

ORDINANCE NO. 11 - 2018

**AN ORDINANCE AMENDING ORDINANCE NO. 05-2017 SERIES RELATING TO THE HOURS OF SALE FOR ALCOHOLIC BEVERAGES AND APPLICATION OF LICENSE FOR SUNDAY SALES WITHIN THE UNINCORPORATED AREA OF FRANKLIN COUNTY, KENTUCKY**

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

That Ordinance No. 5-2017 Series, adopted on, September 21, 2017, and of record in Fiscal Court Order Book 28, page 141, be as amended and readopted as follows:

**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 time. Pursuant to KRS 244.290; and

**WHEREAS**, the legislative body of an urban-county government, consolidated local government, charter county government, unified local government, city, or county, in which traffic in malt beverages is permitted by KRS Chapter 242 shall have the exclusive power to establish times in which malt beverages may be sold within jurisdictional boundaries, including Sunday and any primary, or regular, local option, or special election day sales if the hours so fixed shall not prohibit the sale, gift, or delivery of any malt beverages between 6 a.m. and midnight during any day, except 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. Permitted Hours for Sale.**

Establishments located within Franklin County but outside the corporate limits of the city of Frankfort, which are licensed for sale of alcoholic beverages shall be permitted to sell between the hours of 6:00 a.m. and 12:59 a.m. on each day except Saturday and Sunday and that such places be required to cease sales at 1:59 a.m. Sunday and may resume sales Sunday at 11:00 a.m. until 11:59 p.m. All times being eastern time.

**Section II. Sunday Sales for Alcoholic Beverages.**

Businesses which are licensed for the sale of malt beverages, distilled spirits, and wine, may apply for a Sunday sale license.

Any establishment for which there has been granted a Sunday sale license shall be permitted to sell on Sunday from 11:00 a.m., until 11:59 p.m. 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 11:00 a.m. and ending at 12:59 a.m. Monday, January 1.

**Section III. Procedure.**

The limited Sunday Licenses are issued only to those businesses authorized to sell malt beverage, distilled spirits and wine retail drink 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.

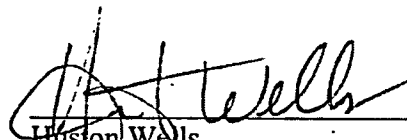
**Section IV. Fee.**

Pursuant to KRS 243.060 (g) the fee for a license in Franklin County shall be-in accordance with Ordinance No. 5-2013, and any future amendments there to.

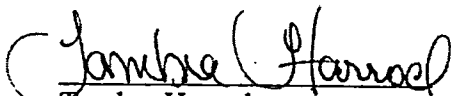
THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION HEREOF.

Given first reading at a Special Meeting of the Franklin County Fiscal Court on the 31 day of May, 2018.

Given second reading, voted upon and passed at a Regular Meeting of the Franklin County Fiscal Court on this 15 day of June, 2018, and of record in Fiscal Court Order Book 28, Page 407.

  
Houston Wells  
County Judge Executive

ATTESTED TO:

  
Tandra Harrod  
Fiscal Court Clerk

**ORDINANCE NO. 10 - 2018 SERIES**

**AN ORDINANCE AMENDING ORDINANCE NO. 10-2011 SERIES  
RELATING TO AUTHORIZING THE SALE OF SOUVENIR PACKAGES  
AND ALLOWING SAMPLING AT ANY LICENSED KENTUCKY  
DISTILLERY ON SUNDAYS IN FRANKLIN COUNTY, KENTUCKY**

BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF FRANKLIN,  
COMMONWEALTH OF KENTUCKY, AS FOLLOWS;

That Ordinance No. 10-2011 Series, adopted on December 8, 2011, and of record in Fiscal Court Order Book 24, page 328, be as amended and readopted as follows:

**WHEREAS**, Sunday liquor sales are currently prohibited in Franklin County,  
Kentucky; and

**WHEREAS**, KRS 244.290(3)(b) authorizes a fiscal court to allow for Sunday sales  
of distilled spirits at licensed premises; and

**WHEREAS**, KRS 243.0305 allows for sales of souvenir liquor packages by  
distilleries that have obtained a souvenir retail liquor license; and

**WHEREAS**, KRS 244.050 allows distilleries that have obtained a souvenir retail  
liquor license to provide samples to visitors; and

**WHEREAS**, fiscal courts in Kentucky are authorized to enact legislation to  
promote and support the local tourism industry; and

