

CHAPTER 115: ALCOHOLIC BEVERAGES

Section

General Provisions

- 115.01 Adoption of statutes
- 115.02 License required
- 115.03 Application procedure
- 115.04 License restrictions
- 115.05 Posting of license
- 115.06 Conduct
- 115.07 Revocation of license
- 115.08 Refund of license fee
- 115.09 Closing hours

Mandatory Responsible Beverage Service Training

- 115.20 Mandatory responsible beverage service training
- 115.21 Licensees
- 115.22 Required information and signage to assist the trained servers and sellers
- 115.23 Seller/Server Training Agency

- 115.99 Penalty

Cross-reference:

- Alcoholic beverage licenses, see § 111.38*
- Drinking alcohol; public drunkenness, see § 131.01*
- License expiration; fee reduction, see § 111.39*
- Purchase of used beverage bottles, see § 111.02*

Statutory reference:

- Alcoholic beverages, see KRS 241 through 244*

GENERAL PROVISIONS

§ 115.01 ADOPTION OF STATUTES.

The provisions of KRS Chs. 241, 243 and 244 and also all acts amendatory thereto and supplementary thereof relating to the manufacture, sale, transportation, possession or other disposition

of alcoholic beverages are adopted so far as the same may be applicable or unless otherwise provided by ordinance.

('70 Code, § 5.12.010)

§ 115.02 LICENSE REQUIRED.

No person, firm or corporation shall sell, deal or traffic for the purpose of evading the statutes or ordinances, give intoxicating liquors without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable thereto.

('70 Code, § 5.12.020)

§ 115.03 APPLICATION PROCEDURE.

Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of the corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will, in their opinion, comply with the law and the ordinances in the conduct of the proposed business.

('70 Code, § 5.12.030)

§ 115.04 LICENSE RESTRICTIONS.

No license shall be granted to any person or persons not of good moral character and a full citizen of the country and state; nor shall any license be issued to any person who has habitually been a petty law offender. No license shall be granted to any person under 21 years of age.

('70 Code, § 5.12.040) (Ord. 26-66, 1966, passed - -66)

§ 115.05 POSTING OF LICENSE.

Every license and permit issued pursuant hereto shall be posted while in force in a conspicuous place in the room or place where intoxicating liquors are kept for sale.

('70 Code, § 5.12.050)

§ 115.06 CONDUCT.

Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct, gambling or any violation of the law whatever shall be allowed at any time on any licensed premises.
(‘70 Code, § 5.12.060)

§ 115.07 REVOCATION OF LICENSE.

A violation hereof by a duly authorized agent or employee of a licensee or permit holder shall constitute a violation of the licensee or permit holder, and whenever the holder of any license or permit shall violate any portion hereof or any regulation adopted pursuant thereto, the Board of Commissioners of the city shall cancel or revoke the license.
(‘70 Code, § 5.12.070)

§ 115.08 REFUND OF LICENSE FEE.

Where a licensed liquor dealer of the city fails to procure his or her state license or under the statutes is unable to procure the license, then the City Finance Director is authorized and directed to refund the regulatory license fee to the unsuccessful licensee.
(‘70 Code, § 5.12.090)

§ 115.09 CLOSING HOURS.

(A) Pursuant to the delegation of authority contained in KRS 244.290 and 244.480, premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on a Sunday between the hours of 1:00 a.m. to 6:00 a.m. prevailing time of the following Monday provided, however;

(1) Restaurants which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least 50% or more of their gross annual income from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time, and;

(2) Hotels or motels which have dining facilities and which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least 50% or more of their gross annual income from the dining facilities from the sale of food may

remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time.

(3) (a) Private clubs which have been granted all appropriate licenses for the sale of malt beverages and which:

- (i) Have dining facilities with a minimum seating capacity of 100 people at tables; and
- (ii) Are nonprofit, eleemosynary organizations with a membership of at least 200; and
- (iii) Have been in existence for a period of at least two years;

(b) Shall be permitted to remain open and to sell distilled spirits, beer or malt beverages and wine by the drink from 1:00 p.m. until 9:00 p.m. on Sundays.

(4) Premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail shall be allowed to remain open on Sundays falling on December 31 from 1:00 p.m. to 2:00 a.m. on the following Monday.

('70 Code, § 5.12.100) (Ord. 6-74, 1974, passed 3-11-74; Am. Ord. 34, 2000, passed 12-11-00; Am. Ord. 22, 2003, passed 10-20-03; Am. Ord. 26, 2005, passed 11-28-05; Am. Ord. 23, 2006, passed 9-25-06; Am. Ord. 17, 2014, passed 9-22-14)

MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

§ 115.20 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

All persons employed in the selling and serving of alcoholic beverages in the city shall participate in a city approved responsible beverage service training program. For a responsible beverage service training program to be approved by the city, it must effectively train its participants in the identification of false age documentation and recognition of characteristics of intoxication. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this subchapter.

(Ord. 22, 2007, passed 6-25-07)

§ 115.21 LICENSEES.

(A) All entities located or doing business in the city and who are licensed to sell alcohol by the drink or otherwise, pursuant to city ordinance, shall show proof as a condition prerequisite for the issuance

of the license to sell alcoholic beverages that those employees whose job duties include the sale or service of alcoholic beverages or the management of premises on which alcoholic beverages are served have completed a responsible beverage service training from a program approved by the city. This subchapter shall not apply to manufacturers of alcoholic beverages as this term is defined in KRS 241.010(30) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(B) All employees of those persons or entities licensed under city ordinance for the sale of alcoholic beverages shall complete responsible beverage service training from a program approved by the city and show proof that all employees whose job duties include the sale or service of alcoholic beverages or the management of premises on which alcoholic beverages are served have completed a responsible beverage service training from a program approved by the city.

(C) All entities licensed under city ordinance for the sale of alcoholic beverages shall designate a person who, on behalf of the entity, shall complete responsible beverage service training from a program approved by the city. The person designated must have the authority to implement or amend the licensee's on-premise practices for selling and serving alcohol.

(D) All persons required to complete training under divisions (A), (B) and (C) above, shall complete the required training within 45 days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the city not less than once every three years thereafter.

(E) All persons or entities licensed under city ordinance for the sale of alcoholic beverages in the city shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered to complete a city approved responsible beverage service training class according to the provisions of this subchapter.

(Ord. 22, 2007, passed 6-25-07)

§ 115.22 REQUIRED INFORMATION AND SIGNAGE TO ASSIST THE TRAINED SERVERS AND SELLERS.

(A) *Driver's license guide and compilation of laws.* The licensee shall maintain the following information on the premises, in a location accessible at all times to all employees of the licensed establishment.

(1) A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five years prior to the present date; and

(2) A current compilation of the laws relating to the sale and possession of alcoholic beverages in Kentucky. This compilation must also include a copy of this subchapter.

(B) *Signage.* The licensee shall maintain on the premises current signage related to underage consumption of alcoholic beverages and to driving under the influence of alcohol. One sign must be located behind the counter/bar and, for establishments serving alcoholic beverages in rooms other than the room in which the counter/bar is located, at least one additional sign must be located in an area visible to the patrons of the establishment. The sign(s) must have dimensions of at least one foot by one foot with letters at least 1/2-inch in height. All signs must be comfortably readable from a distance of 15 feet.

