

§ 116.02 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

- (A) The duties of the City Alcoholic Beverage Control Administrator (the "City ABC Administrator") shall be assigned to the office of City Clerk.
- (B) The City ABC Administrator shall be appointed by the Mayor and may be removed by the Mayor with or without cause. No conflict of interest shall be deemed to arise if the individual appointed as City ABC Administrator is also employed by the city in some other capacity.
- (C) The City ABC Administrator shall take an oath prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000 before entering upon his or her duties. The cost of this bond shall be borne by the city.
- (D) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Council.
- (E) The function of the City ABC Administrator shall be the same with respect to city licenses and regulations as the functions of the State Alcoholic Beverage Control Board, created by KRS 241.030, with respect to state licenses and regulations, except that no regulation adopted by a City ABC Administrator may be less stringent than the statutes relating to alcoholic beverage control or than the regulations of the State Alcoholic Beverage Control Board.
- (F) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.
- (G) The City ABC Administrator shall have the power and duty to suspend or revoke for cause a license granted for the purposes of KRS 242.185. The City ABC Administrator, on his or her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this chapter.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.03 LICENSE.

- (A) The business or occupation of manufacturing, trafficking, or selling alcoholic beverages, wither wholesale or retail, is of such a nature as to require special regulations and supervision and special license provisions. For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.
- (B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city licenses and a valid state license therefore:

<i>TYPE OF LICENSE</i>		FEE
Distilled spirit licenses as set forth in KRS 243.030:		
	Distiller's license, per annum	\$500.00
	Rectifier's license, per annum	\$3,000.00
	Blender's license, per annum	\$3,000.00
	Wholesaler's distilled spirits and wine license, per annum	\$3,000.00
Distilled spirits and wine retail package license, per annum		\$600.00
<i>TYPE OF LICENSE</i>		FEE
Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license per annum		\$600.00
Special temporary wine license, per event		\$50.00
Distilled spirits and wine special temporary auction license, per event		\$200.00
Special private club license, per annum		\$300.00
Distilled spirits and wine special Sunday retail drink license, per annum		\$300.00
Extended hours supplemental license, per annum		\$2,000.00
Nonresident special agent or solicitor's license, per annum		\$40.00
Restaurant wine license, per annum:		
	New applicants	\$600.00
	Applicants for renewal	\$400.00
Caterer's License per annum		\$800.00
Riverboat License per annum		\$1,200.00
Horse race track license per annum		\$2,000.00
Convention Center or Convention Hotel Complex License per annum		\$2,000.00
Bottling house distilled spirits license or wine storage license per annum		\$1,000.00
Automobile race track license per annum		\$2,000.00
Souvenir retail liquor license per annum		\$1,000.00
Malt beverage licenses as follows:		
	Brewer's license, per annum	\$500.00
	Microbrewery license, per annum	\$500.00
	Malt beverage distributor's license, per annum	\$400.00
	Retail malt beverage license, per annum	\$200.00
	Special temporary retail malt beverage license, per event	\$25.00
	Malt beverage brew-on-premises license, per annum	\$100.00

(C) Any city license issued pursuant to this chapter shall be prominently displayed on the premises in conjunction with the display of the state license(s) in accordance to state law.

(D) In no way shall a license set forth herein confer a right to any person or entity not otherwise authorized to conduct that type of business.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.04 LICENSE APPLICATION.

(A) A completed application shall be submitted to the City ABC Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Board.

(B) Applicants for a license shall pay a license fee as set forth above. Any license issued after July 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six months.

(C) The applicant for a city license shall tender with its application a consent document which shall state:

"The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his or her duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time."

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.05 APPROVAL OF APPLICATION.

(A) Within 30 days of the date of the application for an original city license and 15 days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

(B) If the City ABC Administrator rejects an application, the City ABC Administrator shall notify the applicant of his or her decision by registered mail at the address given in the application or supplement. The applicant may, within 30 days after the date of the mailing of the notice from the City ABC Administrator, indicate, in writing, his or her desire for a hearing.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.06 DENIAL OF APPLICATION.

The City ABC Administrator, pursuant to KRS 243.450, shall not approve any application for a city license for which provision is made herein if:

(A) The applicant or the premises for which the license is being sought does not comply fully with the provisions of this chapter and with all alcoholic beverage control statutes and the regulations of the State Alcoholic Beverage Control Board and the regulations of the City ABC Administrator;

- (B) The applicant and any shareholder, officer, agent, servant, or employee has caused, permitted, or engaged in any act for which the revocation or non-issuance of a state or city license is authorized;
- (C) The applicant and/or any shareholder, officer, agent, servant, or employee had a state license or city license which was revoked within two years of the date of application, where the premises or any portion thereof described in a state license or city license was revoked during such time;
- (D) The applicant has made any false material statements or representations in his or her application; or
- (E) The City ABC Administrator is otherwise not required to approve the license.

(Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.07 REVOCATION AND SUSPENSION.

(A) Any license issued pursuant to this chapter may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any to the provisions of KRS Chapter 241, 243, or 244, or any rule or regulation of the State Alcoholic Beverage Control Board or of the City ABC Administrator or as described in KRS 243.490.

(B) Any license issued pursuant to this chapter may also be revoked or suspended in accordance to KRS 243.500.

(C) The City ABC Administrator may institute proceedings, either on his or her own, or on the complaint of any person, to revoke or suspend a license.

(D) The City ABC Administrator shall notify the licensee of the violation in writing and provide the licensee with the opportunity for a hearing as set forth herein.

(E) The licensee may have the alternative, subject to the approval of the City ABC Administrator, to pay in lieu of part or all of the days of any suspension period, a sum as follows: Distillers, rectifiers, vintners, brewers, and blenders, \$1,000 per day; wholesale liquor licensees, \$400 per day; wholesale beer licensees, \$400 per day; retail licensees authorized to sell distilled spirits, wine, or beer by the package or drink, \$50 per day; and all remaining licensees, \$50 per day.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.08 HEARINGS.

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

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

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

Board.

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

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

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

(6) *Transcripts.* Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

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

(B) Appeals from orders of the City ABC Administrator shall be taken in accordance to KRS 241.200.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.09 EXPIRATION DATE OF LICENSE; RENEWAL.

(A) A license issued pursuant to this chapter shall expire on June 30 of each year. Application for renewal of such license shall be submitted no later than 30 days before expiration thereof and shall be made pursuant to § 116.05 upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of the applicable annual license fee(s) as set forth herein.

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

(C) No license issued under this chapter shall be transferred or assigned either as to license or location except with the prior approval of the City ABC Administrator and not then until a payment of \$100 shall be made to the city.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.10 REGULATORY LICENSE FEE.

(A) A regulatory license fee in the amount of 1% is imposed annually upon the gross receipts of each establishment located in the city and licensed to sell alcoholic beverages by the drink for consumption on the premises, for the purpose of full reimbursement to the city of the estimated costs of any additional policing, regulatory, legal or administrative related expenses. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to the license fee imposed in §§ 116.09 and 116.11 herein.

(B) The City Council shall adopt at the beginning of each budget period for each fiscal year such a percentage rate as shall be reasonably estimated to insure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expenses relating to this chapter.

(C) Payment of the regulatory license fee shall accompany tax returns approved for use by the City ABC Administrator, submitted to the City Clerk by the twentieth day of each month for the preceding month's sales. There shall be a monthly credit of \$50, representing the pro rata portion of the initial license cost for which provision is made in this chapter.

(D) Failure to pay the monthly remittance within ten days after the due date shall constitute a violation of this chapter, and in addition, shall constitute grounds for an immediate 30-day suspension of the license for which provision is made herein.

(Ord. 2005-03, passed 8-17-05) Penalty, see § 116.99

§ 116.11 ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE; SUNDAY SALES.

(A) Pursuant to the authority of KRS 244.290, at no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale or during the hours when any polls are open in the city on any primary or regular election day, and in no event may any alcoholic beverage be sold between the hours of 1:00 a.m. and 6:00 a.m., Tuesday through Saturday, nor between the hours of 1:00 a.m. and 1:00 p.m. on Sunday, nor between the hours of 12:01 a.m. and 6:00 a.m. on Monday.

(B) In order to sell liquor by the drink on Sunday between the hours of 1:00 p.m. and midnight Sunday evening, the licensee must apply for and obtain from the city a limited Sunday drink license. Provided however, in years on which New Year's Eve falls on a Sunday, licensees may remain open and alcoholic beverages may be sold until 1:00 a.m. on Monday January 1. In addition, no alcoholic beverages may be sold at retail in the city during the hours when any polls are open in the city on any primary or regular election day.

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

(D) All terms and procedures set forth herein for licenses for the sale of alcoholic beverages by the drink for consumption on the premises, including but not limited to the procedures for application, approval, denial, hearing, expiration and renewal, shall apply to limited Sunday drink licenses.

(E) The license fee for the limited Sunday drink licenses shall be \$300, which shall also be credited against the regulatory license fee set forth in § 116.10, in the amount of a monthly credit of \$25, representing the pro rata portion of the initial license cost.

