

ORDINANCE NO. 1517

AN ORDINANCE ALLOWING AND PERMITTING THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK SEVEN DAYS PER WEEK INCLUDING SUNDAY BY ANY PRIVATE CLUB AS DEFINED IN KRS 241.010 (38) PROVIDED THAT SUCH PRIVATE CLUB POSSESSES THE APPROPRIATE SUNDAY RETAIL DRINK LICENSE ISSUED BY THE KENTUCKY ALCOHOLIC BEVERAGE CONTROL BOARD.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CYNTHIANA AS FOLLOWS:

SECTION 1: Any private club as defined in KRS 241.010 otherwise possessing the appropriate State and local license for the sale of alcoholic beverages by the drink within the City of Cynthiana may sell alcoholic beverages by the drink within the City of Cynthiana seven days per week including Sundays provided that the sales are conducted only on the licensed premises and the general public is excluded and further provided that the private club obtains and possesses a special Sunday retail drink license from the Commonwealth of Kentucky Alcoholic Beverage Control Board.

SECTION 2: This Ordinance shall be effective upon approval, passage and publication as required by law.

First Reading: April 8, 2014

Second Reading & Adoption: April 22, 2014

CITY OF CYNTHIANA, KENTUCKY

Steve Moses
Steve Moses, Mayor

ATTEST:

Charleen M. McIlvain
Charleen McIlvain, City Clerk

ALCOHOL
BEVERAGE CONTROL

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CITY OF CYNTHIANA, KENTUCKY

ORDINANCE NO. 1507

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF THE CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGE LICENSES AND LICENSE FEES FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF CYNTHIANA TO MEET THE REQUIREMENTS OF SENATE BILL 13 ADOPTED BY THE KENTUCKY GENERAL ASSEMBLY.

WHEREAS, the Kentucky General Assembly has adopted Senate Bill 13 which made substantial changes to the provisions of the Kentucky Revised Statutes relating to alcoholic beverages including the sale and distribution of distilled spirits, malt beverages and wine and the licenses, taxes and fees related thereto, and

WHEREAS, Senate Bill 13 contains amendments to the provisions of KRS 243.070 which establishes the types of licenses which may be issued and the fees which may be charged for those licenses by cities and consolidated local governments within the Commonwealth of Kentucky, and

WHEREAS, the City of Cynthiana wishes to amend the types of licenses and the fees which it charges for those licenses to be in accordance with the provisions of Senate Bill 13,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CYNTHIANA AS FOLLOWS:

SECTION 1:

Section 4-4 of the Code of Ordinances relating to sale of alcoholic beverages by private clubs is hereby amended to read as follows:

Sec. 4-4. License for private clubs.

(a) ~~The City That it hereby~~ authorizes, pursuant to KRS Chapter 243 and KRS 241.010(38) ~~243.070, KRS 243.270 and KRS 243.030(17)~~, the issuance of a City retail drink license ~~special private club license~~ to any nonprofit social, fraternal, military or political organization or club, which for more than one year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded, which license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded; provided, however, that said license may not begin operation

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hereunder until it shall likewise have received a Non-Quota Type 3 ~~special private club~~ license from the Commonwealth of Kentucky.

(b) That the annual license fee payable to the city for said special private club license shall be the amount established in the schedule of fees adopted in Section 4-5 of this code, ~~three hundred dollars (\$300.00)~~, payable on a fiscal year (July 1-June 30) basis.

SECTION 2:

Section 4-5 of the Code of Ordinances relating to alcoholic beverage licenses and fees is hereby amended to read as follows:

Sec. 4-5. Alcoholic beverage licenses and fees.

(a) No person shall engage in the sale or distribution whether by wholesale, retail or by the package, of distilled spirits, wine or malt beverages in the city without first obtaining a license from the Office of the City Clerk.

(b) The kinds and types of alcoholic beverage licenses which may be issued by the City Clerk shall be those authorized and set out in KRS 243.070, unless by their specific terms a certain kind or type of license is not issuable in a city of the Fourth Class.

