitted under KRS 242 and capable of being consumed by a human being. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing alcohol or not. It does not include the following products if they are unfit for use for beverage purposes: medicinal preparations manufactured in accordance with formulas prescribed by the United States

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pharmacopoeia, national formulary, or the American Institute of Homeopathy, patented, patent, and proprietary medicines, toilet, medicinal, and antiseptic preparations solutions, and flavoring extracts and syrups.

“BUILDING CONTAINING LICENSED PREMISES.” The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

“CITY DISTILLED SPIRITS AND MALT BEVERAGE ADMINISTRATOR.”
The City Administrator for the City of Crestview Hills.

“CONVICTED” or “CONVICTION.” A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

“DISTILLED SPIRITS” or “SPIRITS.” Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by distilling mixed with water or other substances in solution, except wine.

“DISTRIBUTOR.” Any person who distributes malt beverages for the purpose of being sold at retail.

“LICENSE.” Any license issued pursuant to this chapter.

“LICENSEE.” Any person to whom a license has been issued, pursuant to this chapter.

“MALT BEVERAGE.” Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS 241.010(2)(i).

“PREMISES.” The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two

separate businesses as a enterprise of one owner on the same lot or tract of land, in the same or in different buildings.

“RETAIL SALE.” Any sale where delivery is made in Kentucky to any person not holding a license.

“RETAILER.” Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

“SALE” Any transfer, exchange or barter for consideration, including all sales made by any person, whether principal, proprietor, agent, servant, or employee of any alcoholic beverage.

“SELL.” Solicit or receive an order for keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

“WHOLESALE SALE.” A sale to any person for the purpose of resale.

“WHOLESALER.” Any person who sells at wholesale any alcoholic beverage for sale of which a license is required, except a distiller, rectifier, brewer, or vintner.

“WINE.” The product of the normal alcoholic fermentation on the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

§ 113.02: LICENSE REQUIRED

No person, firm, or corporation shall do any act authorized by any kind of license provided for by this chapter with respect to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages or other traffic in alcoholic beverages unless the person, firm or corporation holds the kind of license from the city which authorizes such act. No person, firm, or corporation which conducts a place of business patronized by the public and which does not

hold a license to sell distilled spirits, and wine or malt beverages shall permit any person to sell, barter, loan, or give away, or drink distilled spirits, wine, or malt beverages on the premises of his place of business.

SECTION 2

That Ordinance No. 1981-2-1 is further amended to read as follows:

§113.04: TYPES OF LICENSES; FEES

(A) The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the City, and the fees for each license shall be:

<u>Wholesaler's Distilled Spirits and Wine License</u>	<u>\$3,000.00</u>
<u>Distilled Spirits and Wine Retail Package License</u>	<u>\$300.00</u>
<u>Distilled Spirits and Wine Retail Drink License, Motel Drink License, Airport Drink License, Restaurant Drink License, or Supplemental Bar License</u>	<u>\$300.00</u>
<u>Distilled Spirits and Wine Special Temporary Liquor License, Per Event</u>	<u>\$50.00</u>
<u>Special Temporary Wine License Per Event</u>	<u>\$25.00</u>
<u>Distilled Spirits and Wine Special Temporary Auction License Per Event</u>	<u>\$100.00</u>
<u>Special Private Club License</u>	<u>\$300.00</u>
<u>Distilled Spirits and Wine Special Sunday Retail Drink License</u>	<u>\$100.00</u>
<u>Restaurant Wine License</u>	<u>\$300.00 (new)</u> <u>\$200.00 (renewal)</u>
<u>Caterer's License</u>	<u>\$400.00</u>
<u>Convention Center or Convention Hotel Complex License</u>	<u>\$1,000.00</u>
<u>Bottling House Distilled Spirits License or</u>	

<u>Wine Storage License</u>	<u>\$1,000.00</u>
<u>Malt Beverage Microbrewery License</u>	<u>\$300.00</u>
<u>Malt Beverage Distributor's License</u>	<u>\$400.00</u>
<u>Retail Malt Beverage License</u>	<u>\$100.00</u>
<u>Special Temporary Retail Malt Beverage License Per Event</u>	<u>\$25.00</u>

(B) Issuance date for new licenses: The issuance date and due date for fees for all annual licenses shall be as follows:

(1) All new licenses shall be issued when approved under the provisions of this chapter and the fee shall be due at the time of issuance.

(2) The issuance date for all such licenses for which, as of the effective date of January 1, 2008, the licensee holds a valid corresponding state license, shall be July 1, 2009. The license fee shall be due at the time of issuance.

(3) Applications for renewal of annual licenses shall be filed with the City's Distilled Spirits and Malt Beverage Administrator not later than 15 days prior to the issuance date.

(C) If the applicant for any city alcoholic beverage license is indebted to the city for any reason such as unpaid taxes, assessments, fees or fines, or similar obligations, the license applied for shall not be issued until all such indebtedness, together with any penalty or interest associated therewith, shall have been paid in full.

(D) If any section, paragraph or clause of this section is held by a proper Court to be invalid, such invalidity shall not effect the remaining sections, paragraphs or clauses, it being hereby expressly declared that the reminder of this section would have been passed despite such invalidity.

