

**COMMONWEALTH OF KENTUCKY
DAVISS COUNTY FISCAL COURT**

KOC 411.1 (2013)

AN ORDINANCE RELATING TO ANNUAL FEES FOR COUNTY ALCOHOLIC BEVERAGE LICENSES TO BE CHARGED TO PROPERLY QUALIFIED APPLICANTS SOLD IN DAVIESS COUNTY, KENTUCKY, OUTSIDE THE CORPORATE LIMITS OF THE CITY OF OWENSBORO AND PROVIDING FOR THE SALE OF DISTILLED SPIRITS, WINE AND MALT BEVERAGES BY THE DRINK ON SUNDAYS FROM 1:00 P.M. UNTIL 11:00 P.M.

WHEREAS, the Daviess County Fiscal Court established county fees to charge for certain alcoholic beverage licenses used in the county pursuant to statute; and

WHEREAS, the anniversary date of the county alcoholic beverage licenses should coincide with the anniversary date of the state licenses for the particular alcoholic beverage;

WHEREAS, KRS 244.290 (3) and (4) authorizes the Daviess County Fiscal Court to allow the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until a closing hour to be established by the Daviess County Fiscal Court, by convention centers, convention hotel complexes, hotels, motels and restaurants, including restaurants operated by and located within private clubs, which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities from the sale of food; and

WHEREAS, KRS 244.480 grants counties containing cities of the second class that permit the sale of malt beverages, to establish the times in which malt beverages may be sold within their boundaries Sunday through Monday, provided that the delivery, gift or sale of malt beverages is not prohibited between 6:00 a.m. and midnight during any day, except Sunday; and

WHEREAS, the Commonwealth of Kentucky amended KRS 243.060 in Senate Bill 13, effective June 25, 2013, which changed the names and fees associated with alcoholic beverages licenses,

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RECEIVED

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF DAVIESS, AS FOLLOWS:

Section 1. The effective date of all county alcoholic beverage licenses shall coincide with the effective date of the state licenses for the specified alcoholic beverage.

Section 2. No person shall engage in any of the following businesses or activities within the county, outside the corporate city limits of the City of Owensboro, unless they obtain the required license from the County:

1. Retail sale of malt beverages by the package or drink;
2. Sale of wine at a restaurant facility with a minimum seating capacity of fifty (50) or more people at tables and which receive fifty percent (50%) or more of their gross annual income from their dining facilities from the sale of food;
3. Retail sale of wine or distilled spirits by the package or drink;
4. Activities requiring a special temporary license;
5. Private club which traffics in distilled spirits, wine, or malt beverages for consumption on the premises;
6. Retail sale of distilled spirits, wine, or malt beverages by a caterer, defined in KRS 243.033, and the Kentucky Administrative Regulations;
7. Retail sale of distilled spirits, wine, or malt beverages from more than one (1) bar, counter or similar location under a single retail drink license;
8. Sunday sales of wine, distilled spirits, and/or malt beverages by the drink in qualified hotels, motels and restaurants under KRS 244.290 and KRS 244.480;
9. Any other business or activity involving the sale of alcoholic beverages requiring a license under KRS.

Section 3. Any person violating the provisions of Section 2 of this ordinance shall be punished by a fine of not less than twenty-five dollars (\$25.00), and not more than five-hundred dollars (\$500.00) or by imprisonment for up to thirty (30) days, or both fine and imprisonment.

Section 4. Annual County Fees

Effective January 1, 2014, the Daviess County Fiscal Court sets the following annual county fees for properly qualified applicants for the following alcoholic beverage licenses:

- | | |
|---|----------|
| (a) Quota retail package license, per annum: | \$600.00 |
| (b) Quota retail drink license, per annum: | \$600.00 |
| (c) Non-quota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum | \$600.00 |

(d) Non-quota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum:	\$600.00
(e) Non-quota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum:	\$300.00
(f) (1) Special temporary license, per event (for-profit):	\$166.66
(f) (2) Special temporary license, per event (non-profit):	\$ 00.00
(g) Special Sunday retail drink license, per annum:	\$300.00
(h) Non-quota retail malt beverage package license, per annum:	\$ 75.00
(i) Non-quota type 4 retail malt beverage drink license, per annum:	\$ 75.00
(j) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:	\$840.00
(k) Caterer's license, per annum	\$300.00
(l) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:	\$840.00
(m) Non-quota type 4 malt beverage drink license to holder of a non-quota retail malt beverage package license	\$ 50.00
(n) Non-quota retail malt beverage package license to holder of a non-quota type 4 malt beverage drink license	\$ 50.00

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.

Section 5.

a. The person applying for the license issued under this ordinance shall pay for the license. The County shall issue the license only in the applicant's name and no other person shall pay for any license issued under this ordinance. In addition to all other penalties provided in this ordinance, a violation of this subsection shall revoke the license of the applicant and of the person paying for another's license.

b. Applicants shall pay the license fees provided in Section 4 when tendering their application. If the County or the Alcoholic Beverage Commission revokes, cancels or suspends any license for any reason, the licensee shall forfeit all claims to a refund of any portion of the license fee paid by licensee.

c. Applicants for a new license provided under Section 4 shall pay the full license fee if six (6) months or more remain in the license period. Applicants for a new license shall pay one-half (1/2) the scheduled fee if less than six (6) months remain in the license period.

d. County may refund a pro-rata portion of the licensee's fees for any year a licensee, authorized under this section, cannot conduct business for the full term of the license period because the Commonwealth of Kentucky changed the law permitting the license to conduct business under a license provided in Section 4 of this ordinance.

e. All fees from licenses issued under this ordinance shall be collected by the County Clerk and sent to the County Treasurer and deposited in the County's general fund.

Section 6. All annual county alcoholic beverage licenses purchased in 2013 shall remain in full force and effect until the expiration date, at which time the licenses may be renewed at the rates set out in Section 4 above.

Section 7. Alcoholic Beverage Sales Prohibited on Election Days

a. No premise licensed to sell distilled spirits, wine, or malt beverages at retail within the jurisdictional boundary of Daviess County shall remain open during the hours the polls are open on any primary, regular, local option, or special election day.

b. Any person violating the provisions of this Section 2 shall be punished by a fine of not less than twenty-five dollars (\$25.00), and not more than five-hundred dollars (\$500.00) or by imprisonment for up to thirty (30) days, or both fine and imprisonment.

Section 8. Sales of Alcoholic Beverages

a. All premises for which a license has been granted by the state and the county, to sell distilled spirits and wine and/or malt beverages, may remain open for business on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, from 6:00 a.m. until 2:00 a.m. the following day (prevailing time).

b. Authorization for Sunday Sales; The sale of distilled spirits and wine by the drink, and malt beverages by individual container shall be permitted on Sundays from 1:00 p.m. until 11:00 p.m., on any Sunday which is dated December 31 from 1:00 p.m. until 12:00 a.m. and until 2:00 a.m. on January 1, by: convention centers, convention hotel complexes, hotels, motels and restaurants, including restaurants operated by, and located within, private clubs, which are licensed for the retail sale of malt beverages and distilled spirits and wine by the drink; and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities by the sale of food.

c. Special Sunday Retail Drink License; In addition to required state licenses, all convention centers, convention hotel complexes, motels, hotels, restaurants and private clubs desiring to sell distilled spirits or wine by the drink or individual container on Sunday within the time prescribed in Section 8 b, must purchase the appropriate licenses from the County of Daviess, through the Daviess County Alcoholic Beverage Control Administrator, for the Sunday sales of distilled spirits or wine by the drink, as required in this ordinance.

Section 9. All prior ordinances, or parts, in conflict with the provisions of this ordinance are, to the extent of any such conflict, repealed.

Section 10. This ordinance shall become effective upon passage and publication.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 21st day of November, 2013.

PUBLICLY READ AND APPROVED ON SECOND READING, this 5th day of December, 2013.

DAVIESS COUNTY FISCAL COURT

Al Mattingly, Judge/Executive
Daviness County Fiscal Court

ATTEST:

Jennifer Warren
Fiscal Court Clerk

PREPARED BY:

Claud Porter
Daviness County Attorney
P.O. Box 158, Courthouse
Owensboro, KY 42302
(270) 685-8442



OFFICE OF
Reid Haire

Daviess County Judge/Executive
Daviess County Courthouse
P. O. Box 1716
Owensboro, Kentucky 42302-1716
Telephone: (270) 665-8424

COMMISSIONERS
Bruce Kunze - Central Division
Jim Lambert - Eastern Division
Mike Ribay - Western Division

COUNTY ATTORNEY
Claud Porter

COMMONWEALTH OF KENTUCKY
DAVISS COUNTY FISCAL COURT

RECEIVED
OCT 28 2009

SECRETARY OF STATE
COMMONWEALTH OF KY

EXECUTIVE ORDER NO. 07-2009

The Daviess County Clerk presented to the County Judge/Executive a Petition signed by sufficient registered voters requesting an election to be conducted pursuant to the provisions of KRS Chapter 242 in the Thorobred East Precinct; the County Judge/Executive having reviewed the Petition and the provisions of KRS 242.020 and KRS 242.030 and finding that the Petitioners did not fix a date for the election but reserved that for the County Judge/Executive, it is hereby

ORDERED that there shall be conducted in the Thorobred East Precinct an election for the purposes set forth in the Petition pursuant to KRS Chapter 242 on Tuesday, December 1, 2009

Approved this 28 day of September, 2009

Reid Haire
Daviess County Judge/Executive

RECEIVED
OCT 28 2009
State Board of Elections



**OFFICE OF
Reid Haire**

Daviess County Judge/Executive
Daviess County Courthouse
P. O. Box 1716
Owensboro, Kentucky 42302-1716
Telephone: (270) 685-8424

COMMISSIONERS
Bruce Kurze - Central Division
Jim Lambert - Eastern Division
Mike Riney - Western Division

COUNTY ATTORNEY
Claud Porter

**COMMONWEALTH OF KENTUCKY
DAVIESS COUNTY FISCAL COURT**

EXECUTIVE ORDER No. 04-2008

I, Reid Haire, Daviess County Judge/Executive do hereby appoint Tony Sook, County Administrator as the acting Daviess County Judge/Executive while I am out of the State of Kentucky beginning October 1, 2008 and ending upon my return on or around October 9, 2008.