(c) The fee payable to the city for the issuance of each such license shall be the specified maximum amount set out in KRS 243.070 as amended which shall not be exceeded provided that the following license types may not be increased by more than five percent above the January 1, 2013 fee for the current license or the former license type listed beside it during any five year period:

- (a) Quota retail package license; retail package liquor license;
- (b) Quota retail drink license; retail drink license;
- (c) Nonquota type 1 retail drink license; convention center or convention hotel complex license;
- (d) Nonquota type 2 retail drink license; restaurant drink license;
- (e) Nonquota retail malt beverage package license; retail malt beverage license;
- (f) Nonquota type 4 retail malt beverage drink license; retail malt beverage license;
- (g) Limited restaurant license; and
- (h) Limited golf course license.

Except as otherwise provided by statute, the license shall be renewable annually by July 15 of each year.

SECTION 3: This Ordinance shall become effective upon approval, passage and publication as required by law.

First reading and approval: June 24, 2013

Second reading and passage: June 25, 2013

Steve Moses
Steve Moses, Mayor

ATTEST:

Charleen McIlvain
Charleen McIlvain, City Clerk

CITY OF CYNTHIANA, KENTUCKY

ORDINANCE NO. 1508

AN ORDINANCE REENACTING, ADOPTING AND CONFIRMING A REGULATORY LICENSE FEE OF FOUR PERCENT OF THE GROSS SALES OF ALL ALCOHOLIC BEVERAGES AS DEFINED IN KRS 241.010, INCLUDING DISTILLED SPIRITS, WINE AND MALT BEVERAGES WITHIN THE CITY OF CYNTHIANA.

WHEREAS, on February 28, 2012 the City of Cynthiana adopted and enacted Ordinance No. 1488 imposing a regulatory license fee of four percent of the gross sales of all alcoholic beverages as defined in KRS 241.010, including distilled spirits, wine and malt beverages, within the City of Cynthiana, and

WHEREAS, the provisions of said Ordinance provide that the City shall annually review and adopt at the time of budget adoption of each fiscal year such percentage rates as shall reasonably be estimated to ensure full reimbursement to the City for the cost of any additional policing, regulatory, or administrative expenses, relating to the sale of alcoholic beverages, and

WHEREAS, the City has conducted its budget review and has determined that it is appropriate that the regulatory license fee remain at four percent,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CYNTHIANA AS FOLLOWS:

SECTION 1:

That the City of Cynthiana readopts, reaffirms, reenacts, ratifies and confirms the provisions of Ordinance No. 1488 relating to the establishment of a regulatory license fee of four percent of the gross sales of all alcoholic beverages as defined in KRS 241.010, including distilled spirits, wine and malt beverages, within the City of Cynthiana and said Ordinance shall remain in full force and effect.

SECTION 2:

The regulatory license fee has been reviewed at the budget adoption and shall remain at the rate of four percent of the gross sales of all alcoholic beverages including distilled spirits, wine and malt beverages within the City of Cynthiana.

SECTION 3: This Ordinance shall become effective upon approval, passage and publication as required by law.

First reading and approval: June 24, 2013

Second reading and passage: June 25, 2013

Steve Moses
Steve Moses, Mayor

ATTEST:

Charleen McIlvain
Charleen McIlvain, City Clerk

CITY OF CYNTHIANA, KENTUCKY

ORDINANCE NO. 1509

**AN ORDINANCE REENACTING, ADOPTING AND CONFIRMING
A REGULATORY LICENSE FEE OF FOUR PERCENT OF THE
GROSS RECEIPTS OF THE SALE OF ALCOHOLIC BEVERAGES
BY THE DRINK WITHIN THE CITY OF CYNTHIANA.**