(F) During the restricted hours set forth in division (A), no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby unless otherwise provided herein. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such

license was issued. All other persons shall vacate the licenses premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(G) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City ABC Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, closed off and separated from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05; Am. Ord. 2005-0007, passed 9-12-05; Am. Ord. 2006-13, passed - -) Penalty, see § 116.99

§ 116.12 DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by the license for which provision is made herein or else the license will be declared dormant and become null and void after 90 days.

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

(1) The licensee is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; and

(2) The licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the 90 days of inactivity, for any of the reasons set forth herein.

(C) The City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05) Penalty, see § 116.99

§ 116.99 PENALTY.

(A) Any violation of any provision herein is hereby classified as a civil offense pursuant to KRS 65.8808 and KRS 65.60 et seq. and such classification is intended, and shall be construed, to provide an additional or supplemental means of obtaining compliance with the provisions herein, and nothing contained herein, or in KRS 65.60 et seq. shall prohibit the enforcement of the provisions herein by any

other means authorized by law, specifically, without limitation, the provisions or division (B) herein.

(1) If a citation for a violation of any provision herein is not contested by the person charged with the violation and the violation is timely remedied, the civil fine to be imposed for each offense shall be \$50 for the first offense, \$90 for the second offense, and \$210 for the third and thereafter, offense.

(2) If a citation is contested and a hearing before the Code Enforcement Board is required, or if the violation is not remedied, the maximum civil fine which may be imposed at the discretion of the Board shall be from \$20 to \$200 for the first offense; from \$60 to \$600 for the second offense; and from \$180 to \$1,800 for the third, and thereafter, offense.

(3) Each section violated shall be considered a separate fineable offense. If two or more sections are violated, the fines shall be cumulative and be enforced under the same citation. Each day a violation exists shall be considered a separate offense without issuance of a separate citation.

(B) Any violation of a provision herein shall constitute a violation, punishable by a fine of up to \$500 for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense. However, nothing contained herein shall prohibit the city from enforcing any provision of this chapter by following the applicable state penalties set forth in KRS Chapters 241, 242, 243, and 244.

(Ord. 2005-03, passed 8-17-05; Am. Ord. 2005-0006, passed 9-12-05)

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ORDINANCE NO. 12-14-06-00

AN ORDINANCE OF THE COUNTY OF GALLATIN, KENTUCKY, AMENDING THE CODE OF ORDINANCES IN ORDER TO ESTABLISH TIMES FOR THE SALE OF ALCOHOLIC BEVERAGES WHEN NEW YEARS' EVE FALLS ON A SUNDAY.

BE IT ORDAINED BY GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: Section 112.40 of Ordinance ____ of Gallatin County, Kentucky is hereby amended to read as follows:

Section 112.40 – **Prohibitions, Restrictions and Regulations**

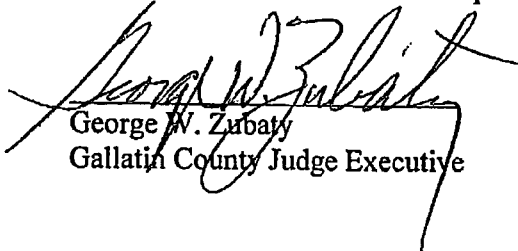
- (A) Retail Sale for Consumption on Licensed Premises. Premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink for consumption on-premises, shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited* between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.; and any time when the polls are open for any election in the precinct in which the license is granted. However, if the licensee provides a separate area within his licensed premises capable of being locked and closed off within which is kept all stocks of alcoholic beverages and malt beverages and if the department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with his subsection.
- (B) Control of Premises During Closing Hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.
- (C) Wholesale Deliveries on Sundays Prohibited. There shall be no deliveries of alcoholic or malt beverages on Sunday.
- (D) Licensees authorized to sell package liquor at retail for off-premises consumption shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED

HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.

- (E) Licensees authorized to sell malt beverages at retail for on and off-premises consumption shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.

SECTION 2: All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

SECTION 3: The foregoing Ordinance was read, declared an emergency and passed and adopted by the Fiscal Court of Gallatin County, Kentucky, meeting in Regular Session on the 14th day of December, 2006, and as such shall be effective upon publication.


George W. Zubaty
Gallatin County Judge Executive

ATTEST:

Elaine Lillard
Clerk, Gallatin County Fiscal Court
Deputy

ORDINANCE NO. 7-13-05-01

RECEIVED

AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN GALLATIN COUNTY, KENTUCKY

2005 JAN -3 A 11:30

Whereas, it is determined by the Gallatin County Fiscal Court, as evidenced hereby, that economic hardship exists within Gallatin County, Kentucky, as witnessed by the closing of a major manufacturing employer, failure of various retail businesses, loss of the federal tobacco program and stagnant unemployment rates, and

Whereas, it is the sense of said Fiscal Court that allowing the sale of alcoholic beverages by the drink could aid economic growth, and

Whereas, Gallatin County desires to establish the hours that distilled spirits and wine may be sold, including Sundays in compliance with KRS 244.290 and related statutory and case law

Whereas, the County may impose certain restrictions, regulations, and license fees upon such retail establishments that wish to sell alcoholic beverages.

Now Therefore, Be It Hereby Ordained by the Gallatin County Fiscal Court, Kentucky, as follows, to-wit:

Title XI, Chapter 112 of the Code of Ordinances of the Gallatin County Fiscal Court, Kentucky, shall read as follows:

ALCOHOLIC BEVERAGE CONTROL

TITLE XI: Business Regulations
Chapter 112: Alcoholic Beverage Control

General Provisions

- 112.01 Short Title
- 112.02 Definitions
- 112.03 Incorporation of State Law
- 112.04 Scope of Coverage

Administration and Control

- 112.10.1 Alcoholic Beverage Control Administrator

License, Taxes and Fees

- 112.20 License Required For Sale
- 112.21 Limited Restaurant Alcoholic Beverage By The Drink License

- 112.22 Date License Expire; Proration
- 112.23 Person Who May Not Be License
- 112.24 Premises That May Not Be Licensed For Sales At Retail

- 112.25 Business Authorized By Retail Drink License
- 112.26 Public Notice of Intention To Apply For License
- 112.27 Local Administrator To Approve Application First
- 112.28 Applicants For State License
- 112.29 Submittal of Application
- 112.30 Cause For Refusal Of License And For Suspension Or Revocation Of License
- 112.31 Approval Or Denial Of Application
- 112.32 Payment Of Fees, Refund of Fees
- 112.33 Issuance Of City License
- 112.34 Posting Of License
- 112.35 Transfer Of Acquisition Of License
- 112.36 Applicant To Pay For Own License
- 112.37 Deposit Of Fees, Fines To General Fund
- 112.38 License To Become Void If Business Dormant; License Renewal

Prohibitions, Restrictions and Regulations

- 112.40 Hours Of Sale
- 112.41 Hours Of Sale, Exceptions, Requirements
- 112.42 Food Service Requirements
- 112.43 Confiscation Authorized If Violations Occur
- 112.44 Advertising Restrictions
- 112.45 Treating Prohibited
- 112.46 License To Purchase From And Sell Only To Persons Authorized To Sell Or Purchase
- 112.47 Retail Sales To Certain Persons Prohibited
- 112.48 Sale To Person Not Providing For His Family Prohibited
- 112.49 Licensee To Display Notice As To Sales To Minor, Warning Of Dangers Of Drinking During Pregnancy To Be Posted
- 112.50 Minors Not To Possess Or Purchase Liquor Nor To Misrepresent Age
- 112.51 Persons Whom Licensees May Not Employ
- 112.52 Retail Premises Not To Be Disorderly

Regulatory License Fee

- 112.60 Regulatory License Fee
- 112.61 Payment
- 112.62 Failure To Pay; Interest On Late Payments
- 112.63 Penalty For Nonpayment
- 112.64 Adequate Record Keeping Requirements
- 112.65 Audit Requirements

- 112.70 Penalties
- 112.71 Severability
- 112.72 Repeal of Conflicting Ordinances

112.01 SHORT TITLE

This Chapter shall be known and may be cited as the Alcoholic Beverage Control Ordinance of Gallatin County, Kentucky.

112.02 DEFINITIONS

As used in this chapter, unless the context clearly indicates or requires a different meaning, the words and terms defined in Kentucky Revised Statute 241.010 shall apply.

The term "County" shall refer to Gallatin County, Kentucky.

112.03 INCORPORATION OF STATE LAW

- (A) The provisions of the State Alcoholic Beverage laws contained in KRS Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the County, except as otherwise lawfully provided herein.
- (B) No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this chapter and all statutes and regulations of the state applicable thereto. Penalty, see 118.66.

112.04 SCOPE AND TERRITORY OF COVERAGE

- (A) This chapter shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such applications.
- (B) Nothing contained in this chapter shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises in the county, where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinances of the county or of any other statutes of the state relating to violations pertaining to alcoholic beverages.
- (C) This ordinance shall apply to and within all territory within the county wherein prohibition is not in effect, including, but not limited to, territory within incorporated cities; provided, however,

that in the event any Fourth Class city within the county should enact its own comprehensive ordinance regulating the sale of alcohol by the drink and hours of operation within its boundaries, then, in the event, the city's ordinance shall supercede and supplant this ordinance, and this ordinance shall not apply within that city unless and to the extent so provided in the city ordinance.