Statutory reference:

City licenses; fees, see KRS 243.070

§113.05: ISSUE OF LICENSE

Application for the issuance or renewal of all licenses provided for in this chapter shall be made to the City Distilled Spirits and Malt Beverage Administrator on forms as may be prescribed by the City Distilled Spirits and Malt Beverage Administrator. Licenses shall be issued or renewed and fees collected by the Finance Department. No license shall be issued in such form as may be prescribed by the City Distilled Spirits and Malt Beverage Administrator. All license fees collected pursuant hereto shall be placed in the general fund of the city.

§113.06: INFORMATION REQUIRED IN APPLICATION

(A) All applications for licenses shall be on forms furnished by the city. They shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as the City Distilled Spirits and Malt Beverage Administrator may require. In addition to other information the City Distilled Spirits and Malt Beverage Administrator may require, every application for the issuance of a license shall contain the following information, given under oath.

(1) The name, age, address, and residence of each applicant, and, if there is more than one and they are partners, the partnership name and address.

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses, and ages of each officer, director, and

managerial employee, and the state under the laws of which the corporate applicant is incorporated.

(3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise a description that will reasonably indicate the location of the premises. The applicant shall also state the nature of his interest in the premises, and the name, age, and address of any other person, either as a principal or associate, who is interested with the applicant either in the premises or in the business to be licensed.

(4) A statement that neither the applicant nor any other person referred to in this section has been convicted of any misdemeanor directly or indirectly attributable to the use, manufacture, sale of, or traffic in alcoholic beverages, or any felony within two years preceding the application, and that he was not had any license that has been issued to him under any alcoholic beverage statute revoked for cause within two years prior to the date of the application.

(B) 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 City Distilled Spirits and Malt Beverage Administrator within ten days after the change.

(C) In giving any notice or taking any action in reference to a license, the City Distilled Spirits and Malt Beverage Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licenses or applicant, shall be conclusively presumed to be correct.

§113.07: TERMS OF LICENSE.

(A) All license issued hereunder shall expire on June 30 of each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonation of any

violation which occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee therefore.

(B) When any person applies for a license authorized to be issued hereunder 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, except that no license shall be issued for a shorter period than six months. No abatement of license fees shall be permitted to any person who held a license of the same kind of the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

§113.08: DISPLAY OF LICENSE; LOST OR DESTROYED LICENSE.

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

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

(C) Whenever a license is lost or destroyed without the fault of the licensee or his agents or employees, a duplicate license shall be issued upon proof of loss satisfactory to the City Distilled Spirits and Malt Beverage Administrator and upon payment of a fee of \$1.

§113.09: STATE LICENSE REQUIREMENT

(A) No license provided for hereunder shall be issued, renewed, or transferred to any person, firm or corporation until the person, firm or corporation shall have obtained the issuance, renewal, or transfer of the state license corresponding thereto. In each instance the licensed premises covered by the city license must be the same as the licensed premises covered by the corresponding state license.

(B) The city license issued to any person, firm, or corporation shall remain valid only so long as the state license corresponding thereto, issued to the person, firm, or corporation shall be valid. Any revocation, suspension, nonrenewal, or other action which makes the state license null and void shall operate to revoke, suspend, make nonrenewable or null and void the city license corresponding thereto. Any city license which is revoked, suspended, not renewed, or so made invalid shall be immediately surrendered to the City Distilled Spirits and Malt Beverage Administrator.

§113.10: HOURS WHEN SALES PERMITTED.

(A) A licensee may sell alcoholic beverages, or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each license, **except that no retail sale shall be made during the hours the polls are open on any regular primary, school, or special election day.**

(1) Distilled spirits and wine retail package license: During the period between 6:00 a.m. to 2:30 a.m. Monday through Saturday of each week. Pursuant to KRS 244.290(6)(b) limited Sunday sales of distilled spirits and wine retail package beverages may be conducted on Sundays during the hours between 11:00 a.m. to 2:30 a.m., if the holder of the distilled spirits and wine retail drink licenses have

applied to the state director and meet all other legal requirements for obtaining a limited Sunday liquor by the drink license.

(2) Distilled spirits and wine retail drink license: During the period between 6:00 a.m. to 2:30 a.m. Monday through Saturday of each week. Pursuant to KRS 244.290(6) limited Sunday sales of alcoholic beverages may be conducted by hotels, motels or restaurants which meet the criteria of KRS 244.290(6), and KRS 242.185(3), stated as follows, during the hours from 11:00 a.m. to 2:30 a.m.:

(a) Licenses shall only be issued to hotels, motels , or inns containing no less than fifty (50) sleeping units; and

(b) having dining facilities for not less than one hundred (100) persons; or

(c) to bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons

(3) Distilled spirits and wine wholesaler's license and malt beverage distributor's license: During the period between 6:00 a.m. and 2:30 a.m. Monday through Saturday of each week. Sunday limited sales may occur between 11:00 a.m. and 2:30 a.m.

(4) Malt beverage retailer's license: During the period between the hours of 6:00 a.m. to 2:30 a.m., Monday through Saturday of each week. Sunday limited sales may occur between 11:00 a.m. and 2:30 a.m.