WHEREAS, the City of Cynthiana enacted Ordinance No. 1476 on December 28, 2010 and which was effective March 1, 2011 establishing uniform regulations and requirements for the licensing and regulation of the sale of alcoholic beverages by the drink within the City of Cynthiana, and

WHEREAS, Section 12 of said Ordinance established a regulatory license fee to be imposed on the sale of alcoholic beverages by the drink within the City of Cynthiana, and

WHEREAS, said Ordinance provides that the rate is to be reviewed annually and set at a percentage rate as shall reasonably be estimated to ensure full reimbursement to the City for the cost of any additional policing, regulatory or administrative expenses relating to the sale of alcoholic beverages, and

WHEREAS, by Ordinance No. 1489, the regulatory license fee imposed upon the gross sales of alcoholic beverages by the drink was set at the rate of four percent and the City has conducted a budget review and has determined that it is appropriate that the regulatory license fee remain at four percent,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION
OF THE CITY OF CYNTHIANA AS FOLLOWS:**

SECTION 1:

That the City of Cynthiana readopts, reaffirms, reenacts, ratifies and confirms the provisions of Ordinance No. 1476 and Ordinance No. 1489 relating to the establishment of a regulatory license fee of four percent imposed on gross receipts of the sale of alcoholic beverages by the drink within the City of Cynthiana and said Ordinances shall remain in full force and effect.

SECTION 2:

The regulatory license fee has been reviewed at the budget adoption and shall remain at the rate of four percent on the gross receipts of the sale of all alcoholic beverages by the drink within the City of Cynthiana.

SECTION 3:

This Ordinance shall become effective upon approval, passage and publication as required by law.

First reading and approval: June 24, 2013

Second reading and passage: June 25, 2013

Steve Moses
Steve Moses, Mayor

ATTEST:

Charleen McIlvain
Charleen McIlvain, City Clerk

Eff. 3-1-11

**CITY OF CYNTHIANA, KENTUCKY
ORDINANCE NO. 1476**

AN ORDINANCE TO ESTABLISH UNIFORM REGULATIONS AND REQUIREMENTS FOR THE LICENSING AND REGULATION OF THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK FOR CONSUMPTION ON THE PREMISES WITHIN THE CITY OF CYNTHIANA PURSUANT TO KRS 242.185 AND OTHER APPLICABLE LAW.

WHEREAS, the City Commission of the City of Cynthiana desires to provide for uniform regulations and requirements for the licensing and regulation of the sale of alcoholic beverages by the drink and consumption on the premises;

WHEREAS, in its public meetings the Cynthiana City Commission has received and considered comments of citizens of the City of Cynthiana; and has further considered economic statistics and other evidence reflecting economic hardship among businesses and declining tax revenue from business conducted within the City; and

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

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CYNTHIANA, KENTUCKY AS FOLLOWS:

SECTION 1

Purpose

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

SECTION 2

General Provisions

The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243 and 244 pertaining to licensing and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as

amendments and supplements thereto, are hereby adopted, except as otherwise lawfully provided herein.

SECTION 3

City Alcoholic Beverage Control Administrator

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

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

(C) The City ABC Administrator shall perform those other duties specifically authorized under this Ordinance.

SECTION 4

License

Under this section a license shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.185(3).

(A) Restaurants shall be eligible for the license for which provision is made herein only if they comply with all of the following requirements:

- (1) Such restaurants shall by records sufficient to the City ABC Administrator establish to the City ABC Administrator that it is a facility open to the general public where the usual and customary business is the serving of meals to consumers, that has a bona fide kitchen facility and that it derives a minimum of fifty (50%) percent of its gross revenues from the sale of food for consumption on the premises and has dining facilities having capacity of at least one hundred (100) persons at tables. The City ABC Administrator shall review all records which the applicant restaurant must submit as a part of its application for a license, and the City ABC Administrator shall determine if said restaurant meets the criteria contained herein. The City ABC Administrator shall inspect the restaurant to insure that it has the requisite number of dining facilities and seating capacity.