**WHEREAS**, the local tourism industry, and thereby Franklin County, would  
benefit if limited Sunday sales of souvenir packaged distilled spirits were to be  
authorized at licensed distilleries;

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

**SECTION 1: SALE OF SOUVENIR LIQUOR PACKAGES AT DISTILLERIES**

- A. Any licensed Kentucky distillery located in Franklin County that has a gift shop on its premises may sell souvenir packages of distilled spirits at retail to distillery visitors of legal drinking age, in quantities not to exceed an aggregate of three (3) liters

per visitor per day, with the exception of a purchase by a partnership, limited liability partnership, corporation, limited liability company, or other business entity holding an event on the premises of the distillery, in which case the limitation shall be one (1) liter per visitor attending the event.

- B. The sales referenced in provision A above shall be permitted only through the gift shop on the distiller's premises, and only if the distillery is located in wet territory in Franklin County.
- C. For Monday through Saturday of each week, the sales referenced in provision A shall be limited, if at all, only by Kentucky Revised Statute or regulation of the Department for Alcoholic Beverage Control. For Sunday, said hours shall be from 11:00 a.m. to 11:59 p.m.
- D. Souvenir packages sold pursuant to this ordinance shall not be sold for consumption on the premises of the distillery, and bottle or package seals may not be broken until the purchaser is off the distillery premises.

## SECTION 2: SUNDAY SAMPLING

- A. Any licensed Kentucky distillery located in Franklin County that has obtained a Kentucky souvenir retail liquor license may serve samples to visitors of legal drinking age provided the licensed Kentucky distillery is located in wet territory. Sample size may not exceed one-half ounce for distilled spirits and each visitor is limited to no more than two (2) samples per day.
- B. For Monday through Saturday of each week, the times that samples referenced in provision A may be served shall be limited, if at all, only by Kentucky Revised Statute or regulation of the Department for Alcoholic Beverage Control. For Sunday, said hours shall be from 11:00 a.m. to 11:59 p.m.
- C. No visitor shall be charged for a sample obtained pursuant to provision A of this section.

## SECTION 3: SEVERABILITY

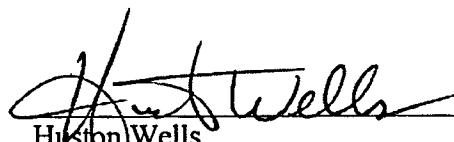
Should any section, subdivisions, sentence or clause of this ordinance be held unconstitutional or invalid for any reason by any court of competent jurisdiction, then such portion shall be

deemed a separate, distinct and independent provision and such holdings shall not affect the validity of the remaining portions of this ordinance.

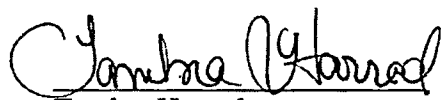
THIS ORDINANCE SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION HEREOF.

Given first reading at a Special Meeting of the Franklin County Fiscal Court on the 31 day of May, 2018.

Given second reading, voted upon and passed at a Regular Meeting of the Franklin County Fiscal Court on this 15 day of June, 2018, and of record in Fiscal Court Order Book 28, Page 407.

  
Houston Wells  
County Judge Executive

ATTESTED TO:

  
Tandra Harrod  
Fiscal Court Clerk

ORDINANCE No. ~~##~~ 5

2013 SERIES

**ORDINANCE RELATING TO THE LICENSING OF BUSINESSES INVOLVED IN THE SALE OF ALCOHOLIC BEVERAGES IN FRANKLIN COUNTY, KENTUCKY**

RECEIVED  
2013 FEB 10 PM 2 45

**WHEREAS,** The Franklin County Fiscal Court, finds that the business or occupation of selling alcoholic beverages is of a nature as to require special regulations and supervisions and special license provisions; and

**WHEREAS,** The Franklin County Alcoholic Beverage Control Administrator reviews Franklin County Alcohol Beverage licenses in addition to those reviewed and issued by the Commonwealth of Kentucky Department of Alcoholic Beverage Control; and

**WHEREAS,** The Franklin County Clerk has taken fees and issued said County Alcohol Beverage licenses in accordance with the beer & liquor license fees as approved by Franklin County Fiscal Court; and

**WHEREAS,** The Franklin County Alcoholic Beverage Control Administrator must ensure local license types and fees conform to KRS 243.060 which requires the governing local authority to issue certain alcoholic beverage licenses;