(C) *Personnel certification records.* Each licensee shall maintain a file on its business premises for each person whose job duties include the sale or service of alcoholic beverages or are responsible for management of premises on which alcoholic beverages are served and for whom training is required under this subchapter. That file shall contain the name, job description, date of employment and proof of certification pursuant to this subchapter of each employee, officer and agent subject to the training requirement provided in this subchapter. During business hours, this file shall be available to the person or persons designated by the City Manager with responsibility for enforcement of this and other ordinances relating to the licensing of premises for the sale of alcoholic beverages.

(Ord. 22, 2007, passed 6-25-07)

§ 115.23 SELLER/SERVER TRAINING AGENCY.

(A) *Training program.* Licensees and servers shall participate in a training program with an approved responsible beverage service training agency, selected and approved by the city.

(B) *Compensation.* The approved training agencies shall not be compensated or otherwise reimbursed by the city. The training agencies shall recover costs and profit through fees collected from those participating in the training program or from the licensees.

(C) *Training.* The approved training agencies shall certify the qualifications of all required participants as required by this subchapter. All new employees, officers or agents shall complete the training within 45 days following their hiring or other event which subjects that person to the training requirement. New employees, officers or agents failing to complete the training within the prescribed time shall not work on the premises after the expiration of that period until they have successfully completed such training.

(D) *Standards for certification.* The training agency must reasonably instruct upon and certify the participants' competence in at least the following:

- (1) Pertinent laws and ordinances regarding the sale of alcohol;

(2) Verification of age, forms of identification and usual methods of false or misleading age identification;

(3) The effect of alcohol on humans and the physiology of alcohol intoxication;

(4) Recognition of the signs of intoxication;

(5) Strategies for intervention and prevention of underage and intoxicated persons from consuming alcohol,

(6) The licensee's policies and guidelines, including the employee's role in observing those policies; and

(7) Potential liability of persons serving alcohol;

(E) *Qualifications for training agencies.* The training agency shall have a minimum of two years actual experience in responsible beverage service and alcohol awareness training. Each instructor shall be certified to teach his or her subject matter.

(F) *Personnel and physical resources.* The training agencies shall have sufficient personnel and physical resources to provide responsible beverage service training course to newly hired employees, officers and agents as required by this subchapter.
(Ord. 22, 2007, passed 6-25-07)

§ 115.99 PENALTY.

(A) For violation of any of the provisions hereof, the licensee shall be deemed guilty of a misdemeanor and for each offense shall be fined not less than \$100 nor more than \$500, 30 days imprisonment or both the fine and imprisonment, and it shall be the duty of the Police Court so finding the violation to notify the Board of Commissioners whereupon the license theretofore issued by the city shall upon notice be forfeited.

(B) (1) The Office of the City Manager, or his or her designee, is charged with primary responsibility for enforcement of §§ 115.20 through 115.23.

(2) Penalties for violation of §§ 115.20 through 115.23 shall be assessed against the person or entity holding a license for the sale of alcoholic beverage under the Kentucky Revised Statute and a license issued by the city. The individual employee shall not be civilly or criminally liable for violations of §§ 115.20 through 115.23, but shall be liable for other violations as set forth in the Kentucky Revised Statutes addressing alcohol sales. The penalties assessed against the licensee for violations of §§ 115.20 through 115.23 are as follows:

Frankfort - Business Regulations

(a) For the first violation within a two year period, suspension of the licensee's city liquor license for a period of up to ten days and a fine of not less than \$100 nor more than \$250.

(b) For the second or subsequent violation within a two year period, a suspension of the licensee's city liquor license for a period of 30 days and a fine of not less than \$250 nor more than \$500. ('70 Code, § 5.12.080) (Ord. 22, 2007, passed 6-25-07)

(G) *Transmission of copy to Commonwealth.* The Finance Director is hereby directed to transmit a copy of the ordinance [Ordinance No. 11-89] from which this section is derived, and any amendment thereto, to the Commissioner of Insurance, Commonwealth of Kentucky.
(Ord. No. 25-84, §§ 1-5, 10-22-84; Ord. No. 11-89, 5-1-89; Am. Ord. 1, 2007, passed 1-22-07)

§ 111.38 FURNITURE AUCTIONEERS.

Any person, firm or corporation engaged in the business of auctioning off furniture in the city and owning or leasing any property for the purposes of carrying on the business shall pay an annual license fee of \$50.

('70 Code, § 5.08.240) (Ord. 3-66, 1966, passed - -66)

§ 111.39 MODELING BUSINESSES.

Every person, corporation or other legal entity who engages in the business of providing, obtaining or attempting to obtain training or employment for models shall pay an annual license fee of \$100.
(Ord. 12, 2000, passed 3-27-00)

§ 111.40 ALCOHOLIC BEVERAGE LICENSES.

(A) The legislative body of the city hereby finds that the business or occupation of selling alcoholic beverages, either wholesale or retail, is of a nature as to require special regulations and supervisions and special license provisions.

(B) Therefore, the following license fees for each place of business falling into one of the following categories is hereby imposed upon that business exclusive of all other business license fees including occupation and business license fees:

- (1) Wholesaler's license: \$200.
- (2) Quota retail package license: \$500.
- (3) Quota retail drink license: \$500.
- (4) NQ-3 Retail drink license: \$300.
- (5) Distributor's license: \$200.
- (6) NQ Retail Malt Beverage Package license: \$75.

Regulatory Licenses

32A

- (7) NQ-4 Retail Malt Beverage Drink License: \$75.
- (8) NQ-2 Retail Drink license: \$575.
- (9) Caterer's license: \$250.
- (10) NQ-1 Retail Drink license: \$1,000.
- (11) Special temporary license: \$125.
- (12) Special Sunday Retail Drink license (wine and distilled spirits only): \$300.
- (13) Distiller's license: \$250.
- (14) Rectifier's license: \$1,500.
- (15) Brewer's license: \$250.
- (16) Microbrewery license: \$250.
- (17) Brew-On-Premises license: \$50.
- (18) Bottle House/Bottle House Storage license: \$500.
- (19) The holder of a nonquota (NQ) retail malt beverage package license may obtain a NQ-4 malt beverage drink license for a fee of \$50. The holder of a NQ-4 malt beverage drink license may obtain a nonquota (NQ) retail malt beverage package license for a fee of \$50.
(‘70 Code, § 5.08.250) (Ord. 30-64, 1964, passed - -64; Am. Ord. 4-77, 1977, passed 2-14-77; Am. Ord. 23-78, 1978, passed 6-12-78; Am. Ord. 10, 2000, passed 2-28-00; Am. Ord. 14, 2006, passed 7-24-06; Am. Ord. 12, 2014, passed 7-28-14; Am. Ord. 17, 2014, passed 9-22-14; Am. Ord. 16, 2015, passed 10-26-15)

§ 111.46 TRANSFER OF LICENSES; REVOCATION.

(A) All licenses may by the consent of the Board of Commissioners, entered of record, be transferred from one place to another to which the business authorized may actually be removed.