(2) Payment of the annual license fee to the City in the amount of six hundred (\$600.00) dollars permitted by KRS 243.070 and Ordinance Number 1451.

(B) Hotels, motels or inns shall be eligible for the license for which provision is made herein only if they comply with all of the following requirements:

(1) Such hotel, motel or inn must demonstrate to the City ABC Administrator that it has not less than fifty (50) sleeping units and has dining facilities for not less than one hundred (100) persons at tables. The City ABC Administrator shall inspect the premises and thereafter determine that in fact the applicant hotel, motel, or inn has the requisite number of sleeping units and dining facilities.

(2) Payment of the annual license fee to the City in the amount of six hundred (\$600.00) dollars permitted by KRS 243.070 and Ordinance Number 1451.

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

SECTION 5

License Application

(A) Representatives of restaurants, hotels, motels or inns seeking the license for which provision is made herein shall submit a completed application to the City ABC Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Board. The City ABC Administrator may require additional information to insure the applicant meets the requirements of this Ordinance.

(B) The applicant for a city license for which provision is made herein shall tender with its application a consent document which shall state: "The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time."

SECTION 6

Approval of Application

Within thirty (30) days of the date of the application for an original city license for which provision is made herein and fifteen (15) days of the date of any application for

renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

SECTION 7 **Denial of Application**

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

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

(B) The applicant and/or any shareholder, officer, agent, servant or employee has caused, permitted, or engaged in any act for which the revocation or non-issuance of a state or city license is authorized, including, but not limited to, those acts as are defined in KRS 243.100, 243.450, 243.500 or 244.120.

(C) The applicant and/or any shareholder, officer, agent, servant or employee had a state license or city license which was revoked within two (2) years of the date of application, where the premises or any portion thereof described in a state license or city license was revoked during such time.

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

SECTION 8 **Hearings**

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

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

(B) **Appearance.** Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the City ABC Administrator.

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

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

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

(F) **Transcripts.** The hearing shall be tape recorded by audio or audio/video tape. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

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

(H) **Appeals.** Any appeal of the decision of the City ABC Administrator following a hearing shall be taken to the Harrison Circuit Court within thirty (30) days of the final decision of the City ABC Administrator.

SECTION 9

Expiration Date of License; Renewal

(A) A license issued pursuant to this ordinance shall expire on June 30 of each year. Application for renewal of such license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 6 upon a showing that the criteria therefor has been met, the filing and approval of a renewal application, and the payment of a renewal fee of Six Hundred (\$600.00) Dollars.

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

(C) No license issued under this ordinance shall be transferred or assigned either as to licensee or location except with the prior approval of the City ABC Administrator and not then until a payment of One Hundred (\$100.00) Dollars shall be made to the City.

SECTION 10

Additional Restrictions on Sale by Licensee

At no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 12:30 a.m. and 6:00 a.m., Monday through Saturday, nor on Sunday, nor on election day when the polls are open.

SECTION 11

Dormancy

(A) It is necessary that a licensee actually conduct the business authorized by the license for which provision is made herein or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like any other business, may have his/her business interrupted by situations not under his/her control, various exceptions to the dormancy rule have been included in this section.

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

(C) The provisions of subsection (A) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or governmental agency or private corporation under the power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months. Such extension may not extend beyond the renewal day but may be for such times as the City ABC Administrator deems appropriate in exercise of his sound discretion.

SECTION 12

Regulatory License Fee

(A) A regulatory license fee is imposed on the gross receipts of the sale of alcoholic beverages by the drink of each license issued under this chapter. The license

fee for the effective date March 1, 2011 shall be two (2%) percent. Thereafter the City Commission shall annually adopt at the budget adoption of each fiscal year such percentage rates as shall be reasonably estimated to ensure full reimbursement to the City for the cost of any additional policing, regulatory, or administrative expenses, relating to the sale of alcoholic beverages. Such fees shall be in addition to any other tax, fee, or license permitted by law, but a credit against such fee shall be allowed in an amount equal to the annual license fee permitted by KRS 243.070 imposed by the City, and such regulatory fee shall be applied annually.