Executive Order No. 04-2008 is effective this the 1st day of October 2008.

Reid Haire
Daviess County Judge/Executive

ATTEST:

Jennifer C. Warren
Daviess County Fiscal Court Clerk

AN EQUAL OPPORTUNITY EMPLOYER



OFFICE OF
Reid Haire

Daviess County Judge/Executive
Daviess County Courthouse
P. O. Box 1716
Owensboro, Kentucky 42302-1716
Telephone: (270) 665-8424

COUNTY ATTORNEY
Robert M. Kirtley

COMMISSIONERS
Bruce Kunze - Central Division
Jim Lambert - Eastern Division
Mike Finney - Western Division


**COMMONWEALTH OF KENTUCKY
DAVIESS COUNTY FISCAL COURT**

EXECUTIVE ORDER NO. 02-2005

The Daviess County Clerk presented to the County Judge/Executive a Petition signed by sufficient registered voters requesting an election to be conducted pursuant to the provisions of KRS Chapter 242 in the North Seven Hills Precinct; the County Judge/Executive having reviewed the Petition and the provisions of KRS 242.020 and KRS 242.030 and finding that the Petitioners did not fix a date for the election but reserved that for the County Judge/Executive, it is hereby

ORDERED that there shall be conducted in the North Seven Hills Precinct an election for the purposes set forth in the Petition pursuant to KRS Chapter 242 on Tuesday, August 23, 2005.

Approved this 13 day of June, 2005.



Reid Haire
Daviess County Judge/Executive

AN EQUAL OPPORTUNITY EMPLOYER



**OFFICE OF
Reid Haire**

Daviess County Judge/Executive
Daviess County Courthouse
P. O. Box 1716
Owensboro, Kentucky 42302-1716
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COUNTY ATTORNEY
Robert M. Kirtley

COMMISSIONERS
Bruce Kunze - Central Division
Jim Lambert - Eastern Division
Mike Rinoy - Western Division

**COMMONWEALTH OF KENTUCKY
DAVIESS COUNTY FISCAL COURT**

EXECUTIVE ORDER NO. 06-2004

**ORDER ENTERING CERTIFICATE OF RESULTS
OF LOCAL OPTION ELECTION**

WHEREAS, Mike Libs, Daviess County Clerk, has presented to the undersigned County Judge/Executive the certificate of the result of the Special Local Option Election held on December 7, 2004, in and for the Philpot West Precinct in the County of Daviess, and

WHEREAS, KRS 242.110 directs the County Judge/Executive enter same on the order book,

NOW THEREFORE, IT IS HEREBY ORDERED that said Certificate, which is attached hereto, and this Order be entered in the County Judge/Executive's Order Book.

This the 16 day of December, 2004.

Reid Haire
Daviess County Judge/Executive



OFFICE OF
Reid Haire

Daviess County Judge/Executive
Daviess County Courthouse
P. O. Box 1716
Owensboro, Kentucky 42302-1716
Telephone: (270) 685-8424

COMMISSIONERS
Bruce Kunze - Central Division
Jim Lambert - Eastern Division
Mike Riney - Western Division

COUNTY ATTORNEY
Robert M. Kirtley

**COMMONWEALTH OF KENTUCKY
DAVISS COUNTY FISCAL COURT**

EXECUTIVE ORDER NO. 08-2003

**ORDER ENTERING CERTIFICATE OF RESULTS
OF LOCAL OPTION ELECTION**

WHEREAS, Mike Libs, Daviess County Clerk, has presented to the undersigned County Judge/Executive the certificate of the result of the Special Local Option Election held on September 30, 2003, in and for the South Seven Hills Precinct in the County of Daviess, and

WHEREAS, KRS 242.110 directs the County Judge/Executive enter same on the order book,

NOW THEREFORE, IT IS HEREBY ORDERED that said Certificate, which is attached hereto, and this Order be entered in the County Judge/Executive's Order Book.

This the 1st day of October, 2003.

Reid Haire
Daviess County Judge/Executive

**COMMONWEALTH OF KENTUCKY
DAVISS COUNTY FISCAL COURT**

KOC 411.1 (2002)

**AN ORDINANCE RELATING TO ANNUAL FEES FOR COUNTY
ALCOHOLIC BEVERAGE LICENSES TO BE CHARGED TO PROPERLY
QUALIFIED APPLICANTS SOLD IN DAVIESS COUNTY, KENTUCKY,
OUTSIDE THE CORPORATE LIMITS OF THE CITY OF OWENSBORO**

WHEREAS, the Daviess County Fiscal Court has heretofore established county fees to be charged for certain alcoholic beverage licenses used in the county pursuant to statute; and

WHEREAS, it is determined that the anniversary date of the county alcoholic beverage licenses should coincide and be the same date as the anniversary date of the state licenses for the particular alcoholic beverage;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF DAVIESS, AS FOLLOWS:

Section 1. The effective date of all county alcoholic beverage licenses shall be the same effective date as the state licenses for the particular alcoholic beverage.

Section 2. Annual County Fees

Effective January 1, 2003, the Daviess County Fiscal Court hereby sets the following annual county fees to be charged to properly qualified applicants for the following alcoholic beverage licenses:

Retail package licenses	\$600.00
Retail drink license, motel drink license, restaurant drink license, or supplemental bar license	\$600.00
Retail package and drink license	\$800.00
Special temporary liquor license, per event	\$166.66
Restaurant wine license	\$300.00
Special temporary wine license, per event	\$ 50.00
Special private club license	\$300.00
Special Sunday retail drink license	\$300.00
Retail malt beverage license	\$ 75.00
Special temporary malt beverage license, per event	\$ 25.00

Section 3. All annual county alcoholic beverage licenses purchased in 2002 shall remain in full force and effect until the expiration date, at which time the licenses may be renewed at the rates set out in Section 2 above.

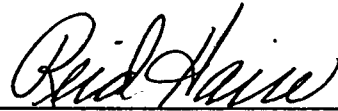
Section 4. All prior ordinances or parts thereof in conflict with the provisions of this ordinance are to the extent of any such conflict hereby repealed, with the exception of the court order in Order Book 23, at page 275, relating to the 2:00 a.m. closing hour for the sale of alcoholic beverages, which is attached hereto as Exhibit "A" and incorporated herein by reference.

Section 5. This ordinance shall become effective upon passage and publication and Section 2 above.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this the 5th day of December, 2002.

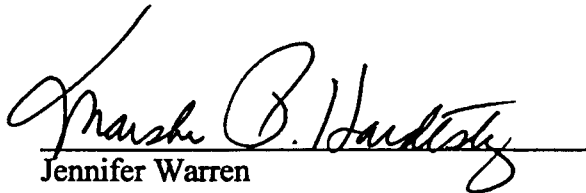
PUBLICLY READ AND APPROVED ON SECOND READING, this 19th day of December, 2002.

DAVIESS COUNTY FISCAL COURT



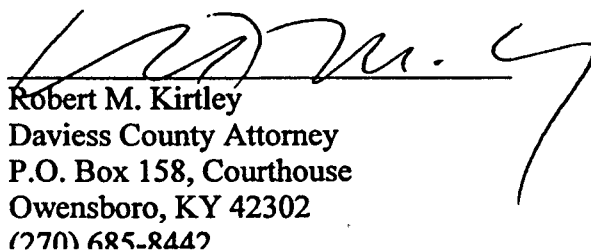
Reid Haire
Daviness County Fiscal Court

ATTEST:



Jennifer Warren
Fiscal Court Clerk

PREPARED BY:



Robert M. Kirtley
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P.O. Box 158, Courthouse
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**COMMONWEALTH OF KENTUCKY
DAVIESS COUNTY FISCAL COURT**

KOC 412.2 (2002)

**AN ORDINANCE PROVIDING FOR THE SALE OF
DISTILLED SPIRITS, WINE AND MALT BEVERAGES
BY THE DRINK ON SUNDAYS FROM 1:00 P.M. UNTIL 11:00 P.M.,
BY HOTELS, MOTELS AND RESTAURANTS,
INCLUDING RESTAURANTS OPERATED BY PRIVATE CLUBS,
WHICH ARE LICENSED FOR THE RETAIL SALE OF
ALCOHOLIC BEVERAGES BY THE DRINK
AND WHICH HAVE DINING FACILITIES WITH A
MINIMUM SEATING CAPACITY OF ONE HUNDRED (100) PEOPLE
AT TABLES AND WHICH RECEIVE AT LEAST FIFTY
PERCENT (50%) OR MORE OF THEIR GROSS ANNUAL INCOME
FROM THEIR DINING FACILITIES BY THE SALE OF FOOD**