(B) (1) The Board of Commissioners shall have the right to revoke the license of any person, firm or corporation who violates any portion of this chapter, or who shall be found guilty in any court of competent jurisdiction of violation of any law, state, federal or municipal prohibiting the illicit sale, transportation of, or having in possession intoxicating liquors of any kind.

(2) The revocation to be made by resolution of the Board of Commissioners upon the filing by the City Solicitor with the City Clerk an authenticated copy of the judgment of conviction.

(C) No license shall be issued to any person, firm or partnership unless the licensee or transferee be a person or persons of good moral character or to any corporation unless the officers are of good character. If the Director of Finance is in doubt as to the moral character of persons seeking license to do business, he or she shall refer the same to the Board of Commissioners and the Chief of Police.
(‘70 Code, § 5.08.310)

§ 111.47 TEMPORARY MOTOR VEHICLE SALES AND DISPLAYS.

That off-site temporary motor vehicle sales or display events are permitted within the corporate limits of the city upon the following conditions:

(A) The motor vehicle dealer shall hold a valid business license to sell motor vehicles within the corporate limits of the city or hold a valid city Itinerant Merchants License;

(B) The motor vehicle dealer shall comply with all city planning and building codes requirements and ensure that the site for the temporary motor vehicle sales or display shall be in compliance with all applicable city requirements and standards, including the requirement that the site of the temporary sale must be properly zoned to allow for this commercial use;

(C) The site and the motor vehicle dealer shall comply with all proper business regulations and requirements, including advertising the sale as temporary in nature and the sale shall consist of a representative sampling of the inventory of each participating licensed motor vehicle dealer;

(D) The motor vehicle dealer shall submit to the City Planning and Building Codes Department an application to obtain a permit to hold a temporary sale or display of motor vehicles off its permanent site and obtain the permit before holding a temporary sale or display.

(E) No motor vehicle dealer shall be limited from selling or distributing motor vehicles at a temporary sale within the corporate city limits provided the above conditions and requirements have been met.

(Ord. 19, 2004, passed 10-18-04)

§ 111.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person, firm or corporation violating the provisions of § 111.02 shall be deemed guilty of a misdemeanor, each day of failure to comply with the section being deemed a separate offense, and fined not less than \$100 nor more than \$500 in the discretion of the court. ('70 Code, § 5.24.010)

(C) Any person, firm or corporation violating § 111.02 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be subject to a fine of not less than \$100, nor more than \$500. Each sale shall constitute a separate offense. ('70 Code, § 5.24.020)

(D) Any person, firm or corporation who violates the provisions of § 111.03 shall be deemed guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense. ('70 Code, § 5.24.030)

(E) Any person, firm or corporation violating any provision of § 111.04 shall be guilty of a misdemeanor and upon conviction thereof shall, for each offense, be fined not less than \$100 nor more than \$500. ('70 Code, § 5.24.040) (Ord. 18-78, passed 5-8-78)

(F) Every person failing to make or cause to be made any report, as required in § 111.05, shall upon conviction be fined not less than \$100 or more than \$500 for each offense. ('70 Code, § 5.24.050)

(G) (1) Any person, firm or corporation who shall engage in any business, trade, occupation or calling or shall exercise any privilege, for which a license is required under this chapter, without having first procured the license and paid the tax thereon, shall be fined not less than \$100 nor more than \$500 for each offense.

(2) For any violation of any section or part of a section of this chapter not otherwise herein provided wherein the state statutes prescribe a penalty therefor, for each violation the same penalty shall attach to this chapter as is prescribed by the statutes.

(3) For each and every violation of this chapter or any section or part of a section thereof, for the violation of which no other penalty is prescribed, the offender shall be fined in any sum from \$100 to \$500 and each day (of 24 hours) that any violation shall be carried on or continued shall constitute a separate offense.

(4) Any person, firm or corporation being tried and convicted of any violation of this chapter shall not be exempt from paying the license as set out therein. ('70 Code, § 5.08.320)

(5) The city shall be entitled to obtain injunctive relief to prohibit any person or entity from conducting, or continuing to conduct, business within the city without first obtaining the required license.

(6) The city shall be entitled to recover its court costs and attorneys fees incurred in attempting to collect any fees due under this chapter, to obtain injunctive relief, or to enforce the provisions of this chapter.

ORDINANCE NO. ~~17~~, 2014 SERIES

AN ORDINANCE AMENDING FRANKFORT CODE OF ORDINANCES
CHAPTER 111, SECTION 111.40 AND CHAPTER 115, SECTION 115.09
CONCERNING ALCOHOLIC BEVERAGE SALES

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY, Frankfort Code of Ordinances Section 111.40 and Section 115.09 are hereby amended, pursuant to KRS Chapters 243 and 244, to state as follows:

111.40 ALCOHOLIC BEVERAGE LICENSES.

(A) The legislative body of the city hereby finds that the business or occupation of selling alcoholic beverages, either wholesale or retail, is of a nature as to require special regulations and supervisions and special license provisions.

(B) Therefore, the following license fees for each place of business falling into one of the following categories is hereby imposed upon that business exclusive of all other business license fees including occupation and business license fees:

- (1) Wholesaler's license: \$200.
- (2) Quota retail package license: \$500.
- (3) Quota retail drink license: \$500.
- (4) NQ - 3 Retail drink license: \$300.
- (5) Distributor's license: \$200.
- (6) NQ Retail Malt Beverage Package license: \$7525.
- (7) ~~NQ Retail Malt Beverage Drink license: \$25.~~
- (~~8~~) NQ - 4 Retail Malt Beverage Drink license: \$575.
- (~~8 9~~) NQ - 2 Retail Drink license: \$75.
- (~~9 10~~) Caterer's license: \$250.
- (~~10 11~~) NQ - 1 Retail Drink license: \$1,000.
- (~~11 12~~) Special temporary license: \$125.
- (~~12 13~~) Special Sunday Retail Drink license (wine and distilled spirits only). \$300

(13 14) Distiller's license: \$250.

(14 15) Rectifier's license: \$1,500.

(15 16) Brewers' license: \$250.

(16 17) Microbrewery license: \$250.

(17 18) Brew-On-Premises license: \$50.

(18 19) Bottle House/Bottle House Storage license: \$500.

115.09 CLOSING HOURS.

(A) Pursuant to the delegation of authority contained in KRS 244.290 and 244.480, premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on a Sunday between the hours of 1:00 a.m. to 6:00 a.m. prevailing time of the following Monday, ~~or at any time during which the polls are open for any regular, primary, school or special election,~~ provided, however;

(1) Restaurants which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least 50% or more of their gross annual income from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time, and;

(2) Hotels or motels which have dining facilities and which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least 50% or more of their gross annual income from the dining facilities from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time.

(3) (a) Private clubs which have been granted all appropriate licenses for the sale of malt beverages and which:

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

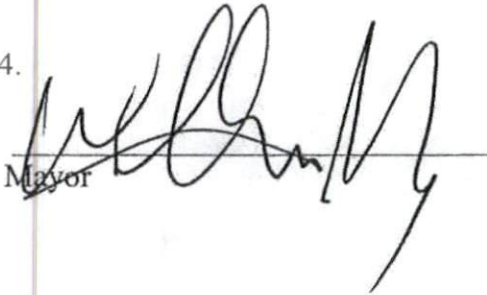
(ii) Are nonprofit, eleemosynary organizations with a membership of at least 200; and

(iii) Have been in existence for a period of at least two years;

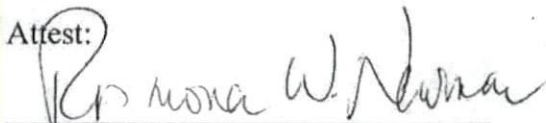
(b) Shall be permitted to remain open and to sell distilled spirits, beer or malt beverages and wine by the drink from 1:00 p.m. until 9:00 p.m. on Sundays.