(B) Payment of such fees shall accompany the tax returns approved for such use by the City and shall be submitted to the City Alcoholic Beverage Control Administrator by the 20th day of each month for the preceding months' sales with one twelfth of the annual license fee to be deducted each month as a credit pursuant to KRS 242.184(5).

(C) Failure to pay such monthly remittance within ten (10) days of the due date constitutes a violation and subjects licensee to suspension or revocation of said license by the City Alcoholic Beverage Administrator.

(D) Penalty for failure to file a return and pay monthly remittance by the due date is twenty (20%) percent of the tax.

(E) Interest on unpaid tax shall be calculated at the rate of one half (1/2) of one (1%) percent per month against the total amount of tax overdue at any time.

SECTION 13

Penalty

(A) The sale of alcoholic beverages by the drink for consumption on the premises within the City not in conformity with this ordinance shall constitute a violation, punishable by a fine of up to Two Hundred Fifty Dollars (\$250.00) for each offense; to be prosecuted as a criminal violation in the Harrison District Court. Each day of each violation shall constitute a separate offense.

(B) The City of Cynthiana, acting through the City ABC Administrator, may institute such legal proceedings as may be necessary to collect any past due regulatory license fees which may be due and owing and/or to enjoin persons or establishments operating in violation of this Ordinance.

SECTION 14
Severability

If a portion of this ordinance is declared null and void, the remaining provisions will remain in full force and effect.

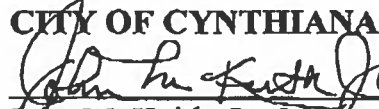
SECTION 15
Effective Date

This ordinance shall be in full force and effect on March 1, 2011, upon its passage, approval and publication in full as required by law.

Introduced and First Reading: December 20, 2010


Second Reading and Enacted: December 28, 2010

CITY OF CYNTHIANA, KENTUCKY



John M. Keith, Jr., Mayor

ATTEST:



Charleen McIlvain, City Clerk

Date published: January 6, 2010

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organization or club, which for more than one year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded, which license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded; provided, however, that said licensee may not begin operation hereunder until it shall likewise have received a special private club license from the Commonwealth of Kentucky.

(b) That the annual license fee payable to the city for said special private club license shall be three hundred dollars (\$300.00), payable on a fiscal year (July 1--June 30) basis.
(Ord. No. 1261, §§1, 2, 5-9-95)

Editor's note--Ord. No. 1261, §§1, 2, adopted May 9, 1995, did not specifically amend the Code; hence, inclusion herein as §4-4 was at the discretion of the editor.

Secs. 4-5--4-15. Reserved.

ARTICLE II. LIQUORS

Sec. 4-16. License required.

Before any person shall engage in the business or sale of liquors in the city, either by wholesale or as a distributor, or by retail by the package, he shall first secure a license from the city clerk.
(Ord. No. 801, 6-28-38)

State law reference--Authority to require license, KRS 243.070.

Sec. 4-17. License fee.

The fee for a license required by this article to sell liquors shall be as provided in section 11-4.
(Ord. No. 801, 6-28-38)

Sec. 4-18. License term.

The term for a license required by this article to sell liquors shall be as provided in section 11-4.
(Ord. No. 801, 6-28-38)

Secs. 4-19--4-27. Reserved.

ARTICLE III. MALT BEVERAGES

Sec. 4-28. Definitions.

The words "distributor" and "retailer" as used herein shall be construed to mean the same as set out in KRS 241.010.
(Ord. No. 799, §1, 6-14-38)

ALCOHOLIC BEVERAGES

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Sec. 4-29. License required.

A license shall be procured from the clerk by any person before engaging either in the distribution or retailing of malt beverages in the city.
(Ord. No. 799, §2, 6-14-38)

Sec. 4-30. License fees.