WHEREAS, KRS 244.290 (3) and (4) authorizes the Daviess County Fiscal Court to allow the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until a closing hour to be established by the Daviess County Fiscal Court, by hotels, motels and restaurants, including restaurants operated by and located within private clubs, which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities from the sale of food; and

WHEREAS, KRS 244.480 grants counties containing cities of the second class that permit the sale of malt beverages, to establish the times in which malt beverages may be sold within their corporate boundaries Sunday through Monday, provided that the delivery, gift or sale of malt beverages is not prohibited between 6:00 a.m. and midnight during any day, except Sunday; and further provided that the sale of malt beverages is prohibited on any primary or regular election day during the hours the polls are open, and

WHEREAS, by Circuit Court action styled Daviess County Fiscal Court vs. Edward Louis Johnson and City of Owensboro and Owensboro-Daviess County Restaurants in Favor of Sunday Sales Association, 02-CI-01287, a Declaratory Judgment was granted as it relates to Daviess County as follows:

1. The September 14, 1982, Special Election, conducted pursuant to the provisions of KRS 244.290(2), does not prohibit and has no effect on the County's authority to adopt an ordinance pursuant to the provisions of KRS 244.290 (4)

-
2. There is ample statutory authority vesting the County with the right to adopt an ordinance permitting the sale of malt beverages on Sunday during specified hours and limit such sales to qualifying hotels, motels, and restaurants. This authority includes, but is not limited to KRS 67.083, KRS 244.480, and KRS 436.165.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY OF DAVIESS, AS
FOLLOWS:**

Section 1. Authorization for Sunday Sales

The sale of distilled spirits and wine by the drink, and malt beverages by individual container shall be permitted on Sundays from 1:00 p.m. until 11:00 p.m., by: hotels, motels and restaurants, including restaurants operated by, and located within, private clubs, which are licensed for the retail sale of malt beverages and distilled spirits and wine by the drink; and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities by the sale of food.

Section 2. Special Sunday Retail Drink License

In addition to required state licenses, all motels, hotels, restaurants and private clubs desiring to sell distilled spirits or wine by the drink or individual container on Sunday within the time prescribed hereinabove, must purchase the appropriate licenses from the County of Daviess, through the Daviess County Alcoholic Beverage Control Administrator, for the Sunday sales of distilled spirits or wine by the drink, as required in KOC 411.1.

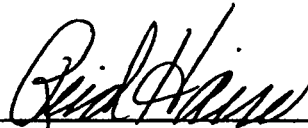
Section 3. All prior ordinances or parts thereof in conflict with the provisions of this ordinance are to the extent of any such conflict hereby repealed.

Section 4. This ordinance shall become effective upon passage and publication according to law.

INTRODUCED AND PUBLICLY READ ON FIRST READING, this 19th day of
December, 2002.

PUBLICLY READ AND APPROVED ON SECOND READING, this 19th day of
December. 2002.

DAVISS COUNTY FISCAL COURT



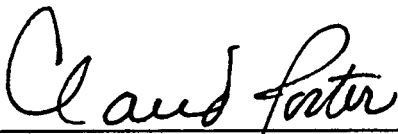
Reid Haire
Daviess County Judge/Executive

ATTBST:



Jennifer Warren
Fiscal Court Clerk

PREPARED BY:



Claud Porter
Daviess County Attorney
P.O. Box 158, Courthouse
Owensboro, Kentucky 42302
(270) 695 9117

COMMONWEALTH OF KENTUCKY
DAVISS CIRCUIT COURT
DIVISION NO. II
CIVIL ACTION NO. 02-CI-01287

DAVISS FISCAL COURT

PETITIONER

V.

EDWARD LOUIS JOHNSON
CITY OF OWENSBORO AND
OWENSBORO-DAVISS COUNTY RESTAURANTS
IN FAVOR OF SUNDAY LIQUOR SALES ASSOCIATION

RESPONDENTS

**RESPONSE BRIEF OF OWENSBORO-DAVISS COUNTY RESTAURANTS IN
FAVOR OF SUNDAY LIQUOR SALES ASSOCIATION**

The Owensboro-Daviess County Restaurants in Favor of Sunday Liquor Sales Association (the "Restaurants"), files this brief in response to the Agreed Petition on Submission for Declaratory Judgment Pursuant to KRS 418.020 (the "Petition") filed by Daviess Fiscal Court (the "County"). The County is contemplating enactment of an ordinance that would allow the sale of distilled spirits, wine and malt beverages on Sunday between the hours of 1:00 p.m. and midnight for qualifying hotels, motels, and restaurants. The County has filed this declaratory judgment action to ask the Court's opinion on whether it has the legal authority to enact such an ordinance. The County contends it cannot enact such an ordinance for two reasons:

1. The September 14, 1982, special election where a majority of the citizens in Daviess County did not vote to allow the sale of alcohol on Sundays prohibits the County from enacting this ordinance; and
2. The County cannot limit the sale of malt beverages by the drink to the qualifying hotel, motels and restaurants, excluding all other malt beverage licensees.

These contentions lack merit and do not prohibit the County from enacting such an ordinance.

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OCT 03 2002

CITY ATTORNEY

Statement of Relevant Facts and Law

1. Section 61 of the Kentucky Constitution provides in pertinent part:

The General Assembly shall, by general law, provide a means whereby the sense of any county, city, town, district or precinct may be taken, as to whether or not spirituous, vinous or malt liquors shall be sold, bartered or loaned therein, or the sale thereof regulated. But nothing herein shall be construed to interfere with or to repeal any law in force relating to the sale or gift of such liquors. . . .

Pursuant to Section 61 and KRS Ch. 242, most precincts in Daviess County have opted to legalize the sale of alcoholic beverages.

2. Kentucky has enacted a statutory framework to address the manufacture, distribution and sale of alcoholic beverages, KRS Chapters 241-244. KRS Chapter 241 establishes the Department of Alcoholic Beverage Control as well as local administrators who have the responsibility of regulating the manufacture, distribution and sale of alcohol.

3. KRS Chapter 242 provides for local option elections pursuant to Section 61 of the Constitution whereby a county, city, district or precinct may, by vote of the people, elect to permit the sale of alcoholic beverages (see, e.g., KRS 242.020-050). The General Assembly does not mention Sunday alcohol sales in KRS Chapter 242. KRS Chapter 242 only governs elections concerning whether a territory will "go wet."

4. KRS Chapter 243 provides for the licensing and taxation of alcoholic beverages. It establishes the various licenses one may obtain for the manufacture, distribution and sale of alcohol and the conditions for obtaining them, as well as the taxes the government may assess against alcohol. For example, KRS 243.050(5) provides for the supplemental convention license obtained by the Executive Inn to serve alcohol on Sunday:

Where it is determined by the Department to be in the best interest of promoting tourism, conventions, and economic development of Kentucky or any part thereof, the Department may issue a supplemental license for the retail sale of alcoholic beverages by the drink at convention centers. . . . Upon application by the holder of a retail alcoholic beverage license at a convention center; convention hotel complex . . . meeting the requirements of this subsection, . . . the Department may establish the days when the supplemental license will be valid at the specific location, including Sundays after 1:00 p.m. . . . (Emphasis added).

The Executive Inn has obtained this supplemental license that allows it to serve beer, wine and liquor by the drink on Sunday. There was never any vote in Daviess County concerning whether the Executive Inn could serve alcohol on Sunday.

5. In KRS Chapter 244, the General Assembly provided for the prohibition, restriction and regulation of the manufacture, sale and distribution of alcoholic beverages. KRS 244.290 and 244.480 are the statutes that pertain to sale of alcoholic beverages on Sunday.

KRS 244.290

(1944)

The original version of KRS 244.290 prohibited the sale of distilled spirits and wine on Sunday, but gave cities of the first, second or third class, and counties containing such cities, that were already wet the "exclusive right and power" to establish the time when distilled spirits and wines may be sold, except between 6:00 a.m. Sunday and 6:00 a.m. Monday. Thus, originally there was a total ban on Sunday sales of distilled spirits and wine.

In 1972, the General Assembly added the exception that is found in subsection (2) of the current version of KRS 244.290, giving ^{citizens of} cities of the first or second class the authority to hold an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday. It also provided the specific language to be included on the ballot, i.e., "Are you in favor of the sale

(2)

of distilled spirits and wine by the drink between the hours of one p.m. and midnight on Sunday in (name of county)?" See, 1972 Ky. Acts Ch. 355, § 1.

In 1982, the General Assembly added what is now subsection (4), with some minor subsequent amendments, which allows a county containing a city of the first or second class or any city located therein which is wet to enact an ordinance to permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until an established closing hour in hotels, motels and restaurants licensed for the retail sale of distilled spirits and wine by the drink and (1) which have dining facilities with a minimum seating capacity of 100 people at tables, and (2) which receive at least 50% or more of their gross annual income from their dining facilities by the sale of food. See 1982 Ky. Acts Ch. 340, §1. This act also provided that KRS 243.050 (set forth above) was another exception to the ban on Sunday liquor sales. *convention*

Thus, in 1982 the General Assembly added two additional exceptions to the ban on Sunday sales of distilled spirits and wine. Besides a local election on Sunday liquor sales, a legislative body could enact an ordinance permitting Sunday sales in qualifying establishments, and convention centers and similar facilities could sell liquor on Sunday if they obtain a license from the state pursuant to KRS 243.050.