(4) Premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail shall be allowed to remain open on Sundays falling on December 31 from 1:00 p.m. to 2:00 a.m. on the following Monday.

First Reading on the 18th day of August, 2014.
Final adoption on the 22nd day of September, 2014.



Mayor

Attest:


City Clerk

SUMMARY:

The purpose of this ordinance is to amend Section 111.40 of the City of Frankfort Code of Ordinances to add additional types of alcoholic beverage licenses consistent with state law, to add fees consistent with state law, and to delete the prohibition against selling alcoholic beverages while the polls are open.


City Solicitor

Published in full October 1, 2014.

4.3

SECOND READING: An Ordinance amending Frankfort Code of Ordinances Chapter 111, Section 111.40 and Chapter 115, Section 115.09 concerning alcoholic beverage sales.

Purpose: To amend Section 111.40 of the City of Frankfort Code of Ordinances to add additional types of alcoholic beverage licenses consistent with state law, to add fees consistent with state law, and to amend Section 115.09 to delete the provision prohibiting entities granted a license to sell distilled spirits, beer or malt beverages and wine at retail by the drink from selling such products at any time during which the polls are open for any regular, primary, school or special election.

Background: KRS 243.070 was amended to simplify the process of obtaining licenses to engage in the sale of alcoholic beverages. The amendments to KRS 243.070 revised the names of the types of licenses to be obtained by individuals or entities engaging in the sale of alcoholic beverages. The city is amending Section 111.40 to add the following types of licenses set forth in the Kentucky Revised Statutes with the reflected fees and to add fees consistent with state law: Special Sunday Retail Drink license (wine and distilled spirits only): \$300, Distiller's license: \$250, Rectifier's license: \$1,500, Brewers' license: \$250, Microbrewery license: \$250, Brew-On-Premises license: \$50, and Bottle House/Bottle House Storage license: \$500. Section 115.09 is also being amended to delete the provision prohibiting the sale of alcoholic beverages by properly licensed entities while the polls are open for any regular, primary, school or special election.

This Ordinance had its first reading on August 18, 2014.

Financial Analysis: There should be a minimal positive financial impact on the City of Frankfort.

Recommendation: Approval.

Attachment:

- Ordinance

Contact Person

Name: Steve Dawson
Title: Director
Department: Finance
Phone: 502/875-8500
Email: SDawson@Frankfort.ky.gov

SRD
9/24/14

Approved by Commission

9-22-14
Phonix Wintuma
City Clerk

cc - all Depts.

34

ORDINANCE NO. 33 2006 SERIESAN ORDINANCE AMENDING
FRANKFORT CODE OF ORDINANCES SECTION 115.09
TO PERMIT THE SALE OF ALCOHOLIC BEVERAGES ON NEW YEARS EVE

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY

That Frankfort Code of Ordinances Section 115.09 is hereby repealed, amended and readopted to read as follows:

115.09 Closing Hours

(A) Pursuant to the delegation of authority contained in KRS 244.290 and KRS 244.480, premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on Sunday between the hours of 1:00 a.m. and 6:00 a.m. prevailing time of the following Monday, or at any time during which the polls are open for any regular, primary, school or special election; provided, however;

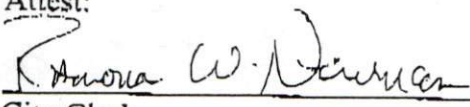
- (1) (a) restaurants which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least fifty percent (50%) or more of their gross annual income from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time, and
- (2) (a) hotels or motels which have dining facilities and which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time.
- (3) (a) private clubs which have been granted all appropriate licenses for the sale of distilled spirits, beer or malt beverages and wine which:
 - (i) Have dining facilities with a minimum seating capacity of 100 people at tables; and
 - (ii) Are non-profit, eleemosynary organizations with a membership of at least 200; and

- (iii) Have been in existence for a period of at least two years;
- (b) Shall be permitted to remain open and to sell distilled spirits, beer or malt beverages and wine by the drink from 1:00 p.m. until 9:00 p.m. on Sundays.
- (4) (a) Premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail shall be allowed to remain open on Sundays falling on December 31 from 1:00 p.m. to 2:00 a.m. on the following Monday.

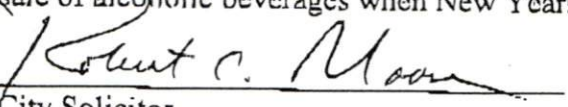
This reading on the 28th day of August, 2006.
This adoption on the 25th day of September, 2005.


Mayor

Attest:


City Clerk

Summary: This Ordinance amends Frankfort Code of Ordinances Section 115.09 to permit the sale of alcoholic beverages when New Years Eve falls on Sunday.


City Solicitor

Published on October 9, 2006

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3.4 **SECOND READING:** An Ordinance amending Frankfort Code of Ordinances Section 115.09 to permit the sale of alcoholic beverages on New Years Eve.

Purpose: To permit the sale of alcoholic beverages on New Years Eve when the holiday falls on a Sunday.

Background: Representatives from the Franklin County Women's Shelter approached the City about extending hours during which alcohol can be sold when New Years Eve falls on a Sunday. They are planning a fundraising gala and requested that the hours be extended to accommodate this event, which will be held from 8:00 p.m. to 2:00 a.m.

This Ordinance had its first reading on August 28, 2006.

Recommendation: Approval

Attachments:

- Ordinance
- Letter from Franklin County Women's Shelter

Contact Person:

Name:	Tony Massey
Title:	City Manager
Department:	City Manager
Phone:	502/875-8500
E-Mail:	Amassey@fewpb.com

Approved by Commission

9-25-06

Camona W. Newman
City Clerk

cc - All Departments

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ALCOHOLIC
BEVERAGE CONTROL

2007 JAN 12 A 9:55

ORDINANCE NO. 44, 2005 SERIES

AN ORDINANCE AMENDING
FRANKFORT CODE OF ORDINANCES SECTION 115.09
TO PERMIT THE SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES
AND WINE BY THE DRINK
BY CERTAIN HOTELS, MOTELS AND RESTAURANTS

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY

That Frankfort Code of Ordinances Section 115.09 is hereby repealed, amended and readopted to read as follows:

115.09 Closing Hours

Pursuant to the delegation of authority contained in KRS 244.90 and KRS 244.480, premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on Sunday between the hours of 1:00 a.m. and 6:00 a.m. prevailing time of the following Monday, or at any time during which the polls are open for any regular, primary, school or special election; provided, however;

- (A) (1) restaurants which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least fifty percent (50%) or more of their gross annual income from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time, and
- (B) (1) hotels or motels which have dining facilities and which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time.
- (C) (1) private clubs which have been granted all appropriate licenses for the sale of distilled spirits, beer or malt beverages and wine which:
 - (a) Have dining facilities with a minimum seating capacity of 100 people at tables; and

(b) Are non-profit, eleemosynary organizations with a membership of at least 200; and

(c) Have been in existence for a period of at least two years;

(2) Shall be permitted to remain open and to sell distilled spirits, beer or malt beverages and wine by the drink from 1:00 p.m. until 9:00 p.m. on Sundays.