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

The following is a list of the current license types and fees for each place of business that are required as a condition to sell alcoholic beverages in Franklin County to be replaced:

CURRENT LICENSES & FEES	
Retail Drink Liquor	\$325
Retail Beer	\$100
Retail Package Liquor	\$325
Private Club	\$200
Wholesale Beer	\$100
Restaurant Wine	\$100
Sunday Liquor Sales	\$300

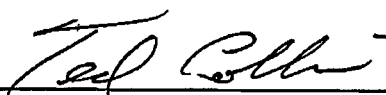
In accordance with KRS 243.060 (2), when setting the fees for the new license types the fee for the preceding license types may not be increased by more than five percent (5%) above the fee established as of January 1, 2013, for the current license or the former license type listed beside it, during any five (5) year period.

The following license types and fees required for each place of business that may desire to sell alcoholic beverages in Franklin County. This fee schedule replaces the current license types and fees:


License Type	Fee	Description
Quota Retail Package	\$340.00	Liquor and wine only
Quota Retail Drink	\$340.00	Liquor and wine only
NQ 2 Retail Drink	\$340.00	Restaurants with 50 -99 seats: Beer only Restaurants with 100+ seats: Liquor, wine and beer
NQ 3 Retail Drink	\$300.00	Private club, Dining Car: Liquor, wine and beer
NQ 4 Retail Malt Beverage Drink	\$105.00	Beer only for any business, including Quota Retail Package licensees
NQ Retail Malt Beverage Package	\$105.00	Beer only for any business, including Quota Retail Drink licensees
Special Temporary	\$50.00	Includes all temporary license types
Special Sunday Retail Drink	\$300.00	Liquor, wine and beer sales on Sunday
Limited Golf	\$500.00	Liquor, wine and beer sales on golf course
Limited Restaurant	\$340.00	Restaurants with at least 70% of gross revenues from food sales. All alcohol must be served w/ meal. Includes liquor, wine and beer.

**INTRODUCED AND GIVEN FIRST READING IN SUMMARY** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 10 day of October, 2013.

**GIVEN SECOND READING AND APPROVED** at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 1 day of November, 2013 and of record in Fiscal Court Order Book 25, Page 515. This Ordinance shall take effect and be in full force when passed, published and recorded according to law.

  
 Ted Collins  
 County Judge/Executive

ATTESTED TO:

  
 Shirley Brown  
 Fiscal Court Clerk

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.



**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.

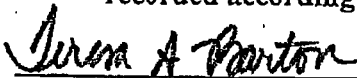
**Section IV. Fee.**

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 21<sup>st</sup> 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

ORDINANCE NO. 1  
2006 Series

**AN ORDINANCE RELATED TO MANDATORY  
RESPONSIBLE BEVERAGE SERVER TRAINING**

**WHEREAS:** Franklin County has found that youth can easily purchase alcohol without showing any age identification. Furthermore, alcohol sales to individuals who are or about to become intoxicated pose a significant risk of serious injury or death to the motoring public and financial liability to the business serving the alcohol. Also, alcohol servers and sellers who receive responsible beverage service training are less likely to sell alcohol to persons under age or who have consumed too much alcohol by virtue of their training in the identification of false age documentation and recognition of characteristics of intoxication; and

**WHEREAS:** Responsible beverage service training would inform alcohol servers and sellers of the consequences of the illegal sale of alcohol to persons under age or who have consumed too much alcohol. This training would be more effective through the participation of owners or managers of businesses selling alcohol in courses on the development of effective policies, which further reduce youth access to alcohol and support employees in refusing the sale or service of alcohol to persons under age or persons who have had too much alcohol.

**NOW, THEREFORE, BE IT ORDAINED BY FISCAL COURT OF FRANKLIN  
COUNTY, KENTUCKY:**

**Section One: Mandatory Responsible Beverage Service Training.** All persons employed in the selling and serving of alcoholic beverages in the unincorporated areas of Franklin County, Kentucky, shall participate in a County approved responsible beverage service training program. For a responsible beverage service training program to be approved by the County, it must effectively train its participants in the identification of false age documentation and recognition

of characteristics of intoxication. The County will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this Ordinance.

**Section Two: Licensees.**

a. All entities located or doing business in the unincorporated areas of Franklin County, Kentucky and who are licensed to sell alcohol by the drink or otherwise, pursuant to County 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 County. This Ordinance shall not apply to Manufacturers of alcoholic beverages as this term is defined in KRS 241.010(29) 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 County Ordinance for the sale of alcoholic beverages shall complete responsible beverage service training from a program approved by the County 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 County.

c. All entities licensed under County 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 County. 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 paragraphs a., b. and c, above, shall complete the required training within forty-five (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 County not less than once every three years thereafter.

e. All persons or entities licensed under County Ordinance for the sale of alcoholic beverages in the unincorporated areas of Franklin County 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 County approved responsible beverage service training class according to the provisions of this Ordinance.

**Section Three: 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 (5) 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 County Ordinance.

b. Signage. The licensee shall maintain on the premises, in all customer areas, current signage related to underage consumption of alcoholic beverages and to driving under the influence of alcohol. One (1) sign must be located behind the counter/bar and one (1) sign must

be present in each additional room or section within the restaurant area in which the writing on the sign behind the counter/bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (1/2) inch in height. All signs must be comfortably readable from a distance of fifteen (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 Ordinance. That file shall contain the name, job description, date of employment and proof of certification pursuant to this Ordinance of each employee, officer and agent subject to the training requirement provided in this Ordinance. During business hours, this file shall be available to the person or persons designated by the County Judge Executive with responsibility for enforcement of this and other Ordinances relating to the licensing of premises for the sale of alcoholic beverages.

**Section Four: Seller/Server Training Agency.** a. Licensees and servers shall participate in a training program with an approved responsible beverage service training agency, selected and approved by the County.

b. Compensation. The approved training agencies shall not be compensated or otherwise reimbursed by the County. 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 Ordinance. All new employees, officers or agents shall complete the training within forty-five (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, including the effect of alcohol on pregnant women, their fetuses and other situations involving the use of alcohol by persons vulnerable to its effects;
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 (2) 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 Ordinance.

**Section Five: Penalties.** The Office of the Judge-Executive, or his or her designee, is charged with primary responsibility for enforcement of this Ordinance.

Penalties for violation of this Ordinance shall be assessed against the person or entity holding a license for the sale of alcoholic beverage under Kentucky Revised Statute and a license by Franklin County, Kentucky. The individual employee shall not be civilly or criminally liable for violations of this Ordinance, 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 this Ordinance are as follows:

a. For the first violation within a two year period, suspension of the licensee's County liquor license for a period of up to ten (10) 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 County liquor license for a period of thirty (30) days and a fine of not less than \$250 nor more than \$500.

**Section Six:** Compliance with the ordinance as it relates to training shall not be a defense to criminal or other violation of Kentucky Revised Statutes addressing alcohol sales.

THIS ORDINANCE No. 1-2006 SHALL BECOME EFFECTIVE ON THE DATE OF THE SECOND READING AND ADOPTION.

INTRODUCED, ~~SECONDED~~ AND GIVEN FIRST READING ~~APPROVAL~~ at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 3 day of March, 2006.

GIVEN SECOND READING AND ADOPTED at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 16 day of March, 2006, and of record on Fiscal Court Order Book 21, page 37.

  
ROBERT ROACH  
FRANKLIN COUNTY JUDGE EXECUTIVE

ATTESTED BY:

  
Clerk, Franklin County Fiscal Court



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.

RECEIVED

2002 DEC 11 A 9:30

ALCOHOLIC  
BEVERAGE CONTROL

**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.

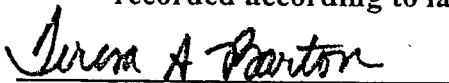
**Section IV. Fee.**

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 21<sup>st</sup> 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

ALCOHOLIC  
BEVERAGE CONTROL  
2002 DEC 11 A 9:30  
RECEIVED

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

RECEIVED

2007 DEC 11 A 9:31

ALCOHOLIC  
BEVERAGE CONTROL

- (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.

RECEIVED

2007 DEC 11 A 9:31

ALCOHOLIC  
BEVERAGE CONTROL

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:

RECEIVED

2002 DEC 11 A 9:31

ALCOHOLIC  
BEVERAGE CONTROL

- (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.

RECEIVED

2002 DEC 11 A 9: 31

ALCOHOLIC  
BEVERAGE CONTROL

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.

ALCOHOLIC  
BEVERAGE CONTROL  
2002 DEC 11 A 9:31  
RECEIVED

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. Bennett  
MAYOR

Attest:

Ann C. Russell  
City Clerk