In 1998, the General Assembly moved the general prohibition on Sunday liquor sales from subsection (1) to subsection (3) of KRS 244.290. See 1998 Ky. Acts Ch. 522, §21. The General Assembly also reworded subsection (4) allowing enactment of an ordinance permitting Sunday liquor sales in qualifying establishments. However, the substance of that subsection remained the same.

Finally, in 2000, the General Assembly amended subsection (4) of KRS 244.290 to allow counties containing a city of the third class or any city located therein to pass an ordinance permitting Sunday liquor sales in qualifying establishments. See 2000 Ky. Acts Ch. 435, §19.

The current version of KRS 244.290 provides in pertinent part:

(2) In any county containing a city of the first or second class in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.

(3) Except as provided in KRS 243.050 [the convention license statute], a premise for which there has been granted a license for the sale of distilled spirits or wine at retail shall not remain open for any purposes between midnight and 6:00 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless:

- (a) The licensee provides a separate locked department in which all stocks of distilled spirits and wine are kept during those times; or
- (b) The legislative body of a city of the first, second, third, or fourth class or the fiscal court of a county containing a city of the first, second, third, or fourth class, has otherwise established the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries.

(4) In any county containing a city of the first, second, or third class or any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the city or county may, by ordinance, permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until the designated closing hour of that locality at hotels, motels or restaurants which:

- (a) Have dining facilities with a minimum seating capacity of one-hundred (100) people at tables; and
- (b) Receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food.

KRS 244.290(4) clearly authorizes the County to enact an ordinance allowing qualifying establishments to serve distilled spirits and wine on Sunday.

KRS 244.480

The General Assembly has not made many changes to KRS 244.480 since its 1944 version.

The current version of KRS 244.480 provides in pertinent part:

(2) Except as provided in Subsection (3) of this section, no retailer shall sell, give away, or deliver any malt beverages between midnight and 6:00 a.m. or at any time during the twenty-four (24) hours of a Sunday or during the hours the polls are open on a primary or regular election day.

(3) The legislative body of a city of the first, second, third, or fourth class or of a county containing a city of the first, second, third, or fourth class in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power to establish the times in which malt beverages may be sold within its jurisdictional boundaries, including Sunday sales if the hours so fixed:

- (a) Shall not prohibit the sale, gift, or delivery of any malt beverages between 6:00 a.m. and midnight during any day, except Sunday; and
- (b) Prohibit the sale of malt beverages on any primary or regular election day during the hours the polls are open.

This statute clearly gives the County the "exclusive power" to permit Sunday sales of malt beverages.

ARGUMENT

The 1982 Election does not prohibit the County from enacting an ordinance permitting Sunday liquor sales pursuant to KRS 244.290(4) and KRS 244.480

The County contends that because the majority of the citizens of Daviess County did not vote in favor of Sunday sales of distilled spirits and wine in the 1982 special election, another special election must take place pursuant to KRS 244.290(2) before the County can enact an ordinance pursuant to KRS 244.290(4) and 244.480 allowing sales of alcohol by the drink in qualifying establishments. The only authority cited by the County is Rich-Hills Catering Co. v. Slattery, Ky., 448 S.W.2d 379 (1969). Rich-Hills does not support the County because it did not involve Sunday liquor sales, KRS 244.290 or KRS 244.480.

In Rich-Hills, the City of Richmond annexed legally "dry" county territory to Richmond, which was a legally "wet" city. When the Rich-Hills case was decided in 1969, the only method for a territory to convert from dry to wet was to conduct an election pursuant to KRS Chapter KRS 242. The Court of Appeals, Kentucky's then highest court, ruled that since the only method to go wet provided by the General Assembly was through an election, the dry status of the annexed territory was unalterable unless it was changed by a vote of the people pursuant to KRS 242.200. Rich-Hills at 383.

However, in direct response to this case, the General Assembly added subsection (2) to KRS 242.190, which provides:

Upon the annexation of any local option territory by a city, either before July 15, 1980, or subsequent thereto, the annexed territory shall assume the same local option status as the local option status of the annexing city. Nothing in this section shall impair the right of any precinct in the annexed territory to determine its own statutes with respect to the legal sales of alcoholic beverages in accordance with the provisions of KRS Chapter 242.

Counsel for the County actually inquired with the Kentucky Attorney General about the effect of this 1980 amendment, and the Attorney General responded with an opinion, OAG 82-153 (see copy attached hereto as Exhibit A). The Attorney General opined that this amendment to KRS 242.190:

would obviously modify the holding in the Slattery [Rich-Hills] case, particularly in view of the conclusion reached therein to the effect that the legislature had provided no method of changing the status of a territory other than by election, as provided in KRS 242.200.

Thus, KRS 242.190(2) now provides for a method to convert a territory from dry to wet without an election.

The current version of KRS 242.190 actually supports the proposition that a local legislative body may, by ordinance, permit the sale of liquor even though the citizens of that locality have voted

against liquor sales in a previous special election. Pursuant to KRS 242.190(2), a wet city can, by ordinance, annex a part of a dry county and thereby make it wet. The statute further provides that only by conducting another local option election can the annexed territory be made dry again. Thus, by its own language, the very statute on which the County relies (which is inapplicable as shown below), authorizes a local legislative body to, by ordinance, contravene the "will of the people" established in an earlier local option election.

Additionally, since the Rich-Hills case, the General Assembly enacted another statute permitting the sale of alcohol in certain circumstances without the requirement of a local option election. KRS 243.050 allows the Department of Alcoholic Beverage Control to issue a license to railroads, airlines, convention centers and convention hotel complexes permitting the sale of alcohol regardless of whether there has been a local option election in the community where the entities serve alcohol.

All statutes shall be liberally construed with a view to promote their objects and carry out the intent of the legislature. KRS 446.080(1). All words and phrases shall be construed according to the common and approved uses of language. KRS 446.080. In interpreting statutes, the court should ascertain from their terms, as contained in the entire enactment, the intent and purpose of the legislature, and administer that intent and purpose. Seaboard Oil Co. v. Commonwealth, 193 Ky. 629, 237 S.W. 48 (1922). All provisions of the statutes must be harmonized if it can be reasonably done, and effect an enforcement given to each clause, unless the provisions of the statute are irreconcilably incongruous. Ross v. Board of Education, 196 Ky., 366, 244 S.W. 793 (1922). Based on these rules of interpretation, KRS 244.290 does not require the County to conduct a special election on Sunday liquor sales before enacting the proposed ordinance.

In any event, the issue before this court, Sunday liquor sales, is regulated by KRS Chapter 244, not KRS Chapter 242. But for KRS 244.290(3) and 244.480(1), distilled spirits, wine and malt beverages could be sold on Sunday in wet territories. These two statutes prohibited Sunday liquor sales. However, over the years the General Assembly has carved out exceptions to this statutory ban on Sunday liquor sales. Each of these exceptions is independent of the other. The county may choose the method provided in subsection (2) of KRS 244.290, an election, or that provided in subsection (4), an ordinance. Of course, the method provided in subsection (4) is not as broad since it only allows the sale of distilled spirits and wine in hotels, motels and restaurants that (1) have dining facilities with a minimum seating capacity of 100 people at tables and (2) derive at least 50% of their gross annual income from the dining facilities from the sale of food. Based on the plain language of subsection (4), the only requirement the County must satisfy to pass such an ordinance is that the County be "wet" pursuant to KRS Chapter 242. The County satisfies this requirement. There is nothing in subsection (4) of KRS 244.290 that prohibits the County from enacting the ordinance in question, nor does subsection (2) of that statute provide that a county is prohibited from enacting such an ordinance if the election results in more votes against Sunday Liquor Sales.

Indeed, the two subsections involve different subjects. Under subsection (2), the issue concerns sale of distilled spirits and wine at any facility with a license to sell them. Subsection (4) is more narrow, and only authorizes sales at establishments that meet the criteria set forth in that subsection. If the issue on the ballot in 1982 was whether to allow Sunday liquor sales at establishments meeting the criteria set for in subsection (4), the County may have a legitimate reason to express concern. However, that is not the case.

Moreover, establishments in Owensboro and Daviess County currently serve alcohol on Sunday between 12:00 a.m. and 2:00 a.m. pursuant to local ordinance enacted as authorized by KRS 244.290(3) and 244.480(3), which allow local governments to establish the hours when distilled spirits, wine and beer may be sold. If the County's argument that the 1982 election resulted in a total prohibition of sales on Sunday, then these ordinances would also be invalid. Of course, that is not the case because these statutes allow local governments to set the hours of sale of alcohol.

Also, if the County's contention were truly the law, then the Executive Inn should not be allowed to serve liquor on Sunday because the people did not vote to allow those sales. Again, that is not the case because the General Assembly enacted, KRS 243.050, which permits convention centers and convention hotels to sell liquor on Sunday regardless of the local option of the community. Likewise, KRS 244.290(4) allows the County to adopt an ordinance permitting limited Sunday sales at qualifying establishments, regardless of any election conducted pursuant to KRS 244.290(2).

Thus, the 1982 election did not result in some type of absolute Sunday "prohibition." It merely resulted in maintenance of the status quo, subject to any action authorized under KRS 244.290. Of course, the 1982 election had absolutely no effect on Sunday sales of malt beverages since the question on the ballot asked "Are you in favor of the sale of distilled spirits and wine by the drink between the hours of one a.m. and midnight on Sunday in Daviess County?"

The County may enact an ordinance permitting Sunday sales of malt beverages and limit it to certain qualifying establishments

KRS 244.480(3) grants "exclusive power" to the County to "establish the times in which malt beverages may be sold within its jurisdictional boundaries, including Sunday sales." It does not

contain the language found in KRS 244.290(4) limiting that right the establishments that have dining facilities that seat at least 100 people at tables and derive at least 50% of their income from food sales. Nevertheless, since KRS 244.480(3) grants the County "exclusive power" concerning sale of malt beverages on Sunday, the County has the authority to limit the right to sell malt beverages on Sunday to establishments meeting the requirements set forth in KRS 244.290(4).

Kentucky courts have long recognized that local governments have the right to determine the many aspects related to the sale of alcohol in its territory. See, e.g., *Brandonburg v. Harbeson*, 169 Ky., 233, 183 S.W. 479 (1916) (It is well settled that the trustees or councils of municipalities, where the sale of the intoxicating liquors is permitted by law, have a reasonable discretion in determining the places of the sale, the number of licenses, and the persons to whom such licenses shall be granted). There can be no dispute that the proposed class of persons eligible to sell liquor on Sunday, i.e., establishments that have dining facilities with a minimum seating capacity of 100 people at tables and receive at least 50% or more of their gross annual income from the dining facility from the sale of food, is a reasonable classification. The General Assembly has used that classification in KRS 244.290(4), as well as 244.295(3), which permits an urban-county government to submit to the electorate a proposal to permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until a closing hour specified in the proposal to establishments meeting the same requirements. In addition, KRS _____ allows cities of the fourth class to allow the electorate to sell alcoholic beverages.

SULLIVAN, MOUNTJOY, STAINBACK
& MILLER, P.S.C.

By: *R. Michael Sullivan*

R. Michael Sullivan
100 St. Ann Street
P.O. Box 727
Owensboro, Kentucky 42302-0727
(270) 926-4000
Counsel for the Association

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Response was served upon the parties by hand delivering same, to: Robert M. Kirtley, Esq., Daviess County Attorney, P.O. Box 158, Owensboro, Kentucky 42302; Edward Louis Johnson, Esq., Wilson, Johnson and Presser, 418 West Third Street, Owensboro, Kentucky 42301, respondent; and David Fowler, Esq., City Attorney, 101 East Fourth Street, P.O. Box 10003, Owensboro, Kentucky 42302-9003; this 3 day of October, 2002.

R. Michael Sullivan
R. Michael Sullivan

RECEIVED

COMMONWEALTH OF KENTUCKY
DAVIESS COUNTY FISCAL COURT

7 9 20 AM '90
ALCOHOLIC BEVERAGE
CONTROL BOARD
FRANKFORT, KY

RESOLUTION

A RESOLUTION ESTABLISHING PROCEDURES FOR
APPLICATIONS FILED THROUGH DAVIESS COUNTY GOVERNMENT
PURSUANT TO KRS CHAPTER 241.

WHEREAS, the Daviess County Judge/Executive has heretofore been the local Alcoholic Beverage Control Administrator; and

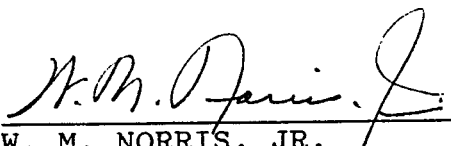
WHEREAS, pursuant to the provisions of KRS 241.110, the Daviess County Judge/Executive has elected to appoint a local administrator to discharge these duties; and

WHEREAS, the Court has determined that local regulations are needed for the general public concerning applications for alcoholic beverage licenses;

NOW, THEREFORE, BE IT RESOLVED as follows:

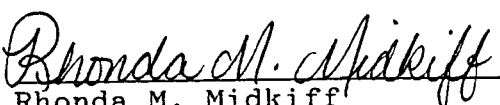
1. After the effective date of this Resolution, all applications filed pursuant to KRS Chapter 241 requiring action by Daviess County shall be filed in the Daviess County Judge/Executive's Office.
2. Within ten (10) working days of the filing of said application, the Daviess County Alcoholic Beverage Administrator shall approve or disapprove said application.
3. If the local Administrator disapproves the application, said Administrator shall set forth a statement of reasons for disapproval of the application.

A denial or objection to approval of an application is controlled by statute.



W. M. NORRIS, JR.
Daviess County Judge/Executive

ATTEST:



Rhonda M. Midkiff
Fiscal Court Clerk

COMMONWEALTH OF KENTUCKY
DAVIESS COUNTY FISCAL COURT
KOC 410.5

RECEIVED
NOV 2 11 39 AM '84
ALCOHOLIC
BEVERAGE CONTROL

ORDINANCE

AN ORDINANCE RELATING TO THE REGULATION OF MALT BEVERAGE RETAILER'S LICENSES LOCATED IN DAVIESS COUNTY, KENTUCKY, BUT OUTSIDE THE CORPORATE LIMITS OF THE CITY OF OWENSBORO.

WHEREAS, the Daviess County Fiscal Court has observed that since the implementation of Ordinance No. 410.2, quota limitations imposed by said ordinance have been modified by annexation which was not contemplated by the ordinance, and further, that some license holders, after holding said malt beverage retailer's license, have not actively engaged in the retail sale of malt beverages; and

WHEREAS, by civil action No. 81-CI-0292 filed in Daviess Circuit Court, portions of County Ordinance No. 410.2 were declared to be invalid; and

WHEREAS, pursuant to KRS 67.083 it is deemed to be in the best interest of the health, safety and public welfare of the citizens of Daviess County to continue to restrict the number of malt beverage retailer's licenses, based upon population, of those physically located outside the corporate limits of the City of Owensboro, with the maximum number of twenty-five (25), as heretofore established, being reduced by any license which is transferred, annexed or removed to a location within the geographical limits and jurisdiction of the City of Owensboro, and further to provide forfeiture of a license when and in the event the holder of said license does not actively utilize said license in a malt beverage retail business within ninety (90) days from the date said holder receives said license.

Be it ordained by the fiscal court of the county of Daviess, Commonwealth of Kentucky:

SECTION ONE. The maximum number of Malt Beverage Retailer's Licenses to be issued for businesses in Daviess County, but outside the corporate limits of the City of Owensboro, shall be limited to twenty five (25) and shall be increased, decreased or forfeited as provided hereinafter.

SECTION TWO. The maximum number shall only be increased by the following formula. The population of Daviess County at the time of enactment of Ordinance No. 410.2 in 1978 was approximated to be 31,000. The 1978 population figure of 31,000 shall constitute the population base for Daviess County for the area outside the corporate limits of the City of Owensboro. When the population within said area of Daviess County increases to 33,500 the maximum number of licenses allowable shall be increased by one (1), and for each additional growth level of 2,500 in population the maximum number shall be increased by one (1).

SECTION THREE. The Fiscal Court shall not be required to conduct a population count to determine population levels for the purposes of Section Two above, but may rely upon census records provided by the federal government and/or the population records maintained by the Owensboro Metropolitan Planning Commission.

SECTION FOUR. The maximum number shall be decreased by the following formula. The Malt Beverage Retailer's Licenses issued by Daviess County are only for use by individuals conducting business in the area of Daviess County outside the corporate limits of the City of Owensboro.

(a). Whenever an individual holding a malt beverage retailer's license issued by Daviess County transfers the location of the operation of said retail malt beverage business to an area located within the corporate limits of the City of Owensboro, said license shall immediately be forfeited and the maximum number of allowable malt beverage retailer's licenses shall be reduced by one (1).

(b). Whenever the location of a retail malt beverage business for which a Daviess County license has been issued is annexed into the corporate limits of the City of Owensboro, the maximum number of allowable malt beverage retailer's licenses shall be reduced by one (1).

SECTION FIVE. It is the declared intent of the Fiscal Court that all malt beverage retailer's licenses issued by Daviess County are for use by individuals who actively engage in the retail malt beverage business. Therefore, in the event an individual who has been issued a Daviess County Malt Beverage Retailer's License fails to establish a location and/or fails to actively conduct a retail malt beverage business at the location in the area of Daviess County outside the corporate limits of the City of Owensboro within ninety (90) days from the date said individual receives said license, said license shall be forfeited. For just cause shown to the Daviess County Fiscal Court, an individual subject to this Section may be given an extension of time beyond the ninety (90) day period.

SECTION SIX. The provisions of this ordinance are severable. If any sentence, clause or section or part of this ordinance, or the application thereof is for any reason found to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this ordinance.


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

SECTION EIGHT. This ordinance becomes effective immediately upon passage and publication.

Introduced and publicly read on first reading on August 15, 1984.

Publicly read and approved on second reading on this the 22nd day
of August, 1984.

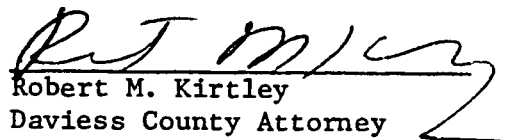
DAVIESS COUNTY FISCAL COURT

BY: 
William J. Froehlich
Daviness County Judge/Executive

ATTEST:

Sue Gillians
Fiscal Court Clerk

PREPARED BY:


Robert M. Kirtley
Daviness County Attorney

COMMONWEALTH OF KENTUCKY
DAVIESS FISCAL COURT

ORDINANCE

KOC 410.4

AN ORDINANCE amending Ordinance No. 410.3 relating to the regulation of special malt beverage retailer's licenses located in Daviess County, Kentucky, but outside the corporate limits of the City of Owensboro.

WHEREAS, the Daviess County Fiscal Court heretofore enacted Ordinance No. 410.3, creating a special malt beverage retailer's license for the restaurant operated within the terminal at the Owensboro-Daviess County Airport; and

WHEREAS, at the time of the adoption of said ordinance there was only one restaurant located at the Owensboro-Daviess County Airport terminal and

WHEREAS, a second restaurant is now being added to the facilities within the Owensboro-Daviess County Airport complex; and

WHEREAS, a request has been made for a special malt beverage retailer's license for said restaurant; and

WHEREAS, the Daviess County Fiscal Court has considered the request and has agreed to create a second special malt beverage retailer's license for the second restaurant located within the Owensboro-Daviess County Airport complex, provided it meets the requirements set by state law.

Be it ordained by the fiscal court of county of Daviess,
Commonwealth of Kentucky:

SECTION ONE. That SECTION ONE of Ordinance No. 410.3 is hereby amended to read as follows:

That there is hereby created a two special malt beverage retailer's license licenses for the ~~restaurant~~ two restaurants operated within the ~~terminal-of-the~~ Owensboro-Daviess County Airport complex.

SECTION TWO. That SECTION TWO of Ordinance No. 410.3 is hereby amended to read as follows:

That ~~this~~ these special malt beverage retailer's ~~license is~~ licenses are non-transferable and shall only be issued to businesses operating said restaurant facilities at the Owensboro-Daviess County Airport terminal.

SECTION THREE. That all prior ordinances and/or parts of ordinances in conflict herewith are to the extent of such conflict hereby repealed.

SECTION FOUR. That this ordinance becomes effective immediately upon passage and publication.

Introduced and publicly read on first reading on the 19th day of October, 1982.

Publicly read and adopted on second reading on this the 2nd day of November, 1982.

DAVIESS COUNTY FISCAL COURT

BY:

Bill Froehlich
William J. Froehlich
Daviness County Judge/Executive

ATTEST:

Sue Gillians
Sue Gillians
Fiscal Court Clerk

PREPARED BY:

Robert M. Kirtley
Robert M. Kirtley
Daviness County Attorney

COMMONWEALTH OF KENTUCKY
DAVIESS FISCAL COURT

ORDINANCE

KOC 410.3

AN ORDINANCE relating to the regulation of special malt beverage retailer's licenses located in Daviess County, Kentucky, but outside the corporate limits of the City of Owensboro.

WHEREAS, the Daviess Fiscal Court has heretofore enacted an ordinance regulating malt beverage retailer's licenses in Daviess County, Kentucky, outside the corporate limits of the City of Owensboro; and

WHEREAS, the Daviess Fiscal Court recognizes the legitimate need of the restaurant operating at the Owensboro-Daviess County Airport to have a malt beverage retailer's license, if it meets the requirements set by state law; and

WHEREAS, the Daviess Fiscal Court desires to create a special non-transferable license for the restaurant at said facility.

Be it ordained by the fiscal court of county of Daviess, Commonwealth of Kentucky:

SECTION ONE. That there is hereby created a special malt beverage retailer's license for the restaurant operated within the terminal of the Owensboro-Daviess County Airport.

SECTION TWO. That this special malt beverage retailer's license is non-transferable and shall only be issued to businesses operating said restaurant facilities at the Owensboro-Daviess County Airport terminal.

SECTION THREE. That this ordinance becomes effective immediately upon passage and publication.

Introduced and publicly read on first reading on the 28th day
of October, 1980.

Publicly read and adopted on second reading on this the 4th d.
of November, 1980.



William J. Froehlich
Daviness County Judge/Executive

ATTEST:

Sue Gillians
Fiscal Court Clerk

PREPARED BY:



Robert M. Kirtley
Daviness County Attorney

COMMONWEALTH OF KENTUCKY
DAVIESS FISCAL COURT

AN ORDINANCE relating to annual fees for county alcoholic beverage licenses to be charged to properly qualified applicants sold in Daviess County, Kentucky, outside the corporate limits of the City of Owensboro

WHEREAS, the Daviess County Fiscal Court has heretofore, by court order, set the county fees to be charged for certain alcoholic beverage licenses used in the county, outside the corporate limits of the City of Owensboro; and

WHEREAS, the 1978 General Assembly of the Commonwealth of Kentucky has established a new license known as a "wine license"; and

WHEREAS, the Daviess County Fiscal Court desires to codify under one subject heading the county alcoholic beverage license fees to be charged;

Be it ordained by the fiscal court of county of Daviess, Commonwealth of Kentucky:

Section 1 - Annual county fees:

The Daviess County Fiscal Court hereby sets the following annual county fees to be charged to properly qualified applicants for the following alcoholic beverage licenses:

Retail Package License	\$500.00
Retail Drink License	\$500.00
Retail Package and Drink License	\$800.00
Wine License	\$200.00
Beer License	\$ 50.00

Section 2 - Repeal of prior Daviess County Fiscal Court orders and effective date of Ordinance:

1. All prior orders of the Daviess County Fiscal Court establishing alcoholic beverage license fees, namely, orders dated May 17, 1938, of record in Fiscal Court Order Book 14, page 249; July 1, 1944, of record in Fiscal Court Order Book 15, page 160 and May 15, 1945, of record in Fiscal Court Order Book 15, page 211, be and are hereby repealed.

2. This Ordinance was introduced and publicly read on first reading on August 1, 1978, and was further publicly read and adopted on second reading on August 8, 1978.

3. This Ordinance shall become effective on the 8th day of August, 1978.

William J. Froehlich
County Judge Executive
Daviess County, Kentucky

ATTEST:

Deputy, County Court Clerk

Prepared By:

Robert M. Kirtley
Robert M. Kirtley
Daviess County Attorney

RECEIVED
JUL 19 3 43 PM '77

The regular Term of the Daviess County Fiscal Court was held in the Daviess County Court-house in the City of Owensboro, Ky. on this the 19th day of July, 1977. Present were Pat Tanner, County Judge and the following Commissioners; John Oldham, James Riney and Wm. Froehlich.

RESOLUTION

BE IT RESOLVED, That the Daviess County Fiscal Court authorize the County Alcoholic Beverage Admr. (Judge Pat Tanner) to contact the State Alcoholic Beverage Board for the second time, requesting that a quota be set on Beer Licenses for Daviess County at the existing number as of now; this to be adjusted according to population growth.

WHEREFORE, on motion of Commissioner Froehlich, seconded by Commissioner Riney and the court concurring therein, the foregoing is hereby approved.

This 19th day of July, 1977.

/s/ Pat Tanner, Judge

A Copy Attest:

Robert Neel, Clerk

By *Sue Gillman D.*



COUNTY OF DAVIESS

COURTHOUSE

OWENSBORO, KENTUCKY 42301

PAT TANNER
JUDGE

ORDER AND REGULATIONS

Daviess County
Alcohol Beverage Administration

1. The number of retail beer outlets shall remain frozen at the number now existing June 24, 1975.
2. The number of retail liquor by the drink licenses shall remain frozen at the number now existing, or less, as of June 24, 1975.
3. The number of retail package liquor drink licenses shall remain frozen at the number now existing, or less, as of June 24, 1975.
4. There shall be no liquor nor alcoholic beverages of any type sold at gasoline or diesel service stations or garages, as is the custom in this county.
5. There shall be no liquor nor alcoholic beverages of any type sold at food markets, groceries or food super markets, as is the custom and mores in this County of Daviess.
6. Legal ads shall be run four (4) times over a period of two (2) weeks and shall explain in detail, location, type of business, names of all owners, partners, and/or corporate officers and manager.

This being the 24th day of June, 1975,

Patrick "Pat" Tanner
Patrick Tanner
Alcohol Beverage Administrator
Daviess County, Kentucky

RECEIVED
JUL 7 9 33 AM '75
ALCOHOLIC BEVERAGE CONTROL

Davies Co.

April 21, 1966

COURT ORDER

RECEIVED
JAN 16 9 03 AM '67
ALCOHOLIC
BEVERAGE CONTROL

Donald W. Senf is hereby appointed the Daviess County Alcoholic Beverage Control Investigator, in addition to his other duties, per authority of KRS 241.110 (3) and (5). His authority under this statute covers Daviess County outside of the Corporate Limits of Owensboro.

The oath prescribed by Kentucky has been administered.

Pat Tanner
Pat Tanner, County Judge

Davis

Special Term of the Daviess County Fiscal Court, held at the Court House in the City of Owensboro on this the first day of May, 1945.

Present: Hon. J. E. Long, County Judge, and the following Commissioners, Noel Magruder, T. B. Birkhead and Richard Thompson.

On the motion of Commissioner Magruder seconded by Commissioner Thompson and the whole court concurring therein, it is ordered that the County License fee for selling liquor by the package or drink or both and for selling beer, be, and the same is hereby fixed as follows: The license fee to sell liquor by the package or drink where only one license is issued shall be Five Hundred (\$500.00) Dollars, but where licenses is issued to sell by drink and by the package to the same licensee at the same location, the license fee for both licenses shall be (\$800.00) EIGHT HUNDRED Dollars per year, or \$500.00 for the first license and \$300.00 for the other license issued, and the license fee for selling beer shall be Fifty (\$50.00) Dollars.

/s/ J. E. Long, County Judge

A Copy Attest: This ___ day of _____ 19__.

STATE OF KENTUCKY

Sct.

COUNTY OF DAVIESS

I, Katherine Griffin, County Court Clerk in and for the State and County aforesaid, do hereby certify the foregoing page to be a full and correct copy of the order of J. E. Long, County Judge of Daviess County Kentucky as appears of record in my office in Fiscal Order Book No. 15 page 221.

Given under my hand and seal of said Court, this the 14th day of Jan. 1956.

KATHERINE GRIFFIN, Clerk

By Janette Hayden D. C.

1956 JAN BEVE

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 321

August 24, 1951

The State Alcoholic Beverage Control Board met in Executive Session in its offices on Friday, August 24, 1951, members being present: Honorable Guy C. Shearer, Chairman, and Honorable Julian G. Elliott, Member. Honorable Guy C. Shearer, Chairman, talked by telephone to Honorable John E. Kirksey, Member. At said meeting, the Board adopted Regulation LCS-105, Limit on Retail Liquor Licenses, a copy of which is to be filed with the Secretary of State. The said regulation provides as follows:

LCS-105

Re: Limit on Retail Liquor Licenses
K. R. S. 241.060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241.060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, the Alcoholic Beverage Control Board has carefully considered the number of licenses that are now in existence in Daviess County in the City of Owensboro, Kentucky, and

WHEREAS, the Board has carefully studied the population, the location and the area of the licenses now existing in said Daviess County, and

WHEREAS, the Board is of the opinion that the limiting of the number of Retail Package Distilled Spirits Licenses in Daviess County to the number hereinafter set out is in the public interest and will materially contribute to the public welfare, and

WHEREAS, the present Alcoholic Beverage Control Board has had its records of Retail Distilled Spirits Licenses for Daviess County checked and rechecked during the past eight months to determine the exact number of licenses that have been issued

IT IS, THEREFORE, ORDERED that the existing quota for Retail Package Distilled Spirits Licenses for the County of Daviess, Kentucky, be, and the same is hereby raised from thirty-six (36) to thirty-seven (37) licenses.

Any and all regulations in conflict herewith are rescinded to the extent of such conflict.

This the 24th day of August, 1951.

ALCOHOLIC BEVERAGE CONTROL BOARD


GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:

A. E. FUNK, THE ATTORNEY GENERAL

BY:

ASSISTANT ATTORNEY GENERAL

ATTEST:


Lora Belle Reeve, Acting Secretary
Alcoholic Beverage Control Board

*Summary
LCS-105*

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 308

May 2, 1951

The State Alcoholic Beverage Control Board met in Executive Session in its offices on Wednesday, May 2, 1951, members being present: Honorable Guy C. Shearer, Chairman, and Honorable Julian G. Elliott, Member. Honorable Guy C. Shearer, Chairman, talked by telephone to Honorable John E. Kirksey, Member. At said meeting, the Board adopted regulation LCS-99, Limit on Retail Liquor Licenses, a copy of which is to be filed with the Secretary of State. The said regulation provides as follows:

LCS-99

Re: Limit on Retail Liquor Licenses
K. R. S. 241.060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241.060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, the General Assembly of the Commonwealth of Kentucky passed a new Local Option Law (HB-197) at the 1948 General Assembly, and

WHEREAS, the new Local Option Law establishes all cities of the first four classes as separate units under the law, and

WHEREAS, the present Alcoholic Beverage Control Board has had its records of Distilled Spirits Licenses for the County of Daviess checked and rechecked to ascertain the exact number of such licenses that had been issued and renewed in said county, and

WHEREAS, the Board having carefully considered the number of licenses now outstanding in the county of Daviess, and having received information concerning these licenses through its field agents and representatives, and after having carefully studied the population, the location and area in which said licensed premises are located;

IT IS, THEREFORE, ORDERED that the existing quota for Retail Package Distilled Spirits Licenses for the County of Daviess, Kentucky, be, and the same is hereby raised from thirty-five (35) to thirty-six (36) licenses.

Any and all regulations in conflict herewith are rescinded to the extent of such conflict.

This the 2nd day of May, 1951.

ALCOHOLIC BEVERAGE CONTROL BOARD


GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:

261
2/27
DAVIESS
ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 321

August 24, 1951

The State Alcoholic Beverage Control Board met in Executive Session in its offices on Friday, August 24, 1951, members being present: Honorable Guy C. Shearer, Chairman, and Honorable Julian G. Elliott, Member. Honorable Guy C. Shearer, Chairman, talked by telephone to Honorable John E. Kirksey, Member. At said meeting, the Board adopted Regulation LCS-105, Limit on Retail Liquor Licenses, a copy of which is to be filed with the Secretary of State. The said regulation provides as follows:

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 308

May 2, 1951

The State Alcoholic Beverage Control Board met in Executive Session in its offices on Wednesday, May 2, 1951, members being present: Honorable Guy C. Shearer, Chairman, and Honorable Julian G. Elliott, Member. Honorable Guy C. Shearer, Chairman, talked by telephone to Honorable John E. Kirksey, Member. At said meeting, the Board adopted regulation LCS-99, Limit on Retail Liquor Licenses, a copy of which is to be filed with the Secretary of State. The said regulation provides as follows:

LCS-99

Re: Limit on Retail Liquor Licenses

K. R. S. 241.060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241.060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, the General Assembly of the Commonwealth of Kentucky passed a new Local Option Law (HB-197) at the 1948 General Assembly, and

WHEREAS, the new Local Option Law establishes all cities of the first four classes as separate units under the law, and

WHEREAS, the present Alcoholic Beverage Control Board has had its records of Distilled Spirits Licenses for the County of Daviess checked and rechecked to ascertain the exact number of such licenses that had been issued and renewed in said county, and

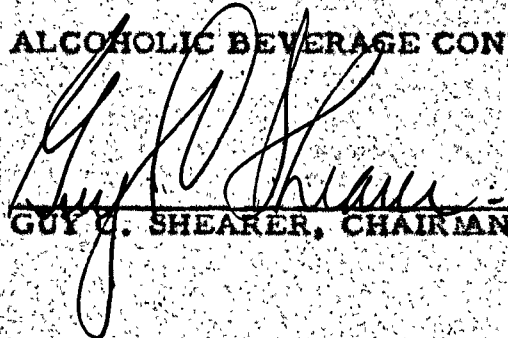
WHEREAS, the Board having carefully considered the number of licenses now outstanding in the county of Daviess, and having received information concerning these licenses through its field agents and representatives, and after having carefully studied the population, the location and area in which said licensed premises are located;

IT IS, THEREFORE, ORDERED that the existing quota for Retail Package Distilled Spirits Licenses for the County of Davless, Kentucky, be, and the same is hereby raised from thirty-five (35) to thirty-six (36) licenses.

Any and all regulations in conflict herewith are rescinded to the extent of such conflict.

This the 2nd day of May, 1951.

ALCOHOLIC BEVERAGE CONTROL BOARD


GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:

A. E. FUNK
THE ATTORNEY GENERAL

BY: 
ASSISTANT ATTORNEY GENERAL

Mr. Elliott

Order of the Fiscal Court
Daviness County

ORDER NO. 257

Special Term of the Daviess County Fiscal Court,
held at the Court House in the City of Owensboro, Kentucky
on this the 17th day of August, 1948.

Present: Hon. F. A. Roby, County Judge Pro Tem of
Daviess County and the following commissioners: W. A. Baird,
T. B. Birkhead and Richard Thompson.

WHEREAS, the problem of effective control and administration
increased as the number of retail beer outlets and licenses are increased,

WHEREAS, the limitation in the number of beer outlets and
licenses is an effective tool in enforcing the provisions of the Alcoholic
Beverage Control Law and the Laws of the Commonwealth of Kentucky
as a whole, and

WHEREAS, the limiting of the number of retail outlets and
licenses for the sale of beer at retail in Daviess County has been ap-
proved by the Daviess County Alcoholic Beverage Administration;

THEREFORE, on motion of T. B. Birkhead, seconded by
William Baird and all the Commissioners concurring therein, the
Alcoholic Beverage Control Administrator for Daviess County, is
ordered and directed not to issue for Daviess County outside the cor-
porate limits of the City of Owensboro Retail Beer Licenses for more
than thirty (30) retail beer outlets.

F. A. Roby, Pro Tem Judge

Ord. # 256
By [Signature]

Special Term of the Daviess County Fiscal Court, held at the Court House in the City of Owensboro, Kentucky, on this the 17th day of August, 1948.

Present: Hon. F. A. Roby, County Judge Pro Tem of Daviess County and the following commissioners: W. A. Baird, T. B. Birkhead and Richard Thompson.

WHEREAS, the problem of effective control and administration increased as the number of places which sell package liquor, liquor by the drink and combination package and drink are increased, and

WHEREAS, the limitation in the number of package licenses, drink licenses and package and drink licenses is an effective tool in enforcing the provisions of the Alcoholic Beverage Control Law and the Laws of the Commonwealth of Kentucky as a whole, and

WHEREAS, the limiting of the number of liquor or retail outlets both for package only, drink only and by package and drink combination, has been approved by the Daviess County Alcoholic Beverage Administrator;

THEREFORE, on motion of Richard Thompson, seconded by T. B. Birkhead, and all the Commissioners concurring therein, the Daviess County Alcoholic Beverage Administrator is ordered and directed not to issue more than the following licenses for the sale of whiskey and wine in Daviess County outside the city of Owensboro:

- 2- Licenses for the sale by drink and package
- 1- License for the sale by package only
- 3- Licenses for the sale by drink only.

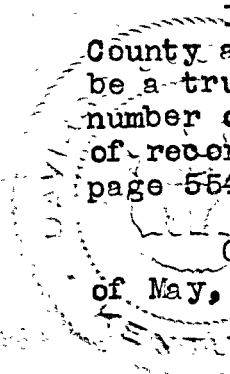
F. A. Roby, Pro Tem Judge

STATE OF KENTUCKY
COUNTY OF DAVIESS, Sct.

I, Katherine Griffin, County Court Clerk in and for the County and State aforesaid, do hereby certify the foregoing to be a true copy of order of Daviess County Fiscal Court, in Re: number of Alcoholic Licenses in Daviess County, Etc., as appears of record in my said office in Fiscal Court Order Book No. 15 at page 554.

Given under my hand and seal of Court, this the 31st day of May, 1950.

Katherine Griffin, Clerk
By [Signature] D.C.



Ord. 257

Special Term of the Daviess County Fiscal Court, held at the Court House in the City of Owensboro, Kentucky on this the 17th day of August, 1948.

Present; Hon. F. A. Roby, County Judge Pro Tem of Daviess County and the following commissioners; W. A. Baird T. B. Birkhead and Richard Thompson.

WHEREAS, the problem of effective control and administration increased as the number of retail beer outlets and licenses are increased,

Whereas, the limitation in the number of beer outlets and licenses is an effective tool in enforcing the provisions of the Alcoholic Beverage Control Law and the Laws of the Commonwealth of Kentucky as a whole, and

WHEREAS, the limiting of the number of retail outlets and licenses for the sale of beer at retail in Daviess County has been approved by the Daviess County Alcoholic Beverage Administration;

THEREFORE, on motion of T. B. Birkhead, seconded by William Baird and all the Commissioners concurring therein, the Alcoholic Beverage Control Administrator for Daviess County, is ordered and directed not to issue for Daviess County outside the corporate limits of the City of Owensboro Retail Beer Licenses for more than thirty (30) retail beer outlets.

F. A. Roby, Pro Tem Judge

STATE OF KENTUCKY

COUNTY OF DAVIESS, Sct.

I, Katherine Griffin, County Court Clerk in

ALCOHOLIC BEVERAGE CONTROL BOARD

Superseded
Should be 246
ORDER NO. 247

December 29, 1949

The State Alcoholic Beverage Control Board met in executive session in its offices on December 28, 1949, and amended Regulation LCS-24, insofar as it pertains to the county of Daviess, all members being present: Honorable Guy C. Shearer, Chairman, Honorable Thomas J. Hennessy and Honorable Julian G. Elliott, Members. The said Regulation provides as follows:

LCS-58
Re: Limit on Retail Liquor Licenses
KRS 241.060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241.060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, the General Assembly of the Commonwealth of Kentucky passed a new Local Option Law (HB-197) at the 1948 General Assembly, and

WHEREAS, the new Local Option Law establishes all cities of the first four classes as separate units under the law, and

WHEREAS, the present Alcoholic Beverage Control Board has had its records of Distilled Spirits Licenses for the County of Daviess checked and rechecked to ascertain the exact number of such licenses that had been issued and renewed in said county, and

WHEREAS, the Board having carefully considered the number of licenses now outstanding in the county of Daviess, and having received information concerning these licenses through its field agents and representatives, and after having carefully studied the population, the location and area in which said licensed premises are located;

IT IS, THEREFORE, ORDERED that the existing quota for Retail Drink Distilled Spirits Licenses for Daviess County, Kentucky, be, and the same is hereby

raised from twenty-four (24) to twenty-eight (28),
and

IT IS FURTHER ORDERED that the existing quota for
Retail Package Distilled Spirits Licenses for Daviess
County, Kentucky, be, and the same is hereby raised
from thirty-one (31) to thirty-five (35).

Any and all regulations in conflict herewith are
rescinded to the extent of such conflict.

This the 28th day of December, 1949.

ALCOHOLIC BEVERAGE CONTROL BOARD


GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:

A. E. FUNK,
THE ATTORNEY GENERAL

BY:


WILLIAM F. SIMPSON
ASSISTANT ATTORNEY GENERAL

Special Term of the Daviess County Fiscal Court, held at the Court House in the City of Owensboro, Kentucky on this the 17th day of August, 1948.

Present: Hon. F. A. Roby, County Judge Pro Tem of Daviess County and the following Commissioners: W. A. Baird, T. B. Birkhead and Richard Thompson.

WHEREAS, the problem of effective control and administration increases as the number of places which sell package liquor, liquor by the drink and combination package and drink are increased, and

WHEREAS, the limitation in the number of package licenses, drink licenses and package and drink licenses is an effective tool in enforcing the provisions of the Alcoholic Beverage Control Law and the Laws of the Commonwealth of Kentucky as a whole, and

WHEREAS, the limiting of the number of liquor or retail outlets both for package only, drink only and package and drink combination, has been approved by the Daviess County Alcoholic Beverage Administrator;

THEREFORE, on motion of Richard Thompson, seconded by T. B. Birkhead, and all the Commissioners concurring therein, the Daviess County Alcoholic Beverage Administration is ordered and directed not to issue more than the following licenses for the sale of whiskey and wine in Daviess County outside the city of Owensboro:

- 2- Licenses for the sale by drink and package
- 1 -License for the sale by package only.
- 3- Licenses for the sale by drink only.

STATE OF KENTUCKY
COUNTY OF DAVIESS, Sct.

I, Katherine Griffin, County Court Clerk in and for the County and State aforesaid, do hereby certify the foregoing to be a true copy of order of Daviess County Fiscal Court as appears of record in my said office in Fiscal Court Order Book No. 15 at page 554.

Special Term of the Daviess County Fiscal Court, held at the Court House in the City of Owensboro, Kentucky on this the 17th day of August, 1948.

Present: Hon. F. A. Roby, County Judge Pro Tem of Daviess County and the following Commissioners: W. A. Baird, T. B. Birkhead and Richard Thompson.

Whereas, the problem of effective control and administration increases as the number of retail beer outlets and licenses are increased,

Whereas, the limitation in the number of beer outlets and licenses is an effective tool in enforcing the provisions of the Alcoholic Beverage Control Law and the Laws of the Commonwealth of Kentucky as a whole, and

Whereas, the limiting of the number of retail outlets and licenses for the sale of beer at retail in Daviess County has been approved by the Daviess County Alcoholic Beverage Administration;

Therefore, on motion of T. B. Birkhead, seconded by William Baird and all of the Commissioners concurring therein, the Alcoholic Beverage Control Administrator for Daviess County, is ordered and directed not to issue for Daviess County outside the corporate limits of the City of Owensboro Retail Beer Licenses for more than thirty (30) retail beer outlets.

F. A. Roby, Judge Pro Tem.

STATE OF KENTUCKY
COUNTY OF DAVIESS, Sct.

I, Katherine Griffin, County Court Clerk in and for the County and State aforesaid, do hereby certify the foregoing to be a true copy of Daviess County Fiscal Court order as appears of record in my Office in Fiscal Court Order Book No. 15 at page 554.

RECEIVED

JUN 9 1948

DEPT. OF ALCOHOLIC

SPECIAL TERM of the ^{REV. CONTROL} Daviess County Fiscal Court, held at the Court House in the City of Owensboro, Kentucky, on this the 15th day of May, 1948.

Present: Hon. J. E. Long, County Judge, and the following Commissioners: Richard Thompson, Noel Magruder and T. B. Birkhead.

On the motion of Commissioner Magruder seconded by Commissioner Thompson and the whole court concurring therein, it is ordered that the County License fee for selling liquor by the package or drink or both and for selling beer, be, and the same is hereby fixed as follows: The license fee to sell liquor by the package or drink where only one license is issued shall be Five Hundred (\$500.00) Dollars, but where license is issued to sell by drink and by the package to the same licensee at the same location, the license fee for both licenses shall be (\$800.00) EIGHT HUNDRED DOLLARS per year, or \$500.00 for the first license and \$300.00 for the other license issued, and the license for selling beer shall be Fifty (\$50.00) DOLLARS.

J. E. Long, Judge

STATE OF KENTUCKY
COUNTY OF DAVIESS, Sct.

I, Katherine Griffin, County Court Clerk in and for Daviess County, Kentucky, do hereby certify the foregoing to be a true copy of order of Daviess County Fiscal Court, fixing license fee for the sale of Alcoholic and Malt Beverages, as appears of record in my said office in Fiscal Court Order Book No. 15 at page 211.

Given under my hand and seal of Court, this the 8th day of May, 1948.

Katherine Griffin, Clerk

By E. J. Calhoun D.C.