The fees for licenses required by this article to sell malt beverages shall be as provided in section 11-4.
(Ord. No. 799, §2, 6-14-38)
~~State law reference—Maximum fee, KRS 243.070.~~

Sec. 4-31. License terms.

The terms for licenses required by this article to sell malt beverages shall be as provided in section 11-4.
(Ord. No. 801, 6-28-38)

*City
Fees*

ORDINANCE NO. 1451

AN ORDINANCE CREATING A NEW SECTION 4-5 OF THE CODE OF ORDINANCES OF THE CITY OF CYNTHIANA ADOPTING BY REFERENCE THE PROVISIONS OF KRS 243.070 AND RELATING TO THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES WITHIN THE CITY AND THE FEES TO BE CHARGED THEREFOR BY THE CITY OF CYNTHIANA AND REPEALING SECTIONS OF THE CODE OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CYNTHIANA, KENTUCKY AS FOLLOWS:

SECTION 1: A new Section 4-5 of the Code of Ordinances is hereby enacted and adopted to read as follows:

SECTION 4-5 ALCOHOLIC LICENSES AND FEES

- A. No person shall engage in the sale or distribution whether by wholesale, retail or by the package, of distilled spirits, wine or malt beverages in the City without first obtaining a license from the Office of the City Clerk.
- B. The kinds and types of alcoholic beverage licenses which may be issued by the City Clerk shall be those authorized and set out in KRS 243.070, unless by their specific terms a certain kind or type of license is not issuable in a city of the Fourth Class.
- C. The fee payable to the City for the issuance of each such license shall be the specified amount set out in KRS 243.070 which shall not be exceeded. Except as otherwise provided by statute, the license shall be renewable annually by July 15th of each year.

SECTION 2: The provisions of Article II of Chapter 4 of the Code of Ordinances relating to licenses and fees for the sale of liquors and the provisions of Article III of Chapter 4 of the Code of Ordinances relating to licenses and fees for the sale of malt beverages are repealed in their entirety and superseded by the provisions of Section 4-5 set out above.

SECTION 3: To the extent that any of the provisions of Section 11-4 of the Code of Ordinances of the City relating to specific business licenses applicable to beer retailers, beer wholesalers and package liquors may be in conflict herewith, the same are

specifically repealed and superseded by the licenses and license fees set out in the new Section 4-5 of the Code of Ordinances as enacted herein.

SECTION 4: This Ordinance shall become effective on July 1, 2008 upon approval, passage and publication as required by law.

First reading and approval: June 10, 2008

Second reading and passage: June 24, 2008


Mayor James A. Brown

ATTEST:


Charleen McIlvain, City Clerk

Chapter 4

ALCOHOLIC BEVERAGES*

- Art. I.** In General, §§4-1-4-15
Art. II. Liquors, §§4-16-4-27
Art. III. Malt Beverages, §§4-28-4-31

ARTICLE I. IN GENERAL**Sec. 4-1. Misrepresentation of age.**

Any person under the age of twenty-one (21) years who presents a false or fraudulent card or any identification card not his own for the purpose of purchasing or procuring, in any manner, alcoholic beverages shall be subject to the penalties provided in KRS 244.990.

(Ord. No. 1012, 7-11-67)

State law reference—Similar provision, KRS 244.085(4).

Sec. 4-2. Carrying open containers on streets.

It shall be unlawful for any person to carry on or about his person any beer or other alcoholic beverage in an open container upon the streets of the city. Any person violating this section shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

(Ord. No. 1063, §§1, 2, 9-9-75)

Sec. 4-3. Sales, etc., prohibited on Christmas.

(a) No retail licensee shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered during the twenty-four (24) hours of Christmas Day within the City of Cynthiana, Kentucky.

(b) Any person violating this section shall, upon conviction, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

(c) For the purpose of this section, each prohibited transaction shall be deemed to constitute a separate offense.