This reading on the 24th day of October, 2005.

This adoption on the 28th day of November, 2005.

William S. Myer
Mayor

Attest:

Ramon C. Newman
City Clerk

Summary: This Ordinance allows for the sale of distilled spirits, beer or malt beverages and wine by the drink by certain hotels, motels and restaurants that receive at least 50% of their gross annual income from the sale of food on Sundays between the hours of 1:00 p.m. and 10:00 p.m. prevailing time the following Monday, and the sale of distilled spirits, beer or malt beverages and wine by the drink at private clubs between the hours of 1:00 p.m. and 9:00 p.m. on Sunday.

Robert C. Moon
City Solicitor

published by summary December 2, 2005.

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ORDINANCE NO. 44, 2005 SERIES

ALCOHOLIC
BEVERAGE CONTROL

AN ORDINANCE AMENDING
FRANKFORT CODE OF ORDINANCES SECTION 115.09
TO PERMIT THE SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES
AND WINE BY THE DRINK
BY CERTAIN HOTELS, MOTELS AND RESTAURANTS

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY

That Frankfort Code of Ordinances Section 115.09 is hereby repealed, amended and readopted to read as follows:

115.09 Closing Hours

Pursuant to the delegation of authority contained in KRS 244.90 and KRS 244.480, premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail by the drink shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on Sunday between the hours of 1:00 a.m. and 6:00 a.m. prevailing time of the following Monday, or at any time during which the polls are open for any regular, primary, school or special election; provided, however;

- (A) (1) restaurants which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least fifty percent (50%) or more of their gross annual income from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time, and
- (B) (1) hotels or motels which have dining facilities and which have been granted all appropriate licenses for the sale of distilled spirits, beer, malt beverage or wine by the drink and which receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food may remain open and shall be permitted to sell distilled spirits, beer or malt beverages and wine by the drink on Sundays from 1:00 p.m. until 10:00 p.m. prevailing time.
- (C) (1) private clubs which have been granted all appropriate licenses for the sale of distilled spirits, beer or malt beverages and wine which:
 - (a) Have dining facilities with a minimum seating capacity of 100 people at tables; and

(b) Are non-profit, eleemosynary organizations with a membership of at least 200; and

(c) Have been in existence for a period of at least two years;

(2) Shall be permitted to remain open and to sell distilled spirits, beer or malt beverages and wine by the drink from 1:00 p.m. until 9:00 p.m. on Sundays.

This reading on the 24th day of October, 2005.

This adoption on the 28th day of November, 2005.

William D. Myer
Mayor

Attest:

Ramon C. Herrera
City Clerk

Summary: This Ordinance allows for the sale of distilled spirits, beer or malt beverages and wine by the drink by certain hotels, motels and restaurants that receive at least 50% of their gross annual income from the sale of food on Sundays between the hours of 1:00 p.m. and 10:00 p.m. prevailing time the following Monday, and the sale of distilled spirits, beer or malt beverages and wine by the drink at private clubs between the hours of 1:00 p.m. and 9:00 p.m. on Sunday.

Robert C. Moon
City Solicitor

ORDINANCE NO. 14
2002 SERIES

AN ORDINANCE RELATING TO THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES AND APPLICATION OF LICENSE FOR SUNDAY SALES FOR HOTELS, MOTELS, CONVENTION CENTERS AND RESTAURANTS, INCLUDING PRIVATE CLUBS WITHIN THE UNINCORPORATED AREA OF FRANKLIN COUNTY, KENTUCKY

BE IT ORDAINED BY THE FISCAL COURT OF COUNTY OF FRANKLIN, COMMONWEALTH OF KENTUCKY.

WHEREAS, on June 8, 1973, an order was issued that states "all places inside Franklin County but outside the corporate limits of the city of Frankfort, which are licensed for the sale of alcoholic beverages be permitted to be open for business only between the hours of 6:00 a.m. and 1:00 a.m. on each day except Saturday and Sunday, and that such places be required to close at 12:00 midnight Saturday nights and to remain closed until 6:00 a.m. on the following Monday morning. All times being eastern standard time. Pursuant to KRS 244.290," and

WHEREAS, pursuant to KRS 244.290 (4) a county containing a second-class city in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the fiscal court may, by ordinance, permit the sale of distilled spirits and, wine by the drink on Sunday from 1:00 p.m. until a designated closing hour at hotels, motels, or restaurants which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food, and

WHEREAS, pursuant to KRS 244.480 (3) a county containing a second-class city in which malt beverages may be sold within its jurisdictional boundaries under KRS Chapter 242 shall have the exclusive power to establish the times including Sunday.

NOW, THEREFORE, BE IT ORDAINED, THAT THE FOLLOWING ORDINANCE SHALL TAKE EFFECT AND BE IN FULL FORCE WHEN PASSED, PUBLISHED AND RECORDED ACCORDING TO LAW:

Section I. Closed times for retail premises.

Establishments located within Franklin County but outside the corporate limits of the city of Frankfort, which are licensed for sale of alcoholic beverages be permitted to be open for business only between the hours of 6:00 a.m. and 1:00 a.m. on each day except Saturday and Sunday and that such places be required to close at 12:00 midnight Saturday nights and to remain closed until 6:00 a.m. on the following Monday morning. All times being eastern standard time.

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Section II. Sunday Sales for Alcoholic Beverages.

Hotels, motels, convention centers, restaurants, and private clubs which are licensed for retail sale of malt beverages, distilled spirits, and wine, which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food may apply for a Sunday sale malt beverage, distilled spirits and wine retail drink license.

Any establishment for which there has been granted a Sunday sale license shall be permitted to sell on Sunday from 1:00 p.m. until 12:00 midnight. In any year in which December 31 (New Year's Eve) falls on a Sunday, the hours may be extended by one hour, beginning at 1:00 p.m. and ending at 1:00 a.m. Monday, January 1.

Section III. Procedure.

The limited Sunday drink licenses are issued only to those hotels, motels, inns, restaurants, and private clubs authorized to sell malt beverage, distilled spirits and wine retail drink under KRS 244.290 and 244.480 and the holders of those licenses must apply to the state administrator and meet all other local and legal requirements for obtaining a Sunday liquor by the drink license.

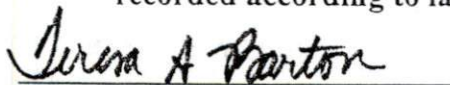
Section IV. Fee.

Pursuant to KRS 243.060 (g) the fee for a license in Franklin County shall be the maximum of \$300 per annum.

INTRODUCED AND GIVEN FIRST READING IN SUMMARY at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 21st Day of November, 2002.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 6th day of December, 2002, and of record in Fiscal Court Order Book 19, Page 146.