(B) If a licensee provides a separate department within his licensed premises capable of being locked and closed of, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a licensee, and this department is kept locked

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during all times when his premises are open and he is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

Statutory references: 244.290(6); 242.185(3)

§113.11: VIOLATIONS OF STATE OR FEDERAL LAW.

Nothing herein shall be construed to condone the violation by any person, firm or corporation within the city of any federal or state statute, law, or regulation, now, heretofore or hereafter in effect applicable to any person, firm or corporation relating to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages. Any violation of any statute, law, or regulation shall be deemed a violation of this chapter. If any clerk, agent, servant, or employee of any licensee shall violate any provision of this chapter, or such statute, law, or regulation, the violation shall be a violation by the licensee. Any license issued hereunder may be revoked by the City Distilled Spirits and Malt Beverage Administrator if the licensee violates any provision of this chapter or any provision of any statute, law, or regulation.

§113.2: MINORS

It shall be unlawful for any person, firm or corporation who is the owner, occupant or who is otherwise in possession of any property located in the city to knowingly allow any other person under the age of 21 years, except members of the immediate family (spouse or children) of such owner, occupant or possessor, to remain on such property while the possession of any alcoholic beverage or while consuming any alcoholic beverage.

§113.99: PENALTY

(A) Pursuant to KRS 83A.065(2) the offense of violating any provision of Ordinance No. 1981-2-1 is designated as a misdemeanor and a criminal fine not to exceed the amount set forth

in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1), or both, may be imposed on any person, firm or corporation who, acting by himself or through another, directly or indirectly, commits the offense.

(B) All ordinances, laws, or resolutions of the city relating to alcoholic beverage control inconsistent with these provisions are repealed. However, the repeal of any ordinance, law, or resolution shall not prevent the prosecution, conviction, and imposition of penalties after the date of passage thereof of any person, firm, or corporation which violated such ordinance, law, or resolution prior to the date of passage thereof.

SECTION 3

This Ordinance shall become effective when passed, published and recorded in accordance with Kentucky law.

**CITY OF CRESTVIEW HILLS, KENTUCKY
A MUNICIPAL CORPORATION OF THE FOURTH CLASS**

BY: Paul Meier

MAYOR

ATTEST: C.R. Wirthlin

CITY CLERK

DATE OF FIRST READING: April 9, 2009

DATE OF SECOND READING AND ENACTMENT: May14, 2009

DATE OF PUBLICATION: June 11, 2009

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ORDINANCE 2007-8-3

AN ORDINANCE OF THE CITY OF CRESTVIEW HILLS, IN KENTON COUNTY, KENTUCKY, APPROVING THE APPOINTMENT OF THE CITY ADMINISTRATOR TO THE POSITION OF DISTILLED SPIRITS AND MALT BEVERAGE ADMINISTRATOR

WHEREAS, Section 113.03 of the Code of Ordinances of the City of Crestview Hills, Kentucky Code of Ordinances has created the non-elected position of Distilled Spirits and Malt Beverage Administrator and sets forth therein the duties of the Distilled Spirits and Malt Beverage Administrator; and

WHEREAS, the Code of Ordinances for the City of Crestview Hills, Kentucky provides that all non-elected City Officers shall be appointed by the Mayor with approval of City Council.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF CRESTVIEW HILLS, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

That the City Administrator shall exercise the office of Distilled Spirits and Malt Beverage Administrator and shall perform all duties and responsibilities attendant with that office consistent with the requirements of the Kentucky Revised Statutes and Section 113.03 of the Code of Ordinances of the City of Crestview Hills, Kentucky.

SECTION II

Oath and Bond – No person shall be appointed or act as the Distilled Spirits and Malt Beverage Administrator unless such person has taken the oath required by Section 228 of the Constitution of the Commonwealth of Kentucky and has provided a bond in the sum established by City Council with corporate surety authorized to transact business in the Commonwealth of Kentucky and condition upon the performance of the duties specified herein.

The oath given by the City Administrator as part of his office as City Administrator and the bond provided by the City Administrator as part of that office shall be sufficient to satisfy the oath and bond requirements of this section.

SECTION III

Compensation – The compensation of the City Distilled Spirits and Malt Beverage Administrator shall be paid as part of the City Administrator's total compensation and in accordance with the Code of Ordinances for the City of Crestview Hills, Kentucky.

SECTION IV

The City Administrator is hereby appointed Distilled Spirits and Malt Beverage Administrator through the appointment by the Mayor with approval of City Council. All non-elected officers may be removed by the Mayor at will unless otherwise provided by the Kentucky Revised Statutes or the Code of Ordinances of the City of Crestview Hills.

SECTION V

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

**CITY OF CRESTVIEW HILLS, KENTUCKY
A MUNICIPAL CORPORATION OF THE FIFTH CLASS**

BY: Paul W. Mc
MAYOR

ATTEST: [Signature]
CITY CLERK

DATE OF FIRST READING: 8/9/07

DATE OF SECOND READING AND ENACTMENT: 9/13/07

DATE OF PUBLICATION: 9/21/07

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