(Ord. No. 1094, §§1-3, 11-13-79)

Editor's note—Ord. No. 1094, §§1-3, adopted Nov. 13, 1979, being nonamendatory of the Code, has been codified as §4-3 at the editor's discretion.

Sec. 4-4. License for private clubs.

(a) That it hereby authorizes, pursuant to KRS 243.070, KRS 243.270 and KRS 243.030(17), the issuance of a special private club license to any nonprofit social, fraternal, military or political

*Cross reference—Licenses and business regulations, Ch. 11.

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organization or club, which for more than one year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded, which license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded; provided, however, that said licensee may not begin operation hereunder until it shall likewise have received a special private club license from the Commonwealth of Kentucky.

(b) That the annual license fee payable to the city for said special private club license shall be three hundred dollars (\$300.00), payable on a fiscal year (July 1--June 30) basis.
(Ord. No. 1261, §§1, 2, 5-9-95)

Editor's note—Ord. No. 1261, §§1, 2, adopted May 9, 1995, did not specifically amend the Code; hence, inclusion herein as §4-4 was at the discretion of the editor.

Secs. 4-5--4-15. Reserved.

ARTICLE II. LIQUORS

Sec. 4-16. License required.

Before any person shall engage in the business or sale of liquors in the city, either by wholesale or as a distributor, or by retail by the package, he shall first secure a license from the city clerk.

(Ord. No. 801, 6-28-38)

State law reference—Authority to require license, KRS 243.070.

Sec. 4-17. License fee.

The fee for a license required by this article to sell liquors shall be as provided in section 11-4.
(Ord. No. 801, 6-28-38)

Sec. 4-18. License term.

The term for a license required by this article to sell liquors shall be as provided in section 11-4.
(Ord. No. 801, 6-28-38)

Secs. 4-19--4-27. Reserved.

ARTICLE III. MALT BEVERAGES

Sec. 4-28. Definitions.

The words "distributor" and "retailer" as used herein shall be construed to mean the same as set out in KRS 241.010.

(Ord. No. 799, §1, 6-14-38)

ALCOHOLIC BEVERAGES

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Sec. 4-29. License required.

A license shall be procured from the clerk by any person before engaging either in the distribution or retailing of malt beverages in the city.
(Ord. No. 799, §2, 6-14-38)

Sec. 4-30. License fees.

The fees for licenses required by this article to sell malt beverages shall be as provided in section 11-4.
(Ord. No. 799, §2, 6-14-38)
State law reference—Maximum fee, KRS 243.070.

Sec. 4-31. License terms.

The terms for licenses required by this article to sell malt beverages shall be as provided in section 11-4.
(Ord. No. 801, 6-28-38)

Chapter 11

LICENSES AND BUSINESS REGULATIONS*

- Art. I. In General, §§ 11-1--11-15**
- Art. II. Business License and Tax; Occupational Tax, §§ 11-16--11-51**
 - Div. 1. Generally, §§ 11-16--11-34
 - Div. 2. Director of Finance, §§ 11-35--11-51
- Art. III. Peddlers and Solicitors, §§ 11-52--11-64**
- Art. IV. Food and Food Products, §§ 11-65--11-73**
- Art. V. Insurance Companies, §§ 11-74--11-78**
- Art. VI. Bank Franchise and Local Deposit Tax §§ 11-81--11-90**
- Art. VII. Parades and Parade Permits §§ 11-91--11-103**

ARTICLE I. IN GENERAL

Sec. 11-1. Compliance required.

It shall be unlawful for any person to engage in any business or occupation for which a license is required by this article without first obtaining a license therefor.
(Code 1915, § 233)

Sec. 11-2. Clerk to issue license.

Except as otherwise provided, the clerk of the city shall issue all licenses and collect the required fees therefor.
(Code 1915, § 57)

Sec. 11-3. Clerk to furnish police with license information; police to enforce license requirement.