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



Teresa A. Barton
County Judge/Executive

ATTESTED TO:



Berry Hammermeister
Fiscal Court Clerk

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BEVERAGE CONTROL
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244.290 Closed times for retail premises -- Exception -- Sunday sales.

- (1) A premises that is licensed to sell distilled spirits or wine at retail shall not be permitted to remain open during the hours the polls are open on any regular or primary election day unless the licensee provides a separate locked department in which all stock of distilled spirits and wine are kept during the hours the polls are open.
- (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, 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 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 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.
- (5) In any county containing a city of the first class or in any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits administrator may issue a license to holders of a distilled spirits and wine retail drink quota license or a special private club license which permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.
- (6) Any city of the fourth class or county containing a city of the fourth class which has enacted a comprehensive, regulatory ordinance relating to the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink under KRS 242.185(1), may also regulate and provide for the limited sale of distilled spirits and wine by the drink on Sundays if:

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- (a) The limited Sunday drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 242.185(3); and
- (b) The holders of distilled spirits and wine retail drink licenses have applied to the state administrator and meet all other legal requirements for obtaining a limited Sunday liquor by the drink license.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 435, sec. 19, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 522, sec. 21, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 252, sec. 2, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 219, sec. 4, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 176, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 340, sec. 1, effective July 15, 1982; and ch. 411, sec. 2, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 335, sec. 4. -- Amended 1944 Ky. Acts ch. 154, sec. 27. -- Amended 1942 Ky. Acts ch. 168, secs. 7 and 16. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-179.

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BEVERAGE CONTROL

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244.480 Time when delivery and sale of malt beverages prohibited.

- (1) Except as provided in subsection (3) of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m. on any other day.
- (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 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 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.

Effective: July 15, 1998

History: Amended 1998 Ky. Acts ch. 522, sec. 24, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 252, sec. 3, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 411, sec. 3, effective July 15, 1982. -- Amended 1944 Ky. Acts ch. 154, sec. 28. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-207.

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BEVERAGE CONTROL
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243.060 County and consolidated local government licenses -- Kinds -- Fees.

- (1) The fiscal court of each county or a consolidated local government in which traffic in alcoholic beverages is not prohibited under KRS Chapter 242 may impose license fees for the privilege of trafficking in alcoholic beverages. These licenses may be issued by the county or consolidated local government administrator. The license fees shall not exceed the following:

(a) Retail package licenses, per annum:

1. In counties containing cities of the first class or a consolidated local government \$1,200.00
2. In counties containing cities of the second class \$1,000.00
3. In counties containing cities of the third class \$800.00
4. In counties containing cities of the fourth class \$600.00
5. In all other counties \$400.00

(b) Retail drink license, motel drink license, restaurant drink license, or supplemental bar license, per annum:

1. In counties containing cities of the first class or a consolidated local government \$1,600.00
2. In counties containing cities of the second class \$1,000.00
3. In counties containing cities of the third class \$800.00
4. In counties containing cities of the fourth class \$600.00

(c) Special temporary liquor license, per event:

1. In counties containing cities of the first class or a consolidated local government \$266.66
2. In counties containing cities of the second class \$166.66
3. In counties containing cities of the third class \$133.34
4. In counties containing cities of the fourth class \$100.00

(d) Restaurant wine license, per annum:

1. New applicants \$600.00
2. Applicants for renewal \$400.00

(e) Special temporary wine license, per event \$50.00

(f) Special private club license, per annum \$300.00

(g) Special Sunday retail drink license, per annum \$300.00

(h) Retail malt beverage license, per annum:

1. New applicants \$400.00
2. Applicants for renewal \$150.00

(i) Special temporary malt beverage license, per event \$25.00

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- (2) Any amount paid to any city within the county as a license fee for the same privilege for the same year may be credited against the county license fee.
- (3) If any part of this section is held invalid, all of this section and of KRS 243.600 shall also be considered invalid.

Effective: July 15, 2002

History: Amended 2002 Ky. Acts ch. 346, sec. 219, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 518, sec. 4, effective April 13, 1998. -- Amended 1978 Ky. Acts ch. 432, sec. 3, effective June 17, 1978. -- Amended 1972 Ky. Acts ch. 335, sec. 2. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 2554b-112, 2554b-221.

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ALCOHOLIC
BEVERAGE CONTROL

ORDINANCE NO. 34, 2000 SERIES

AN ORDINANCE AMENDING ORDINANCE NO. 6, 1974 SERIES,
AND FRANKFORT MUNICIPAL CODE SECTION 5.12.100
TO PERMIT THE SALE OF DISTILLED SPIRITS, BEER OR MALT BEVERAGES
AND WINE BY THE DRINK
BY CERTAIN HOTELS, MOTELS, AND RESTAURANTS
ON DECEMBER 31, 2000

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY,

That Ordinance No. 6, 1974 Series, and Frankfort Municipal Code Section 5.12.100 is hereby repealed, amended and readopted to read as follows:

5.12.100 Closing hours.

Pursuant to the delegation of authority contained in KRS, Section 244.290 and KRS 244.480, premises for which there has been granted a license for the sale of distilled spirits, beer or malt beverages and wine at retail shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on a Sunday between the hours of 1:00 a.m. to 6:00 a.m. prevailing time of the following Monday, or at any time during which the polls are open for any regular, primary, school, or special election, except as provided in said statute; provided, however, that on Sunday, December 31, 2000 from 1:00 p.m. until 2:00 a.m. on Monday, January 1, 2001, prevailing time, hotels, motels, or restaurants which have been granted all appropriate licenses for the sale of distilled spirits, beer or malt beverages and wine, and 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;

shall be permitted to remain open and to sell distilled spirits, beer or malt beverages and wine by the drink.

First ^{reading} ~~passage~~ on the 7 day of December, 2000.

Final adoption on the 11 day of December, 2000.


Mayor

ATTEST:


City Clerk

ORDINANCE NO. 10, 1999 SERIES

AN ORDINANCE PROVIDING FOR AND REGULATING OUTDOOR CAFÉ PERMITS
ON PUBLIC SIDEWALKS AND THE ST. CLAIR MALL

BE IT ORDAINED BY THE CITY OF FRANKFORT, KENTUCKY,

SECTION ONE. Definitions:

For the purpose of this ordinance, the following words shall have the meanings respectively ascribed in this section.

- (1) *Administrator*: The Director of Planning and Building Codes or his designee authorized to enforce this section.
- (2) *Encroachment*: Tables, umbrellas, chairs, and objects directly related to the business of food and refreshment service on the public right-of-way, sidewalk or common area on public property.
- (3) *Outdoor café*: The placing, locating, or permitting of the placing or locating of chairs, tables or other dining or cooking equipment, or offering service to patrons, on the right-of-way, such as sidewalks or upon the St. Clair Mall, adjacent to a business licensed to operate as an eating establishment where food and other refreshments are served.
- (4) *Permittee*: The recipient of an encroachment permit under the terms and provisions of this ordinance.
- (5) *Sidewalk*: That portion of the public right-of-way between the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for the use of pedestrians.