Administration and Control

112.10 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

Enforcement and implementation of this ordinance shall be performed by the County Alcoholic Beverage Administrator, as constituted pursuant to KRS 241.110, who, in the implementation and enforcement of this ordinance shall have all powers and duties conferred upon him by the Kentucky Revised Statutes, Chapters 241, 242, 243 and 244. Appeals from orders or actions of the local administrator shall be prosecuted in accordance with KRS 241.150, or any successor statute.

License and Taxes

112.20 LICENSE REQUIRED FOR SALE

- (A) Under this Ordinance, a license shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.185 or other state statute.
(B) Sunday sales of package liquor and/or malt beverages retail are permitted only by qualified licensees who obtain a license for same as part of the regular annual license fee for package liquor and/or malt beverages.

112.21 LIMITED RESTAURANT ALCOHOLIC BEVERAGE BY THE DRINK LICENSE; FEES

The County shall have the power and authority to issue licenses for the sale of alcoholic beverages by the drink at restaurants and dining facilities and motels, hotels and inns and other establishments which qualify under KRS 242.185 or other state statute. The fee for this license shall be \$500.00 or such other sum as may be authorized by state statute. *

112.22 DATE LICENSES EXPIRE; PRORATION

All license issued by the County shall be valid for a period of no more than one year. All licenses shall expire on June 30 of each year. Applications for renewal are to be filed with the County at least fifteen (15) days prior to expiration. When any person applies for a new license he shall be charged the full fee for the respective license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. In the event any license shall cease doing business for any reason, no refund of the County license fee shall be granted.

112.23 PERSONS WHO MAY NOT BE LICENSED

A person shall not become a licensee under this chapter for any of the reasons stated in KRS 243.100, or if otherwise disqualified under state statute.

112.24 PREMISES THAT MAY NOT BE LICENSED FOR SALES AT RETAIL

No license for the sale of alcoholic beverages at retail shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease or a permit for a term of not less than the license period.

112.25 BUSINESSES AUTHORIZED BY RETAIL DRINK LICENSE

An alcoholic beverage by the drink license shall authorize the licensee to purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase alcoholic beverages only from licensed wholesalers. A licensee may purchase wine in containers not smaller than one hundred (100) milliliters if the wine does not exceed fourteen percent 14% alcohol by volume. A licensee may buy mixed drinks in containers of a capacity not smaller than three hundred fifty-five (355) milliliters if the mixed drinks contain a substantial proportion of carbonated water. A retail drink license shall not authorize the licensee to sell alcoholic beverages by the package.

112.26 PUBLIC NOTICE OF INTENTION TO APPLY FOR LICENSE

Any person, corporation, partnership, or any other entity, except an applicant for the same license for the same premises, or an applicant for a supplemental bar license shall before applying for a license advertise by publication of his or her intention to apply for a license as stipulated in KRS 243.360.

112.27 LOCAL ADMINISTRATOR TO APPROVE APPLICATION FIRST

An applicant for an alcoholic beverage license must have his county license approved by the County Alcoholic Beverage Control Administrator before they are eligible to apply for a state license.

112.28 APPLICATION FOR STATE LICENSE

All applicants for alcoholic beverage licenses must submit an application to the state as stipulated in KRS 243.380.

112.29 SUBMITTAL OF APPLICATION

An applicant for a license under this chapter shall file with the County Alcoholic Beverage Control Administrator a copy of his state license application containing the information required by KRS 243.380 and 243.390. The County application shall include the consent of the applicant permitting the County ABC Administrator to inspect and search the licensed premises at any reasonable time, to confiscate articles found on the premises in violation of any ordinance or statute, and to order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by one or more violations of any ordinance or statute involving disturbance of the peace or public disorder. The temporary closure shall remain in effect until review of the alleged violations by the County ABC Administrator within thirty-six (36) hours. The application shall also include documentation on the licensee's previous year's gross sales of both food and alcohol in a manner acceptable to the County ABC Administrator.

112.30 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE
SUSPENSION OR REVOCATION OF LICENSE

- (A) State Law References. Causes for refusal to issue or renew a license and for suspension or revocation of a county license shall be same as provided for state licenses according to KRS 243.450, 243.490, 243.500, 244.120 as well as violation of any county ordinance regarding beverage licensing, sales, or the administration of licenses.
- (B) Delinquent Taxes or Fees. No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the County at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the County. If a licensee becomes delinquent in the payment of any taxes or any fees due to the County at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The County ABC Administrator may, in his discretion, approve a license to sell after receiving from the County Court Clerk and County Treasurer, a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the County for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees, which are due and payable by the licensee.
- (C) Appeals. Appeals may be taken from decisions of the County ABC Administrator to the State Alcoholic Beverage Control Board according to the provisions of KRS 241.200 and 243.550.
- (D) A cause for refusal to issue or renew a license and for suspension or revocation of a county license shall occur if the license holder ceases to qualify for a retail drink license under KRS 242.185 or other state statute.

112.31 APPROVAL OR DENIAL OF APPLICATION

- (A) If upon review of the application, the County ABC Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Law, as well as all regulatory provisions of this chapter, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and 242.185, that a license may be issued within the rules fixed by the State Alcoholic Beverage Control Board, and that there are no causes for denial of the license, the County ABC Administrator shall approve the application.
- (B) If the County ABC Administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, he may issue to the applicant a written order setting forth such violation and requiring the applicant to show cause why the requested license should be issued. The County ABC Administrator shall have the right to order and the applicant shall have the right to request, an evidentiary hearing to examine the violation set forth in the show cause order issued by the County ABC Administrator. Any decision by the County ABC Administrator on the application shall be subject to appeal as provided by law.

112.32 PAYMENT OF FEES, REFUND OF FEE

Upon approval of the application by the County ABC Administrator, the applicant shall pay the amount of the licensee fee provided in this chapter in the form of a certified check, money order or cash. Payment shall be held in deposit by the County pending state license approval and issuance of the County license by the County ABC Administrator. If the payment of a license fee was erroneously made or the licenses are not issued, the County shall authorize the payment of the refundable amount.

112.33 ISSUANCE OF COUNTY LICENSES

The County licenses shall be issued and the fees collected by the County Court Clerk. No license shall be issued by the clerk without the approval of the County ABC Administrator. The license shall be in form of a standard County Business License and a business license category shall hereby be established as "Limited Alcoholic Beverage by the Drink License". The fees shall be those established and not replace the standard general business license fees.

112.34 POSTING OF LICENSES

Each county license shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each county license shall remain in the County Clerk's office as part of the public record.

112.35 TRANSFER, ASSIGN, OR ACQUIRE EXISTING LICENSE

The transfer, assigning or acquisition of a county license shall be the same as provided for in state licenses in KRS 243.630, 243.650, and 243.660.

112.36 APPLICANT TO PAY OF OWN LICENSE

The license fee for a county license shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued under these sections.

112.37 DEPOSIT OF FEES

All monies derived from license fees or from fines as provided in this chapter less County Clerks commissions, shall be paid to the treasury of the County and become a part of the general funds of the County.

112.38 LICENSE TO BECOME VOID IF BUSINESS DORMANT; LICENSE RENEWAL

- (A) Surrender of license and exceptions. Any license under which no business is transacted during a period of ninety (90) days shall become a null and void. At the expiration of the ninety (90) days period the license shall be surrendered to the County ABC Administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to 804 KAR 4: 1110, as amended from time to time, to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the ABC Administrator to the licensee, the licensee shall immediately notify the County ABC Administrator. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the County ABC Administrator and a fee shall be due and payable to the County ABC Administrator for the period the license was in dormancy in the same amount due had the license remained active for the same period.
- (B) Applications based on pending construction of development applications approved by the County ABC Administrator and based on pending construction or development on the premises shall be null and void after ninety (90) days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. The ABC Administrator may grant extensions as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.
- (C) Renewals time for filing. All renewal of licenses and payment of license fees must be on file with the County ABC Administrator fifteen (15) days

before the expiration of the license for the preceding license period or the license shall be cancelled, except that the licensee may file a written, verified statement fifteen (15) days prior to the expiration date of the license, settling for the facts justifying an extension. The ABC Administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The licensee shall pay the licensee fee from the expiration date of the former license or licenses and payments shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

Prohibitions, Restrictions and Regulations

112.40 HOURS OF SALE

- (A) Retail Sale for Consumption on Licensed Premises. Premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink for consumption on-premises, shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited* between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m.; and any time when the polls are open for any election in the precinct in which the license is granted. However, if the licensee provides a separate area within his licensed premises capable of being locked and closed off within which is kept all stocks of alcoholic beverages and malt beverages and if the department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with his subsection.
- (B) Control of Premises During Closing Hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.
- (C) Wholesale Deliveries on Sundays Prohibited. There shall be no deliveries of alcoholic or malt beverages on Sunday.
- (D) Licensees authorized to sell package liquor and/or malt beverages at retail for off-premises consumption may sell same on Sundays except during the time between 12:00 a.m. midnight and 1:00 p.m. *
- (E) Sunday sales of package liquor and/or malt beverages retail are permitted only by qualified licensees who obtain a license for same as part of the regular annual license fee for package liquor and/or malt beverages.