The clerk shall furnish to the chief of police, monthly, a list of the licenses granted and it shall be the duty of the chief of police and policemen to observe and inspect the city weekly and ascertain whether any person is carrying on, without a license, any business which according to the code or ordinances of the city, should be licensed, and report any such violation to the city attorney for prosecution.
(Code 1915, § 234)

Sec. 11-4. Specific businesses licensed.

On January first of each year, unless otherwise specified, the following businesses and occupations will pay the fees and obtain a license for the year as specified below:
Auctioneers \$25.00
State law reference-Authority to license auction sales, KRS 86.120(1).

*Cross references-Alcoholic beverages, Ch. 4; Electricians, § 5-28 et seq.; Vehicle licenses, § 12-16 et seq.; Taxation, Ch. 19.
State law reference-Authority to license occupations, trades or professions, KRS 86.120(1).

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<i>Auto tires and accessories</i>	5.00
<i>Beer retailers</i> (to be obtained in July of each year)	150.00
State law reference-Alcoholic beverage license fees, KRS 243.070.	
<i>Beer wholesale</i> (to be obtained in July of each year)	200.00
State law reference-Alcoholic beverage license fees, KRS 243.070.	
<i>Bread, wholesale</i>	50.00
<i>Cigarette machines</i>	10.00
<i>Cigarettes</i>	10.00
<i>Coin-operated devices</i> requiring \$0.05 or more to operate (to be obtained in June of each year)	10.00
<i>Electricians</i> (to be obtained in July of each year)	25.00
<i>Garages</i>	25.00
<i>Gas tanks</i>	5.00
<i>Insurance companies, See article V, §§11-74--11-78.</i>	
<i>Looseleaf sales of tobacco, for each warehouse</i>	100.00
<i>Milk, wholesale</i> (to be obtained in June of each year)	50.00
<i>Oil products, wholesale</i>	50.00
<i>Package liquors</i> (to be obtained in July of each year)	300.00
State law reference-Alcoholic beverage license fees, KRS 243.070	
<i>Peddlers, due at time of selling products and valid for one year</i>	25.00
<i>Poolrooms:</i>	
(1) First table	30.00
(2) Each additional table	10.00
<i>Skating rinks</i> (to be obtained in July of each year)	50.00
<i>Soft drinks, retail</i>	25.00

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Taxicab companies 75.00

Theaters (to be obtained in July of each year) 50.00

State law reference-Authority to license amusements, KRS 86.120(1).

Wholesalers 50.00

Secs. 11.5-11.15. Reserved.

ARTICLE II. BUSINESS LICENSE AND TAX; OCCUPATIONAL TAX

DIVISION 1. GENERALLY

Sec. 11-16. Definitions.

The following words, as used in this article, shall have the meanings indicated below except where the context clearly requires a difference construction:

Association means a partnership or any form of unincorporated enterprise owned by two (2) or more persons.

Business means an enterprise, activity, profession or undertaking of any nature conducted for gain or profit, whether conducted by an individual, copartnership, association, corporation or any other entity, but shall not include the usual activities of a board of trade, chamber of commerce, trade association or union; community chest fund or foundation; or a corporation or association organized and operated exclusively for religious, charitable, scientific, literary, educational or fraternal purposes, where no part of the earnings, income or receipts of such unit, group or association inures to the benefit of any private shareholder or other person.

Compensation means the amount paid to any natural person for services rendered, in money or money's worth, regardless of the form or method of payment. It includes the receipt, actual or constructive, by an individual of the earnings of an individual business enterprise or of a partnership.

Corporation means a corporation or joint stock company organized under the laws of the Commonwealth of Kentucky, the United States, another state, territory, or foreign country or a dependency thereof.

Director means the director of finance of the city.

Employer means an individual, copartnership, association, corporation, governmental body or other entity who employs one or more persons for compensation, regardless of whether such employer is engaged in business.

Licensee means any person required to file a return or to pay a license fee under this article.