SECTION TWO. Permit, required

- (a) It shall be unlawful for any person to create, establish, operate, maintain or otherwise be engaged in the business of running an outdoor café upon the sidewalks or public property in the city unless he shall hold a currently valid permit issued under the terms of this ordinance;
- (b) Permits shall be issued only to validly licensed businesses that wish to provide service to its patrons or to locate tables and chairs or other objects directly related to their business of food and refreshment service on the public property immediately adjacent to their businesses; provided however, that no outdoor café permit shall be issued to any business which sells alcoholic beverages unless that business establishes that at least 60 percent of its gross revenue is derived from the sale of food and provided further that there shall be no service or consumption of alcoholic beverages within the permitted area prior to five o'clock p.m. local prevailing time, except during a "community or special event" during

which alcoholic beverages are being legally served on public property in the vicinity by other licensees prior to said time of day.

SECTION THREE. Permit application

- (a) Application for a permit shall be made at the Department of Planning and Building Codes in a form deemed appropriate by the administrator. Such application shall include, but not be limited to, the following information:
- (1) Name, home and business address, and telephone number of the applicant, and the name and address of the owner, if other than the applicant, of the business.
 - (2) Name, home address, and telephone number of a responsible person whom the City of Frankfort may notify or contact at any time concerning the applicant's encroachment.
 - (3) A copy of a valid business license to operate a business establishment adjacent to the public property which is the subject of the application.
 - (4) Proof of current liability insurance, issued by an insurance company licensed to do business in the Commonwealth of Kentucky, protecting the licensee and the City of Frankfort from all claims for damage to property and bodily injury, including death, which may arise from operation under or in connection with the encroachment permit. Such insurance shall name the City of Frankfort as an additional insured and shall provide that the policy shall not terminate or be canceled prior to the expiration date without thirty (30) days' advance written notice to the City of Frankfort. The policy shall be a minimum of one million dollars (\$1,000,000.00) or higher if deemed necessary by the City's Risk Manager.
 - (5) A sketch of the proposed location showing the layout and dimensions of the existing public and adjacent private property and showing the proposed location of tables, chairs, umbrellas and other objects within the encroachment area.
 - (6) Proof of any required ABC license(s), health permits or other permits for the business involved.
 - (7) A listing fully describing the proposed tables, chairs, umbrellas, or other objects directly related to the business.
- (b) Not later than fifteen (15) days after the filing of a completed application for a temporary encroachment permit, the applicant shall be notified by the administrator of the decision, on the issuance or denial of the permit. Upon issuance of the permit, an annual fee shall be due and payable to the City of Frankfort in the amount of fifty dollars (\$50.00).

This fee is in addition to the business license required for operation within the city. Only new permits shall be prorated on a monthly basis.

- (c) Upon written notice of failure to obtain a proper permit under this ordinance, application for

a permit must be made at the Department of Planning and Building Codes within forty-eight (48) hours. Failure to comply will result in appropriate legal action by the City.

SECTION FOUR. Prohibited conduct.

(a) No merchant, vendor, business or property owner shall:

- (1) Place any items for sale or other equipment, tables, or chairs on any portion of the public property other than contiguous to his existing place of business.
- (2) Block or restrict the passageway between the encroachment and curb lines to less than four (4) feet of unrestricted width or block the ingress/egress to any building. On the St. Clair Mall such encroachment shall be limited to 23 feet from the front property line of the business. In areas of congested pedestrian activity, the administrator is authorized to require a wider pedestrian path, as circumstances dictate. Also, no items shall be placed so as to block any driveway, crosswalk, bus stop, or counter service window.
- (3) Sublicense the encroachment area.
- (4) Place objects around the perimeter of an area occupied by tables and chairs which would have the effect of forming a physical or visual barrier unless otherwise required by the Kentucky Department of Alcoholic Beverage Control;
- (5) Use tables, chairs, umbrellas, or any other objects which are not authorized by the administrator;
- (6) Use umbrellas or other decorative material which is not fire retardant, pressure treated, or manufactured of fire resistant material;
- (7) Fail to secure permission of the landlord where a building has multiple occupants;
- (8) Operate without the insurance coverage specified;
- (9) Sound or permit the sounding of any device on the public property which produces a loud noise or upon or operate any loudspeaker, public address system, radio, sound amplifier, or similar device in violation of the noise ordinance;
- (10) Fail to pick up, remove and dispose of all trash or refuse left by the business on the public right-of-way;
- (11) Store, park, or leave any items overnight on any street or sidewalk except for tables and chairs which may be kept in the permitted area at the permittee's risk;
- (12) Store, park, or leave any vehicle, truck, or trailer within the encroachment area.

(b) The encroachment permit is a temporary license which may be denied, suspended, or revoked for any conduct which is contrary to the provisions of this section or for conduct of

the business in such a manner as to create a public nuisance, or constitute a danger to the operator's or public's health, safety, or welfare. No property right is created by this ordinance.

SECTION FIVE. Form and conditions of permits.

The permit shall be issued on a form deemed suitable by the administrator. In addition to naming the permittee and any other information deemed appropriate by the administrator, the permit shall contain the following conditions:

- (1) Each permit shall be effective for one (1) year, from May 1 to April 30, subject to annual renewal, unless revoked or suspended prior to expiration. No fees will be refunded for revocations or periods of suspension.
- (2) The permit issued shall be personal to the permittee only and shall not be transferable in any manner.
- (3) The permit may be suspended by the administrator when necessary to clear the public property for public safety or for a "community or special event" authorized by the City of Frankfort.
- (4) The administrator may require the temporary removal of items within the encroachment area when street, sidewalk, common areas, or utility repairs necessitate such action.
- (5) The permit shall be specifically limited to the area shown on the "exhibit" attached to and made part of the permit.
- (6) The encroachment area covered by the permit shall be maintained in a neat and orderly appearance at all times and the area shall be cleared of all debris on a periodic basis during the day, and again at the close of each business day.
- (7) Any signage must comply with Article 13 of the zoning ordinance.
- (8) No tables and chairs nor any other parts of the business shall be attached, chained, or in any manner affixed to any tree, post, sign, or other fixtures, curb, or sidewalk within or near the permitted area. No additional outdoor seating authorized herein shall be used for calculating seating requirements pertaining to location of, applications for, or issuance of an alcoholic beverage control license for any establishment, or be used as the basis for computing required off-street parking .
- (9) The issuance of a permit does not grant or infer vested rights to use of the area by the permittee. The City of Frankfort retains the right to deny the issuance of a permit or the renewal of a permit for any reason.
- (10) Tables, chairs, umbrellas, and any other objects provided shall be maintained and shall be kept safe and in good repair at all times.
- (11) The City of Frankfort retains the right to suspend the privilege of using glass containers

within the encroachment area during festivals and events and when streets are closed. The privilege of using of glass containers will be revoked if an incident jeopardizes the health, safety, and welfare of customers or of the general public. Repeated offenses may result in revocation of the encroachment permit.

- (12) The serving and consumption of alcoholic beverages will be as limited by the Kentucky Department of Alcoholic Beverage Control.

SECTION SIX

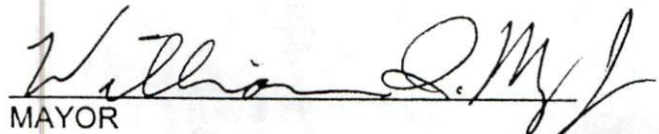
Denial, revocation or suspension of permit; removal and storage fees; emergencies.