112.41 HOURS OF SALE; EXCEPTIONS; REQUIREMENTS

The licensee shall be allowed to remain open during hours when the sale of alcoholic beverages is prohibited for the sole purpose of providing food services to the public. However, all stocks of alcoholic beverages shall be locked and closed off from the public during said time period.

112.42 FOOD SERVICE REQUIREMENT

All license holders of an alcoholic beverage by the drink license qualified to hold such by virtue of being a restaurant or dining facility shall be required to maintain food service during all hours that alcohol is served.

112.43 CONFISCATION AUTHORIZED IF VIOLATIONS OCCUR

If any alcoholic or malt beverages are found on the outside of the locked or closed-off area of any licensed premises at any hours during which the licensee is prohibited by the State Alcoholic Beverage Control Act or by this chapter from selling alcoholic or malt beverages, a prima facie presumption shall arise that such alcoholic or malt beverages were kept outside the locked or closed off section for the purpose of sale in violation of this chapter and the State Alcoholic Beverage Control Act and shall be grounds for revocation or suspension of the license. In addition to other penalties provided for the violation of this chapter, the County Alcoholic Beverage Control Administrator is hereby authorized to confiscate the alcoholic or malt beverages.

112.44 ADVERTISING RESTRICTIONS

- (A) Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign not over two (2) square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business price cards not larger than two and one-half (2 ½) inches in size, setting forth the price at which he offers alcoholic beverages for sale.
- (B) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.
- (C) It shall be unlawful for a license under this chapter to distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.
- (D) It shall be unlawful for any person, holding a license under this chapter to sell alcoholic beverages of any kind, to give away or offer to give away

anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

- (E) Any advertising by any licensee under this chapter shall be in compliance with applicable state statutes.

112.45 "TREATING" PROHIBITED

No license holder shall give away any alcoholic beverage in any quantity for less than a full monetary consideration.

112.46 LICENSEE TO PURCHASE FROM AND SELL ONLY TO PERSONS AUTHORIZED TO SELL OR PURCHASE

- (A) No licensee shall purchase or agree to purchase any alcoholic beverages from any person within or without this state, who is not licensed to sell the beverages to the particular purchaser at the time of the agreement to sell, nor give any order for any alcoholic beverages to any person who is not a holder of a special agent's or solicitor's license if such a license is required.
- (B) No licensee shall sell or agree to sell any alcoholic beverage to any person, within or without this state who is not legally authorized to buy and receive the beverages at the time of the agreement to sell, nor secure any order for the sale of any alcoholic beverages through any person who is not the holder of a special agent's or solicitor's license.

112.47 RETAIL SALES TO CERTAIN PERSONS PROHIBITED

No retail licensee shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

- (A) A minor, except that in any prosecution for selling alcoholic beverages to a minor it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his age could not have been ascertained by any other means and the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. The evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.
- (B) A person actually or apparently under the influence of alcoholic beverages.
- (C) A habitual drunkard or any person convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period.

112.48 SALE TO PERSON NOT PROVIDING FOR HIS FAMILY
PROHIBITED

No license shall sell or agree to sell any alcoholic beverages or cause or permit any alcoholic beverage to be sold to any person who has been reported to the licensee by any court or by any officer acting at the direction of a court as having failed to make proper provision for his family.

112.49 LICENSEE TO DISPLAY NOTICE AS TO SALE TO MINORS;
WARNING OF DANGERS OF DRINKING DURING PREGNANCY
TO BE POSTED

- (A) Every retail licensee shall display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or larger type, substantially as follows:
Persons under the age of twenty-one (21) are subject to a fine up to One Hundred Dollars (\$100.00) if they:
- (1) Enter Licensed premises to buy, or have served to them, alcoholic beverage
 - (2) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
 - (3) Misrepresent their age for purpose of purchasing or obtaining alcoholic beverages.
- (B) All licensed retail vendors or alcoholic beverages shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

112.50 MINORS NOT TO POSSESS OR PURCHASE LIQUOR NOR TO
MISREPRESENT AGE-USE OF FRAUDULENT IDENTIFICATION

- (A) As used in KRS 244.083 and this section; "Premises" has the meaning it is given in KRS 241.010 and also means that the place of business of a person licensed to sell alcoholic beverages.
- (B) A person under 21 years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.
- (C) A person under 21 years of age shall not possess for his or own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

- (D) A person under 21 years of age shall not misrepresent his or her age for the purpose of inducing any license, or the licensee, or the licensee's agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person.
- (E) A person under 21 years of age shall not use, or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

112.51 PERSONS WHOM LICENSEES MAY NOT EMPLOY

- (A) A person holding any city license shall not knowingly employ in connection with his or her business any person who:
 - (1) Has been convicted of any felony within the last two (2) years,
 - (2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years.
 - (3) Is under the age of twenty (20) years, unless the person is employed in a capacity that does not involve the sale or serving alcoholic beverages.
 - (4) Within two (2) years prior to the date of his employment, has any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation or alcoholic beverages revoked for cause.
- (B) The provisions of paragraph (1) and (2) of subsection (A) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.
- (C) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

112.52 RETAIL PREMISES NOT TO BE DISORDERLY

(A) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

(B) Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

- (1) Engaging in fighting or in violent, tumultuous or threatening behavior; or
- (2) Making unreasonable noise; or
- (3) Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
- (4) Creating to hazardous or physically offensive condition by an act that serves no legitimate purpose; or

- (5) Conducting promotional efforts that are not customary or usual for a restaurant operation (e.g. wet t-shirt contest).

Regulatory License Fee

112.60 REGULATORY LICENSE FEE IMPOSED

- (A) A regulatory license fee is imposed on the gross receipts from retail sales of alcoholic beverages by the drink for the purpose of insuring full reimbursement to the County for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the County. The Fiscal Court shall adopt, at the budget adoption for the fiscal year, an annual rate for the regulatory license fee as shall be reasonably estimated to insure full reimbursement to the County for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages by the drink in the County. The regulatory license or fees imposed under the provisions of this chapter.

112.61 PAYMENT

Payment of such fee shall accompany forms approved for use by the ABC Administrator and shall include a tabulation of both gross food sales and alcohol sales for the preceding quarter. The forms and payment shall be submitted to the County Treasurer by the end of each month following the calendar quarter for the preceding quarter's sales. One-fourth (1/4) of the license fee required under the provisions of this chapter shall be deducted each quarter as a credit.

112.62 FAILURE TO PAY; INTEREST ON LATE PAYMENT

Failure to pay the quarterly remittance within ten (10) days after the due date shall constitute a violation of this chapter. Interest shall be assessed upon any past due payments at the rate of twelve (12) percent per annum.

112.63 PENALTY FOR NONPAYMENT

If the holder of any license shall fail to pay the regulatory license fee imposed by this Section within ten (10) days of the due date, an automatic penalty of Fifty and 00/100 Dollars (\$50.00) shall be assessed for the first offense. An automatic penalty of One Hundred and 00/100 Dollars (\$100.00) shall be assessed on the second offense, and an automatic penalty of Two Hundred 00/100 Dollars (\$200.00) shall be assessed on the third offense. In addition to the monetary penalty, the County Alcoholic Beverage Control Administrator shall hold a hearing for a second and third offense requiring the licensee to show cause why the license should not be suspended or revoked with full authority to do so upon appropriate findings. The calculation of the number of offenses for the purpose of invoking the above penalties shall be done on a twelve (12) month

basis, with the number of offenses being reduced to zero at the beginning of each new license period.

112.64 ADEQUATE RECORD KEEPING

Every licensee shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the State Alcoholic Beverage Control Board, or such rules and regulations as may be from time to time promulgated by the County Alcoholic Beverage Control Administrator and approved by a majority of quorum of the County Commission. Where the sales of alcoholic beverages as they relate to other sales are determinative of the licensee's eligibility to retain a license, the licensee shall maintain adequate records to show that relationship. The books and records shall be available at all reasonable times for inspection by the County Alcoholic Beverage Control Administrator or any authorized representative.

112.65 AUDIT REQUIREMENTS

The County Alcoholic Beverage Control Administrator may at his discretion require that a licensee make his records available to the County for the purpose of conducting an audit to verify compliance with this ordinance and applicable state statutes.

112.70 PENALTIES

(A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall, in addition to other penalties provided by law, be subject to the following penalties:

- (1) For the first offense a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00);
- (2) For any subsequent offense a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00) or confinement in jail of not more than six (6) months, or both.

(B) Any proceeding for the revocation of any license issued hereunder shall be governed in accordance with the provisions of KRS 243.480.

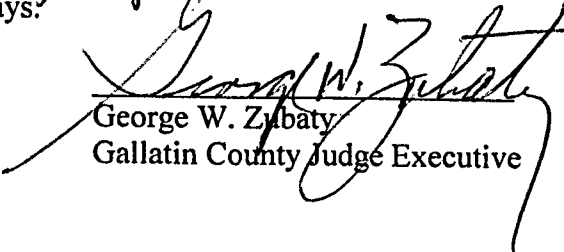
112.71 SEVERABILITY

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

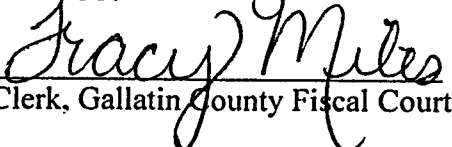
112.72 REPEAL OF CONFLICTING ORDINANCES

All ordinances of Gallatin County in conflict herewith are hereby supercede, and/or repealed by implication, to the extent of the conflict herewith. This ordinance shall be controlled as to all matters addressed herein.

After a reading in full on the 14th day of July, 2005, followed by a second reading in full on the 8th day of September, 2005, and on motion made by Jim Campbell seconded by George W Zibaty, the ordinance was adopted by a vote of 3 - ayes and 2 nays.


George W. Zibaty
Gallatin County Judge Executive

ATTEST:


Clerk, Gallatin County Fiscal Court

GALLATIN FISCAL COURT
WARSAW, KENTUCKY
ORDINANCE NO. 070804-1

AN ORDINANCE OF THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY, RELATING TO LICENSE FEE UPON ALL PERSONS ENGAGED OR EMPLOYED IN ANY TRADE, OCCUPATION OR PROFESSION WITHIN THE COUNTY OF GALLATIN, COMMONWEALTH OF KENTUCKY FOR THE HEALTH EDUCATION, SAFETY, WELFARE AND CONVENIENCE OF THE INHABITANTS OF GALLATIN COUNTY, COMMONWEALTH OF KENTUCKY, INCLUDING BUT NOT LIMITED TO ALS AMBULANCE, FIRE, POLICE, JAIL, AND PARKS, OF ONE (1%) PER CENT

WHEREAS, Gallatin County Fiscal Court, like many local governments, is experiencing reduction in state and federal monies and as a result is experiencing a growing budgetary shortfall;

WHEREAS, Gallatin County Fiscal Court is experiencing growing financial difficulties in maintaining the basic services it has undertaken for the Gallatin County community including but not limited to ALS ambulance service, quality fire protection, improved police protection, animal control, senior services, mandatory jail, capital improvements, improved parks and related recreational services;

WHEREAS, the Gallatin County Fiscal Court having determined that the most feasible method for obtaining the desired revenue for the county is by imposition of a tax;

WHEREAS, the Gallatin County Fiscal Court having determined that an annual occupational license fee tax shall be imposed on any wage, salary, business, trade, occupation or profession in Gallatin County, Kentucky;

WHEREAS, an Ordinance should be enacted to implement the above referenced annual occupational license fee tax;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Gallatin County Fiscal Court as follows:

SECTION 1: DEFINITIONS

The following words, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the content clearly indicated or requires a different meaning;

Association: A partnership, limited partnership, joint venture or any other form of unincorporated enterprise, owned or engaged in by two (2) or more persons.

Corporation: A corporation or joint stock association organized under the laws of the United States, this state, or any other state, territory or foreign country or dependency.

Collection Officer: The collection officer of the county or any other person designated to perform the functions set forth

within this ordinance.

Employer: Any individual, person, partnership, association, corporation, governmental body or unit or administration or agency, or any other entity, who or that employs one or more persons on a salary, wage, commission or other compensation basis.

Licensee: Any person required to file a return or to pay an occupational tax under this chapter.

Occupational Tax: A tax imposed for the privilege of exercising the right to engage in trade, occupation or profession for compensation paid by others within Gallatin County, Kentucky. This is analogous with a license fee.

Occupations, trade, profession or other activity: The doing of any kind of work, the rendering of any kind of personal service, to the holding of any kind of position or job within the county, by any clerk, laborer, tradesman, manager, official or other employee, including any non resident of the county who is employed by an employer as defined in this section, where the relationship between the individual performing the services and the person for who such services are rendered is, as to those legal services, the legal relationship, or employer and employee, including also a partner of a firm or an officer of a firm or corporation if such partner or officer receives a salary for his personal services rendered in the business of such firm or corporation, and shall also include and mean the holding of any kind of office or position either by election or appointment by the federal, state, county or county officer or employee, where the services of such official or employee are rendered within the county.

Person: Any natural person, co-partnership, fiduciary, association or corporation. Whenever the word "person" is used in any clause prescribed and imposing a penalty in the nature of a fine or imprisonment, the word, as applied to a partnership or other form of unincorporated enterprise, shall mean the partners or members thereof, and as applied to corporations, shall mean the officers and directors thereof.

Salaries, wages, commissions and other compensations: The total gross amount of all salaries, wages, commissions, bonuses, share of net partnership receipts or withdrawals, corporate dividends paid in lieu of salaries or wages, and all other payments of other consideration which a person receives from or is entitled to, for any work done or personal services rendered in any trade, occupation or profession or any other activity, including all deductions whether for tax, insurance or other. Amounts paid to traveling salesmen or other workers as allowance or reimbursement for travel or other expenses incurred in the business of the employee to his employer, are excluded from the foregoing definition.

Treasurer: Treasurer of the county.

SECTION 2: USE OF PROCEEDS; UNLAWFUL IMPOSITION OF OCCUPATIONAL TAX

All monies derived from the occupational license fee tax pursuant to the provisions of this ordinance shall be paid to the county treasurer and placed to the credit of the general revenue fund of the county and shall be used for the health, education, safety, welfare and convenience of the inhabitants of Gallatin County, Kentucky including but not limited to ALS ambulance service, quality fire protection, improved police protection, animal control, senior services, mandatory jail, capital improvements, improved parks and related recreational services. It is the purpose of this chapter to provide revenue for the general fund of the county and it is not the intention of the county or of this ordinance to impose and require an occupational license fee tax prohibited by law.

SECTION 3; LEVY GENERALLY

There is hereby levied and imposed an annual occupational tax upon each person, association, corporation, trade, profession and other activity in the county, for the privilege of engaging in such occupation, trade, profession and other activity, which occupational tax shall be measured by and be equal to one percent (1%) of the gross salaries, wages, commissions and other compensations earned by such person for work done or services performed or rendered in the county; provided, however, that such person shall be entitled to an exemption of \$5,000.00 of said gross salaries, wages etc per calendar year before the application of the license fee after December 31, 2004. For the period beginning October 1, 2004 through December 31, 2004, such person shall be entitled to an exemption of \$1,250.

Where such salaries, wages, commissions, and other compensations are earned for work done or services rendered both within and without the county, said occupational tax shall be measured by such part of the salaries, wages, commissions and other compensations as is earned as a result of work done or services performed or rendered in Gallatin County. The occupational tax shall be computed by obtaining the percentage of the compensation for work performed or services rendered within the county as relates to the total compensation earned.

This is not intended as a "net profits tax" but as an occupational license for the privilege of employment within Gallatin County.

SECTION 4: EMPLOYER WITHHOLDING AND PAYMENT; RETURNS

(a) Each employer who employs one or more persons within the county shall deduct monthly, or more often than monthly, at the time of payment thereof, the occupational tax due from each employee measured by the amount of salaries, wages, commissions, or compensations, due by said employer to said employee and shall pay to the treasurer the amount of occupational tax so deducted. The payment required to be made unto the treasurer on account of

deduction by employers shall commence and be made quarterly for the quarterly periods beginning October 1, 2004 and each and every quarter thereafter, on or before the last day be it the 30th or 31st of the first month next following the preceding three month quarterly period of said deduction.

The aforesaid required quarterly payments shall be for the quarterly periods ending March 31st, June 30th, September 30th and December 31st of each year. Each employer shall, annually no later than the 31st day of January of each year, make a return to the finance officer in which shall be set forth the name and residence of each employee of said employer during the preceding calendar year, giving the amount of salaries, wages, commissions or other compensations earned during such preceding year, by each employee. However, the failure or omission of any employer to deduct such occupational tax shall not relieve the employee from the payment of such occupational tax in compliance with respect to making returns and payment thereof as may be fixed in this ordinance or established by the finance officer.

(b) Every person whose earnings are subject to the occupational tax imposed by this ordinance, shall, on or before April fifteenth of each year, make and file a return with the finance officer on a form obtained from the treasurer. In the return filed, there shall be set forth the aggregate amount of salaries, wages, bonuses, incentive payments, commissions, fees, and other compensation received (all as hereinbefore defined), by and during the preceding year within the county and subject to the said occupational tax, together with such other pertinent information as the collection officer may require.

(c) Where the entire earnings for the year are paid by one and the same employer and the occupational tax has in each instance been withheld or deducted by the employer from the gross amount of compensation without adjustment for expenses it shall not be necessary for such employee to file a return for the year unless required or requested to do so by the collection officer.

(d) If the return is made for a fiscal year for any period other than a calendar year, said return shall be made within one hundred thirty-five (135) days from the end of the said fiscal year or other period.

(e) The return shall also show the amount of the occupational tax imposed by this ordinance on such earning, or both.

(f) The person making the return shall, at the time of filing thereof, pay to the treasurer the amount of tax shown to be due by the return.

(g) Where any portion of the occupational tax otherwise due shall have been deducted at the source and shall have been paid to the treasurer by the person making said deduction, a credit equal to the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of the filing of said return.

(h) If a licensee shall terminate his business or employment for which the occupational tax has not been withheld, during the calendar or fiscal year, the proper return shall be filed and the tax paid within one hundred thirty-five (135) days after the termination of said business or employment.

(i) Persons temporarily engaged in business within the county, or temporarily performing services within the county, shall file a return and pay the occupational tax based upon the completion of said business or employment.

(j) The collection officer shall have authority to extend the filing of said returns in his or her discretion. Such extension shall be upon the written request of the licensee. Provided, however any balance unpaid when payment is due under the terms of this chapter shall bear interest at the rate of twelve (12) percent per annum until paid.

SECTION 5: COLLECTION OF OCCUPATIONAL TAX AT SOURCE

It is the duty of each employer (as hereinbefore defined) who employs one or more persons on a salary, wage, commission or other compensation basis, to deduct monthly or more often, at the time of the payment, of such compensation, the occupational tax on such salary, wage, bonus, incentive payment, commission or other compensation paid to employees for activities in the county. However, the mere fact that the occupational tax is not withheld will not relieve the employee of the responsibility of filing a return and paying the tax on the compensation received. A nonresident employer, either maintaining in the county an office, business address or, doing business therein, or is otherwise subject to service of legal process, is subject to the withholding provision of this action.

SECTION 6: COMPENSATION EXCLUDED; SPECIFIC COVERAGE

(1) The following money receipts are not deemed to be "salaries" within the meaning of this chapter;

(a) Old age or retirement payments: Periodical payments, commonly recognized as old age or retirement pensions, made to persons retired from service after reaching a specified age or after a stated period of employment are not subject to the occupational tax.

(b) Disability, sickness, accident benefits and unemployment compensation; Payments made to employees by an employer under a disability, sickness and accident plan, are not subject to the occupational tax. Unemployment compensation payments by the state or any other agent are not subject to the occupational tax.

(c) Death benefits: Death benefits payable by an employer to the beneficiary of any employee or to his estate, whether payable in a single sum or otherwise, are not subject to the occupational tax.

(d) Benefits arising under the Workmen's Compensation Act as compensation for disabilities sustained during the course of

employment, together with any amount of damages received by suit or agreement on account of such disability, are not subject to this occupational tax.

SECTION 7: OFFICIALS TO COLLECT AND KEEP RECORDS

It shall be the duty of the designated collection officer, as appointed by the Fiscal Court to collect and receive the occupational taxes imposed by this ordinance. The said collection officer shall also keep records showing the amount received by them from each licensee and employer and the date of such receipt. The County Treasurer or Finance Officer shall keep record of the balance received.

SECTION 8: INQUISITORIAL POWERS OF FINANCE OFFICER; ENFORCEMENT

(a) The collection officer is charged with the enforcement of the provisions of this ordinance, and is empowered to prescribe, adopt and promulgate and enforce rules and regulations relating to any matter, pertaining to the administration and enforcement of the provisions of this ordinance, including but not limited to provisions for the reexamination and correction of returns to which an underpayment or overpayment is claimed or found to have been made and the rules and regulations as promulgated by him or her shall all be binding upon the licensee and employers. However all such rules, regulations and decisions shall be subject to the consent and approval of the judge executive.

(b) The designated collection officer personally, or their agents or employees, is authorized and empowered to examine the books, papers and records of any employer, or supposed employer, or of any license payer, or supposed license payer, in order to verify the accuracy of any return made; or, if no return was made, to ascertain the occupational taxes imposed by this ordinance when he or she deems this reasonably necessary for the purposes incident to the performance of his or her duties hereunder. The collection office may enforce this right by application to the appropriate court having jurisdiction over these matters.

(c) Every employer or supposed employer, and every license payer or supposed license payer, is required to furnish to the collection officer or his or her duly authorized agent, and employees, the means, facilities and opportunity for such examinations, investigations and audits as are authorized in and by this chapter.

(d) The designated collection officer is further authorized to examine, under oath, any person, concerning any income which was or should have been returned for assessment of occupational tax, and to this end, the designated collection officer has the right and power to compel the production of books, papers and records and the attendance of all persons before him or her, whether as parties or witnesses, whom he or she believes to have knowledge of such income.

(c) Refusal of such examination of any employer or person subject to the occupational tax, or presumed to be such employer or person so subject, constitutes a Class A Misdemeanor.

SECTION 9: COLLECTION OF DEFICIENCIES; ALLOWANCE OF CREDIT FOR OVERPAYMENT

(a) If as a result of investigation conducted by the designated collection officer a return is found to be incorrect, the designated collection officer is authorized to access and collect any underpayment of occupational tax withheld at source or any underpayment of occupational tax owing by any license payer, with respect to earnings. If no return has been filed and an occupational tax is found to be owing, the tax actually owing may be assessed and collected with or without the formality of obtaining a delinquent return from the employer or taxpayer.

(b) Should it be disclosed, either as a result of an investigation by the collection officer or through the medium of the filing of a claim or petition for refund or credit, that an overpayment has been made, the county will refund such overpayment.

(c) The employer will in every instance be required to pay the full occupational tax which should have been withheld, even though he may fail to withhold from the employee. If too much has been withheld the excess shall be refunded by the employer to the employee. While the withholding agent (employer) will be expected to maintain complete records of such adjustments with employees, any such adjustments made during any month will not need to be reflected in the withholding return or disclosed by schedules or statements, thereto attached. However, where adjustments are made between employer and employee, disclosure shall be made in a statement supporting the annual schedule or schedules filed pursuant to these regulations.

SECTION 10: RECORDS TO BE KEPT BY EMPLOYERS AND LICENSE PAYERS

Employers and others subject to the occupational taxes, pursuant to this ordinance, are required to keep such records as will enable the filing of true and accurate returns, whether of fees withheld at source or of fees payable upon earning and such records are to be preserved to enable the designated collection officer or any agent or employee of the designated collection officer to verify the corrections of the return filed.

SECTION 11: PENALTIES

All occupational taxes imposed by this ordinance which remain unpaid after they become due shall bear interest at the rate of twelve per cent (12%) per annum and any person who fails to pay such occupational tax when same become due shall also be charged a penalty of one per cent per month thereof not to exceed ten per cent (10%) of the amount of such unpaid occupational tax. Any person whom shall fail, neglect, or refuse to pay any taxes or make any return required by this ordinance, any employer who shall fail to withhold said occupational tax or to pay over to the county those so withheld under the terms of this ordinance, of any person, who shall refuse to permit the designated collection officer or any agent, employee designated by them in writing, to examine books, records and papers pertaining to information required under this chapter, or who shall knowingly make any

incomplete, false or fraudulent return, or shall attempt to do anything whatever to avoid the full disclosure of the amount of earnings in order to avoid the payment of the whole or any part of the occupational tax shall become liable to the county for such taxes as well as the interest and penalty thereof.

The failure of any employer or payer to receive or procure returns or other forms is not an excuse for failure to make any return or to pay the occupational tax.

Further, in addition to payment of the taxes, interest and penalties aforesaid, said non-complying person shall also be guilty of a Class A Misdemeanor according to the laws of the Commonwealth of Kentucky and upon conviction, shall be subject to punishment of imposition of a fine of no less than \$250.00 nor more than \$500.00 and jail incarceration of no less than 90 days nor no more than 12 months or at both fine and jail incarceration. Such criminal penalties shall be in addition to the civil penalties imposed above.

SECTION 12: CONFIDENTIAL INFORMATION

Any information gained by the treasurer, designated collection officer, or any other official or agent or employee of the county as a result of any returns, investigations, hearings or verifications required or authorized by this ordinance shall be confidential, except in accordance with proper judicial order, and any person or agent divulging such information shall, upon conviction, be subject to punishment as provided in section 13, and shall be dismissed from employment by the county upon conviction. However, such person may disclose to the commissioner of revenue of the state of his duly authorized agent all such information and the right to inspect any of the books and records of the county if said commission grants to the county the reciprocal right to obtain information from the files and records from the department of revenue of the state and maintains the privileged character of the information so furnished to him.

SECTION 13: PENALTY FOR DIVULGING CONFIDENTIAL INFORMATION

Occupational Tax Returns and all audits connected therewith are confidential. Any information gained by the designated collection officer and treasurer and their agents or employees, or by any other official or agent of the county as a result of any returns, investigations, hearings, or verifications required or authorized by this chapter, shall be held confidential, except for official purposes and except in accordance with proper judicial order or as otherwise provided in Section 11 and by dismissal from employment by the county. Every such breach of confidence constitutes a separate offense.

SECTION 14: SEVERABILITY

The provisions of this ordinance are severable. If any sentence, clause or section or part of this ordinance with application thereof of any particular state or case is for any reason is found to be unconstitutional, illegal, or invalid, shall not effect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this ordinance, it being the

intent of this court to adopt such provision, section, paragraph, sentence and part thereof separately and independently of each other.

SECTION 15: EFFECTIVE DATE

This Ordinance shall take effect and be in full force immediately upon adoption and all ordinances or parts of other ordinances which conflict with this ordinance are hereby repealed as so allowable by applicable law. Any ordinance or parts thereof not in conflict with the foregoing remain valid and in full force and effect.

FIRST READ AND APPROVED on this 8th day of April, 2004.

SECOND READING, APPROVED AND ADOPTED on this the ___ day of _____, 2004.

GEORGE ZUBATY
GALLATIN COUNTY JUDGE/EXECUTIVE

Attest:

GALLATIN COUNTY CLERK

**GALLATIN FISCAL COURT
WARSAW, KENTUCKY
ORDINANCE NO. 070804-2**

AN ORDINANCE OF THE FISCAL COURT OF GALLATIN COUNTY, KENTUCKY, RELATING TO GENERAL BUSINESS LICENSING UPON ALL PERSONS ENGAGED IN ANY TRADES, BUSINESSES, OR PROFESSIONS WITHIN THE COUNTY OF GALLATIN, COMMONWEALTH OF KENTUCKY FOR THE HEALTH EDUCATION, SAFETY, WELFARE AND CONVENIENCE OF THE INHABITANTS OF GALLATIN COUNTY, COMMONWEALTH OF KENTUCKY, INCLUDING BUT NOT LIMITED TO ALS AMBULANCE, FIRE, POLICE, JAIL, PARKS AND CAPITAL PROJECTS.

WHEREAS, Gallatin County Fiscal Court, like many local governments, is experiencing reduction in state and federal monies and as a result is experiencing a growing budgetary shortfall;

WHEREAS, Gallatin County Fiscal Court is experiencing growing financial difficulties in maintaining the basic services it has undertaken for the Gallatin County community including but not limited to ALS ambulance service, quality fire protection, improved police protection, animal control, senior services, mandatory jail, capital improvements, improved parks and related recreational services;

WHEREAS, the Gallatin County Fiscal Court having determined that the most feasible method for obtaining the desired revenue for the county is by imposition of a tax;

WHEREAS, the Gallatin County Fiscal Court having determined that an annual business license fee tax shall be imposed on persons engaging in trades, businesses, or professions in Gallatin County, Kentucky;

WHEREAS, an Ordinance should be enacted to implement the above referenced annual business license fee tax;

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Gallatin County Fiscal Court as follows:

SECTION 1: LICENSES REQUIRED TO ENGAGE IN CERTAIN TRADES, BUSINESS, OR PROFESSIONS

No person shall engage in any of the trades, businesses, or professions for which licenses are required by any provision of this code or any other ordinance of Gallatin County, KY without first applying for and obtaining a license from the Gallatin county Judge Executive or any duly authorized issuing authority.

(A) Business is defined as an occupation or trade engaged in for the purpose of obtaining a livelihood or gain. Separate businesses may be maintained at the same location if any of the three apply:

- (1) there is a separate entryway for the separate businesses;
- (2) There is a separate accounting or book keeping by the owner for the separate businesses;
- (3) There are separate employees for the separate businesses.

(B) BUSINESS SITUS is defined as a place where the owner or his agent is conducting business.

SECTION 2: APPLICATION FOR LICENSE.

(A) All original applications for licenses, unless otherwise specifically provided, shall be made to the Gallatin County Judge Executive or his designee in writing upon forms to be furnished by the Judge Executive's office and shall contain:

- (1) The name of the applicant and of each officer, partner, or business associate;
 - (2) His present occupation and place of business;
 - (3) His place of residence for five years next preceding the date of application;
 - (4) The nature and location of the intended business or enterprise;
 - (5) The period of time for which the license is desired;
 - (6) A description of the merchandise to be sold, if for a vendor;
 - (7) Such other information concerning the applicant and his business as may be reasonable and proper, having regard to the nature of the license desired.
- (B) Renewal of an annual license may be granted to a licensee in good standing upon the original application, unless otherwise provided.
- (C) With each original or renewal application, the applicant shall deposit the fee required for the license requested.
- (D) It shall be unlawful to knowingly make any false statement or representation in the license application.

SECTION 3: ISSUANCE OF LICENSE; STANDARDS FOR ISSUANCE.

- (A) upon receipt of such application for a license, accompanied by the proper fee, if approval by another officer or department is not required, the Gallatin County Judge Executive or his designee shall forthwith deposit the fee in the general fund of the county and issue the applicant the proper license certificate signed by the County Judge Executive or his designee. If for some reason the license is not issued the fee shall be returned to the applicant.
- (B) The application shall be approved unless such investigation discloses tangible or reasonably articulable evidence that the conduct of the applicant's business would pose a substantial threat to the public health, safety, morals, or general welfare

SECTION 4: DATE AND DURATION OF LICENSE

- (A) The license fiscal year for the County shall begin on January 1 and end on December 31. Any person, firm, corporation, beginning a taxed business or undertaking upon a taxed occupation after the first month of any calendar year, shall procure a license to do so by paying proportionally, being a the percentage of time left in the calendar year (i.e.- six months equals half or 50%). The minimum fee charged is for six months. There are no refunds for a business that terminates operations.
- (B) Any person failing to obtain a license and said person continuing to fail to obtain a license for more than 30 days after the expiration of the old license shall be charged a 10% penalty. If that same person continues to fail to obtain a license as required above shall be subject to a 10% interest per annum.
- (C) Any person failing to obtain a business license as required above shall not be permitted to form or continue their business within Gallatin County.
- (D) In no event shall a license be granted to any business or person for a longer period of time than one year.
- (E) Every license is issued to an individual person or business and shall not be transferable.
- (F) Every license certificate shall be displayed in a fixed and prominent location upon the licensed premises. Other licensees shall carry the license certificates at all times and shall exhibit the license upon request by law officer or citizen.

SECTION 5: REVOCATION AND SUSPENSION

- (A) Any license may be revoked by the legislative body at any time for conditions or considerations which, had they existed at the time of issuance, would have been valid grounds for denial; for any misrepresentation of a natural fact in the application discovered after the issuance of the license; for violation of any provision of this chapter or other law ordinance relating to the operation of the business or enterprise for which the license has been issued; or upon conviction of a license for any federal, state, or municipal law or ordinance involving moral turpitude.
- (B) The revocation shall become effective upon notice served upon the licensee or posted premises affected.
 - U) As a preliminary to revocation, the legislative body may issue an order suspending the license, which shall become effective immediately upon service of written notice to the licensee. This notice shall specify the reason for suspension, and may provide conditions under which reinstatement of the license may be obtained. Upon compliance with these conditions within the time specified, the license may be restored.

SECTION 6: APPEAL AND REVIEW

In case any applicant has been denied a license, or if his license has been revoked or suspended, the applicant or licensee as the case may be, shall within three business days have the right to appeal to the fiscal court from the denial, revocation, or suspension. Notice of appeal shall be filed in writing with the Gallatin County Judge Executive's or his designee who shall fix the time and place for a hearing, which shall be held no later than one week thereafter. The Gallatin County Judge Executive or his designee shall notify all members of the fiscal court of the time and place of the hearing not less than 24 hours in advance thereof. A majority of the fiscal court members shall constitute a quorum to hear the appeal. The appellant may appear and be heard in person or by counsel. If, after a majority of the members of the fiscal court present at the meeting declare in favor of the applicant, the license shall be issued or fully reinstated as the case may be; otherwise the order appealed from shall become final.

SECTION 7: BUSINESS LICENSE FEE SCHEDULE

Accountant, Practicing the profession of counseling, keeping books and records or filing of income tax return	\$100.00
Adult Entertainment Establishment (Sexually Oriented Business	\$1,000.00
Alcoholic beverages	
Beer, distributor	\$250.00
Beer, retail (county only)	\$200.00
Liquor, retail (county only)	\$500.00
Liquor, by drink (county only)	\$500.00
Amusement and recreation centers.	
For operating amusement or recreation center	\$100.00
For Compensation	
Apartment house, each location	\$ 20.00 per unit
	(up to 25 units with a maximum of \$500.00 per complex)
Architect, per year	\$150.00
Attorney (See "Law, practice of)	.
Auctioneer	\$100.00
Automobile Sales & Dealerships	
"Salespersons will pay on commissions"	\$150.00
Barbershop	\$ 50.00
Beauty shop	\$ 50.00
Bed & Breakfast establishments	\$100.00
Billiards/pool	\$100.00
Bowling Alley	\$100.00
Building and loan companies (See Loan Company)	\$100.00
Cable, Satellite	\$100.00
Campground	\$100.00
Carnival. No license shall be issued for the opening of a carnival or street fair, except by the Gallatin Co. Fiscal Court in regular or special meeting at which time the license fee is to be fixed.	
Carpenters	\$100.00
Car Wash	\$100.00
Catering Company (with store front, not home business)	\$ 50.00
Chiropractor, per year	\$100.00
Civil engineer, per year	\$100.00

Claim agent, per year	\$100.00
Clairvoyants	\$350.00
Cleaning Service	\$ 50.00
Consulting, Appraisal, Counselling Business	\$100.00
Contractors	
General	\$150.00
Subcontractors: painters, plumbers, masons, or carpenters, each	\$100.00
Electricians	\$100.00
Heating & Air Conditioning	\$100.00
Dance Hall. For operating dance hall (public) for compensation	
Per year	\$150.00
Per night	\$100.00
Dance School	\$100.00
Day Care or pre-school	\$ 50.00
Delivery Service	\$100.00
Dentist	\$100.00
Dry Cleaning & pressing. For operating a business of cleaning, pressing, & dyeing.	\$100.00
Electrician (See also contractors)	\$100.00
Electrical Engineer	\$100.00
Farm produce	\$ 25.00
Florist (an established location)	\$100.00
Funeral Home establishment	\$100.00
Gas Depot (See motor oils, gas depot)	
Home Business	\$ 50.00
Home Sales	\$100.00
Hotel (See Motel). Any establishment renting rooms	\$100.00
Insurance Agency	\$100.00
Junkyard	\$150.00
Laundromat. For operating a self-service Laundromat, each location	\$100.00
Law, practice of (per lawyer)	\$100.00
Lawn Service (mowing, mulchi'ng and lawn maintenance)	\$ 50.00
Loan Company	\$100.00
Manufacturing. For operating a plant for the manufacture of any products by Processing, assembling, or converting (except alcoholic beverages)	\$500.00
Marina	\$100.00
Massage Therapist	\$ 50.00
Medicine, practice of	\$100.00
Mercantile establishments (Grocery, Video, Hardware)	\$100.00
Monuments (Agents soliciting sale of marble or monuments)	\$100.00
Motel (see also Hotel)	\$100.00
Motor oils, gas depot. Operating as wholesale dealer in oil And gas products by depot or trucks	\$100.00
Newspaper. For publishing a newspaper and job printing.	\$100.00
Nursing homes	\$100.00
Nursery	\$100.00
Optometrist	\$100.00
Osteopathy	\$100.00
Painter (see also contractors)	\$100.00

Peddlers/solicitors per year	\$ 50.00
Pest exterminator, per year	\$ 50.00
Pharmacist / Pharmacy	\$100.00
Photographer (for conducting a photograph gallery)	\$100.00
Physician	\$100.00
Plumber (see also contractors)	\$100.00
Printing	\$100.00
Private Investigator	\$100.00
Real estate agent	\$100.00
Recycling, Trash Pickup	\$100.00
Repair service	\$100.00
Restaurants	\$100.00
Security Service	\$100.00
Service Station (for operating a service station where gas, oil, and accessories are sold, including soft drinks per year)	\$100.00
Sewing shop, for alterations and tailoring	\$ 50.00
Spa/exercise	\$100.00
Storage-Buildings (Commercial)	\$100.00
Surveyor	\$100.00
Tattoo Parlor	\$200.00
Taxicab	
Conducting or operating taxi station with reserved space (sign) each	\$ 50.00
Towing, Wrecker Service	\$100.00
Truck Business	\$100.00
Temporary services agency	\$150.00
Theatre or motion picture houses. <i>lc</i> , operate mo~ ing pictures.	
Theatoriums. Vaudevilles, talkin or sound pictures, or shows of similar character, each location	\$ 51.00
Trailer court	\$100.00
Travel agency	\$100.00
Tree trimming	\$ 50.00
Veterinary surgeon	\$100.00
Warehouse rental	\$100.00
Water-Treatment	\$100.00
Wholesale distributor	\$150.00

SECTION 8: PENALTY

Any person, firm, or corporation who shall fail to procure the license or pay the fee herein provided, or shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than \$10.00 nor more than \$50.00 for each offense. Each day's business engaged in without such a license constitutes a separate offense. In addition to paying such fines and the costs, the person, firm, or corporation so convicted shall have the option of taking out and paying for the proper license for the business or occupation engaged in and continuing the same to the end of the fiscal year, or immediately closing up such business and ceasing to follow such occupation in the city until he shall have proper license to do so.

EFFECTIVE DATE This Ordinance shall take effect and be in full force immediately upon adoption and all ordinances or parts of other ordinances which conflict with this ordinance are hereby repealed as so allowable by applicable law. Any ordinance or parts thereof not in conflict with the foregoing remain valid and in full force and effect.

FIRST READ AND APPROVED on this 8th day of April, 2004.

SECOND READING, APPROVED AND ADOPTED on this the 8th day of July, 2004.

**GEORGE ZUBATY
GALLATIN COUNTY JUDGE/EXECUTIVE**

Attest:

**TRACY MILES
GALLATIN COUNTY CLERK**

GALLATIN COUNTY COURT

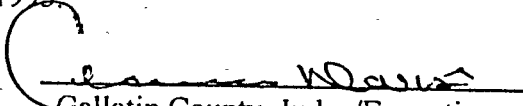
IN RE: Appointment of County Alcoholic Beverage Administrator

ORDER

The Gallatin Fiscal Court, pursuant to KRS 241.110, having by Resolution adopted at its regular meeting held September 14, 1995, having declared that the regulation of traffic of alcoholic beverages within Gallatin County is necessary, and the undersigned County Judge/Executive of said county, by his signature hereunto having declined to accept the office of county alcoholic beverage administrator; Now Therefore; by the authority vested in me pursuant to KRS 241.110, I do hereby appoint and constitute J.T. Dossett, being a person over the age of thirty (30) years, and a resident of this state and county for in excess of the two year period next preceding this date and otherwise qualified according to law, as Gallatin County Alcoholic Beverage Administrator for the statutory term of said office or until his successor is appointed and qualifies.

Upon taking the Constitutional oath of office and the posting of a bond in the sum of \$1,000.00, said J.T. Dossett shall forthwith assume the duties of the said office.

Signed this 14th day of September, 1995


Gallatin County Judge/Executive

A True Copy: Attest

Cathy Adams
Gallatin County Court Clerk
J. Johns, D.C.

Mailing Address:

P.O. Box 69

Warsaw, Ky 41095

606-567-8751

RECEIVED
OCT 13 9 25 AM '95
ALCOHOLIC
BEVERAGE CONTROL

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 270

July 31, 1950

The State Alcoholic Beverage Control Board met in executive session in its offices on July 31, 1950, and amended Regulation LCS-37 (Limit on Retail Liquor Licenses), pertaining to Fulton County, Kentucky, a copy of which is to be filed with the Secretary of State. All members being present: Honorable Guy C. Shearer, Chairman, Honorable John E. Kirksey and Honorable Julian G. Elliott, Members. The said regulation provides as follows:

LCS-75

Re: Limit on Retail Liquor Licenses

KRS 241.060

REGULATION

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

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

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

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

WHEREAS, the present Alcoholic Beverage Control Board has had its records of Retail Distilled Spirits

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ALCOHOLIC BEVERAGE CONTROL BOARD

3.4.4
O R D E R N O. 252

June 12, 1950

The State Alcoholic Beverage Control Board met in executive session on June 12, 1950, and amended Regulation LCS-24 insofar as it pertains to Gallatin County, Kentucky. Members present: Honorable Guy C. Shearer, Chairman, Honorable Julian G. Elliott, and Honorable W. Orbie Mitchell sitting for and acting instead of Honorable John E. Kirksey, Member. The said Regulation provides as follows:

LCS-62

Re: Limit on Retail Liquor Licenses
KRS 241.060

REGULATION

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

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

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

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

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

IT IS, THEREFORE, ORDERED that the existing Retail

Package Liquor License quota for the County of Callatin,
be, and the same is hereby raised from five (5) to seven
(7).

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

This the 12th day of June, 1958.

ALCOHOLIC BEVERAGE CONTROL BOARD

Guy C. Shearer
GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:

A. E. FUNK,
THE ATTORNEY GENERAL

Walter R. Ferguson
Asst. Atty. Gen.

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Date *Jun 13 1958* 11:15 p.m.

George Glenn Hunter
Secretary of State of Kentucky

By *h m*

Chief Clerk.

Ordinance No 36.

Board of Trustees, Town of Sparta, does ordain as follows.

That Ordinance No 2 of Dec 3, 1937, Page 31 provision for licensing of and imposing Taxes on sale of beer, Ale ~~and~~ Porter ~~and~~ stout wine and whiskey be and does hereby amend Section 2, as follows; Each retailer of Beer Ale and Porter shall pay annual license Tax of One Hundred and Twenty-five dollars \$125.00 for each store or premises from which he sells or delivers beer ale and porter.

And hereby amends Section 3, as follows;

Each retailer dealer of beer, ale, porter and in addition retails whiskey and wine shall pay annual license Tax of Two Hundred and Fifty Dollars \$250.00 for each building or premises from which he serves, sells and delivers beer, ale porter, wine and whiskey.

This Ordinance shall become effective Jan 1 1948

This Ordinance passed October 14th 1947.

F. P. Jacobs

Acting Clerk

W. J. Clarke

Chairman Pro-tem

Copy
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JUN 17 1948

DEPT. OF ALCOHOLIC
BEV. CONTROL
FRANKFORT, KY.