- (a) The administrator or designee may deny, revoke, or suspend an outdoor café permit at any time if it is found that:
- (1) Any necessary business or health license or permit has been suspended, revoked, or canceled.
 - (2) The permittee does not have insurance in force which is correct and effective in the minimum amount described in section 3 (a), (4).
 - (3) Changing conditions of pedestrian or vehicular traffic cause congestion necessitating removal of the encroachment. Such decision shall be based upon findings of the administrator that the pedestrian or emergency vehicle path is insufficient under existing circumstances and represents a danger to the health, safety, or general welfare of pedestrians or vehicular traffic.
 - (4) The permittee has failed to correct violations of this ordinance or conditions of his permit upon receipt of the administrator's notice of same delivered in writing to the permittee.
 - (5) The permittee has failed to take positive actions to prohibit violations from reoccurring.
 - (6) The permittee has failed to make modifications upon receipt of the administrator's notice of same delivered in writing to the permittee.
 - (7) Tables, chairs, and other vestiges of said business may be removed by the Department of Public Works, and a reasonable fee charged for labor, transportation, and storage should the permittee fail to remove said items within thirty-six (36) hours after receipt of the administrator's final notice to do so for any reason provided for under this ordinance. If the action is taken based on subsection (a)(2) or (3) of this section, the action shall become effective upon the receipt of such notice and the permittee shall have four (4) hours to remove said items.
- (b) Upon denial or revocation, the administrator shall give notice of such action to the applicant or the permittee in writing stating the action which has been taken and the reason thereof. The action shall be effective upon giving such notice to permittees.

- (c) The permittee shall have the right to appeal the decision of the administrator to the Frankfort City Manager within five (5) working days from receipt of notice. An appeal does not stay the denial or revocation of the encroachment permit. The hearing shall be held by the Frankfort City Manager or his designee within ten (10) working days from the date of notice of request. The Frankfort City Manager shall notify the permittee or applicant of the determination in writing.
- (d) Any person violating any provision of sections 1 through 6 or any condition or provision of a permit issued thereunder shall be fined not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00), and each day's continuance of any such violation shall be a separate offense on which a fine not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) shall be imposed.

First passage on 26 day of April, 1999.

Final adoption on 10 day of May, 1999.


MAYOR

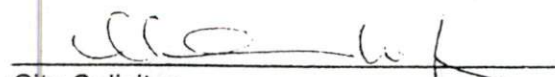
Attest:


City Clerk

Published on 5/17/99.

SUMMARY

This ordinance provides for and regulates outdoor café permits on public sidewalk and the St. Clair Mall and provides a penalty of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) for violation, and each day's continuance of any such violation shall be a separate offense on which a fine not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) shall be imposed.


City Solicitor

5.12.100---5.16.010

state license or under the statutes is unable to procure such license, then the city treasurer is authorized and directed to refund to the licensee the pro rata tax for the ten months remaining in the license year, charging him only for the two months of May and June.

(b) The pro rata charge to be made by the city treasurer for the sale of liquor by the person or persons procuring a city license, and unable to procure a state license, as set forth in this section, shall be an amount equal to as many twelfths of the annual license tax as there are calendar months in the year, or two-twelfths of the annual tax imposed by ordinance. (Prior code § 91.10).

5.12.100 Closing hours. Pursuant to the delegation of authority contained in KRS, Section 244.290, premises for which there has been granted a license for the sale of distilled spirits, beer or wine at retail shall not be permitted to remain open for any purpose between the hours of 2:00 a.m. prevailing time and 6:00 a.m. prevailing time or at any time on a Sunday between the hours of 1:00 a.m. to 6:00 a.m. prevailing time of the following Monday, or at any time during which the polls are open for any regular, primary, school, or special election, except as provided in said statute. (Prior code § 91.11; Ord. No. 6-74, 3-11-74).

Chapter 5.16

BONDSMEN

Sections:

- 5.16.010 Applicability.
- 5.16.020 Age requirement.
- 5.16.030 Security of bond.
- 5.16.040 Limitations.
- 5.16.050 Approval of bonds.
- 5.16.060 Monthly reports.
- 5.16.070 Annual license tax.
- 5.16.080 Penalties.

5.16.010 Applicability. All persons, firms or corporations engaged in the business of a professional bondsman shall be subject to and licensed as provided under the terms and conditions herein. (Prior code § 12.04(part); Ord. No. 12-65, § 1(part), 1965).

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of pages ▶

To <u>Louis Mitchell</u>	From <u>Priscilla Wells</u>
Co.	Co.
Dept.	Phone #
Fax # <u>504-5672</u>	Fax #

ORDINANCE NO. 6, 1974 SERIES

AN ORDINANCE RELATING TO CLOSING HOURS OF PREMISES
SELLING ALCOHOLIC BEVERAGES

RECEIVED
MAR 14 11 39 AM '74
ALCOHOLIC
BEVERAGE
CONTROL

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY
OF FRANKFORT, KENTUCKY,

Municipal Code Section 5.12.100, relating to Closing Hours, is hereby
repealed, amended and readopted to read as follows:

Pursuant to the delegation of authority contained in KRS 244.290,
premises for which there has been granted a license for the sale of distilled
spirits, beer or wine at retail shall not be permitted to remain open for any
purpose between the hours of two a.m., prevailing time, and six a.m., prevailing
time, or at any time on a Sunday between the hours of one a.m. to six a.m.
prevailing time, of the following Monday, or at any time during which the polls
are open for any regular, primary, school, or special election, except as
provided in said statute.

First passage on the 11 day of March, 1974.

Final adoption on the 11 day of March, 1974.

Signed by the Mayor on the 11 day of March, 1974.

Robert L. Bonner
MAYOR

Attest:

Ann C. Russell
City Clerk

5.12.100--5.16.020

state license or under the statutes is unable to procure such license, then the city treasurer is authorized and directed to refund to the licensee the pro rata tax for the ten months remaining in the license year, charging him only for the two months of May and June.

(b) The pro rata charge to be made by the city treasurer for the sale of liquor by the person or persons procuring a city license, and unable to procure a state license, as set forth in this section, shall be an amount equal to as many twelfths of the annual license tax as there are calendar months in the year, or two-twelfths of the annual tax imposed by ordinance. (Prior code §91.10).

5.12.100 Closing hours. Pursuant to the delegation of authority contained in KRS 244.290, premises for which there has been granted a license for the sale of distilled spirits, beer or wine at retail shall not be permitted to remain open for any purpose between the hours of one a.m. E.S.T. and six a.m. E.S.T. or at any time on a Sunday between the hours of midnight to six a.m. E.S.T. of the following Monday, or at any time during which the polls are open for any regular, primary, school, or special election, except as provided in said statute. (Prior code §91.11).

Chapter 5.16

BONDSMEN

Sections:

- 5.16.010 Applicability.
- 5.16.020 Age requirement.
- 5.16.030 Security of bond.
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- 5.16.060 Monthly report.
- 5.16.070 Annual license tax.
- 5.16.080 Penalties.

5.16.010 Applicability. All persons, firms or corporations engaged in the business of a professional bondsman shall be subject to and licensed as provided under the terms and conditions herein. (Ord. 12-65 §1(part), 1965: