

COMMONWEALTH OF KENTUCKY
COUNTY OF HENDERSON

ORDINANCE NUMBER 18-03

*** **

**AN ORDINANCE AMENDING THE EXISTING ORDINANCE
RELATING TO THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS;
AMENDING THE HOURS OF SUNDAY SALES BY THE DRINK; AND
ESTABLISHING HOURS FOR PACKAGE SALES ON SUNDAYS**

WHEREAS, the Henderson Fiscal Court passed Ordinance No. 17-01 on March 7, 2017, which amended Chapter 90, Article 11, of the Code of Henderson County, to provide for and regulate the sale of alcoholic beverages by the drink on Sundays beginning at 12:00 noon;

WHEREAS, City of Henderson has passed ordinances allowing for the sale of alcoholic beverages both by the drink and in packages beginning at 10:00 a.m. on Sundays;

WHEREAS, the Henderson Fiscal Court deems it beneficial to harmonize its alcoholic beverage control ordinances with those enacted by the City of Henderson, Kentucky;

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

1. Section 90-11(D) of the Code of Henderson County shall be amended, with additions in bold underline and deletions in bold strikethrough, as follows:

The sale of distilled spirits and wine by the drink, and malt beverages by individual container, shall be permitted on Sundays from ~~12:00 noon~~ **10:00 a.m.** until 11:00 p.m., and on Sundays that fall on December 31 from ~~12:00 noon~~ **10:00 a.m.** until 2:00 a.m. the following Monday, by hotels, motels, golf courses, and restaurants which are licensed for the retail sale of malt beverages and distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of 50 people at tables and which receive at least 50% or more of their gross annual income from their dining facilities by the sale of food.

2. A new section of Section 90-11 of the Code of Henderson County is hereby creates as subsection (F) and said section shall read as follows:

Licenses which have been issued a quota retail package license or a nonquota retail malt beverage package license shall be permitted to sell alcoholic beverages on Sunday from 10:00 a.m. until 2:00 a.m. of the following Monday.

3. All other provisions of section 90-11 of the Code of Henderson County shall remain in effect without amendment thereto.

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 All ordinances or parts thereof, in conflict herewith are, to the extent of such conflict hereby repealed.

5. The provisions of this ordinance are severable and, if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

WHEREUPON, County Judge-Executive Brad Schneider declared the Ordinance adopted on its first reading and ordered that the same be published in summary form and presented for second reading on December 4, 2018, at the regular meeting of Fiscal Court.

On second reading of the foregoing Ordinance, it was moved by Magistrate Puttman, seconded by Magistrate Warren, that the Ordinance be adopted.

WHEREUPON, the vote was called.


Upon roll call the vote stood:

Judge Schneider	AYE
Magistrate Warren	AYE
Magistrate Todd	ABSENT
Magistrate Puttman	AYE
Magistrate Alexander	AYE
Magistrate Wilkerson	AYE


WHEREUPON, County Judge-Executive Brad Schneider declared the Ordinance adopted on its second reading, affixed his signature and the date thereto and declared that the same be recorded.

APPROVED this the 4th day of December, 2018.

ATTEST:



Kurt Wiesen
Henderson Fiscal Court Clerk



Brad Schneider
Henderson County Judge-Executive

COMMONWEALTH OF KENTUCKY
COUNTY OF HENDERSON

ORDINANCE NUMBER 15-07

*** **

**AN ORDINANCE RELATING TO THE REGULATION
OF THE SALE OF ALCOHOLIC BEVERAGES
ON LICENSED SMALL FARM WINERY PREMISES**

WHEREAS, one of the fastest growing agri-tourism businesses in Kentucky is farm based wineries. The continued success of these businesses is not only important to Henderson County, but to the Commonwealth of Kentucky as well; and,

WHEREAS, many wineries have added value to the economy of our region. Wineries require many jobs such as grape and vegetable production, food service and management, accounting, event planning, retail sales and maintenance. Wineries attract tourism dollars to their businesses and, as a result, a large percentage of their business comes from outside our area;

WHEREAS, many tourists travel on weekends only, therefore, it is vital for tourism-based businesses, including wineries, to have their business open on weekends; and,

WHEREAS, the Henderson Fiscal Court is empowered pursuant to KRS 67.077 and KRS 244.290 to pass an ordinance allowing small farm wineries to sell alcoholic beverages on Sundays.

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

1. The Code of Henderson County shall be amended to include a new sub-section of §90-12 which shall state as follows:
 - E. Any small farm winery, as that term is defined in KRS 241.010(53), which is licensed by the Kentucky Alcoholic Beverage Control pursuant to KRS 243.155 and located in the unincorporated territory of Henderson County, Kentucky, may sell alcoholic beverages on Sunday in strict accordance with the sales permitted by KRS 243.155 on the licensed premises of the small farm winery from 1:00 p.m. until 11:00 p.m., subject to the restrictions herein and in Chapter 90 of the Code of Henderson County and all other Alcoholic Beverage Control laws and regulations.
2. The penalty for violating the terms of this ordinance shall be defined by KRS 243.480 and Chapter 90 of the Code of Henderson County.
3. All ordinances, or parts thereof, in conflict herewith are, to the extent of such conflict hereby repealed.
4. The provisions of this ordinance are severable and, if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

This Ordinance is adopted pursuant to KRS 67.077 in that it was published in summary form on the 3 day of September, 2015, and was introduced and read on the 1 day of September, 2015, and given final reading on the 22 day of September, 2015 and said Ordinance shall be in full force and

effect upon signature, recordation and publication in summary form pursuant to KRS Chapter 424 and KRS 67.077 Subsection 3.

On first reading of the foregoing Ordinance, it was moved by Magistrate Warren, seconded by Magistrate Alexander, that the Ordinance be adopted on its first reading.

WHEREUPON, the vote was called.

Upon roll call the vote stood:

Magistrate Warren	<u>Aye</u>
Magistrate Todd	<u>Nay</u>
Magistrate Puttman	<u>Aye</u>
Magistrate Alexander	<u>Aye</u>
Magistrate Wilkerson	<u>Aye</u>
Judge McCormick	<u>Aye</u>

WHEREUPON, County Judge-Executive Donald Hugh McCormick declared the Ordinance adopted on its first reading and ordered that the same be published in summary form and presented for second reading on September 22, 2015, at the regular meeting of Fiscal Court.

On second reading of the foregoing Ordinance, it was moved by Magistrate Warren, seconded by Magistrate Puttman, that the Ordinance be adopted.

WHEREUPON, the vote was called.

Upon roll call the vote stood:

Magistrate Warren	<u>Aye</u>
Magistrate Todd	<u>Nay</u>
Magistrate Puttman	<u>Aye</u>
Magistrate Alexander	<u>Aye</u>
Magistrate Wilkerson	<u>Absent</u>

WHEREUPON, County Judge-Executive Donald Hugh McCormick declared the Ordinance adopted on its second reading, affixed his signature and the date thereto and declared that the same be recorded.

APPROVED this the 22 day of September, 2015

ATTEST:

Sue Baker
Sue Baker
Henderson Fiscal Court Clerk

Donald Hugh McCormick
Donald Hugh McCormick
Henderson County Judge-Executive

ORDINANCE #15-07

**AN ORDINANCE RELATING TO THE REGULATION
OF THE SALE OF ALCOHOLIC BEVERAGES
ON LICENSED SMALL FARM WINERY PREMISES**

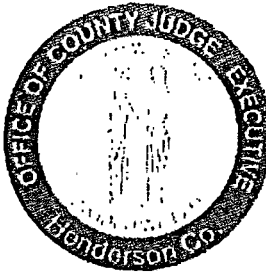
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Henderson County Fiscal Court will consider an ordinance amending the Henderson County Code to include a new subsection of subsection 90-12 which shall state as follows:

Any small farm winery, as that term is defined in KRS 241.010(53), which is licensed by the Kentucky Alcoholic Beverage Control pursuant to KRS 243.155 and located in the unincorporated territory of Henderson County, Kentucky, may sell alcoholic beverages on Sunday in strict accordance with the sales permitted by KRS 243.155 on the licensed premises of the small farm winery from 1:00 p.m. until 11:00 p.m., subject to the restrictions herein and in Chapter 90 of the Code of Henderson County and all other Alcoholic Beverage Control laws and regulations.

Second reading of this ordinance will be on September 22, 2015, 6:30 p.m. at the regularly scheduled Fiscal Court Meeting, 3rd Floor, Courthouse.

A complete copy of this ordinance may be obtained at the Henderson County Judge/Executive's office, 20 North Main Street, Suite 300, Henderson, KY 42420.



OFFICE OF THE COUNTY JUDGE/EXECUTIVE
COURTHOUSE
20 North Main Street
Henderson, Kentucky 42420

FAX

TO: Tamara FROM: Henderson Co. Judge's Office
FAX: (270) 827-6002 PAGES: 5
PHONE: (270) 826-3971 DATE: 2/25/16
RE: _____ CC: _____

- Urgent For Review Please Comment Please Reply Please Recycle

Comments:

**CODE OF ORDINANCES
City of
HENDERSON, KENTUCKY**

**Codified through
Ord. No. 19-06, adopted Aug. 22, 2006.
(Supplement No. 18, Update 1)**

Preliminaries

**CODE OF ORDINANCES
CITY OF
HENDERSON, KENTUCKY**

GENERAL ORDINANCES OF THE CITY

Published by Order of the Board of Commissioners

Chapter 4 ALCOHOLIC BEVERAGES*

***Cross references:** Possession of alcoholic beverages in parks prohibited, § 17-2.

State law references: Alcoholic beverages, KRS Chs. 241–244.

Article I. In General

Sec. 4-1. Definitions.

Sec. 4-2. Scope.

Sec. 4-3. Adoption of state alcoholic beverage laws.

Sec. 4-4. City alcoholic beverage control administrator.

Sec. 4-5. Compliance with alcoholic beverage control laws mandatory.

Sec. 4-6. Nonexclusive application.

Sec. 4-7. Restrictions on price advertising.

Sec. 4-8. Advertising by handbills, circulars and cards prohibited.

Sec. 4-9. Prizes prohibited.

Sec. 4-10. Books and records.

Sec. 4-11. Dancing prohibited.

Sec. 4-12. Prohibiting intoxicated persons on licensed premises.

Sec. 4-13. Opening of and drinking contents of containers on licensed premises.

Sec. 4-14. Beverages found outside locked compartment when sale prohibited.

Sec. 4-15. Hours of sale and delivery.

Secs. 4-16–4-31. Reserved.

Article II. Licenses

Sec. 4-32. Required.

Sec. 4-33. Application.

Sec. 4-34. Examination of applicants under oath.

Sec. 4-35. Fees.

Sec. 4-36. Authority of administrator to reject or grant.

Sec. 4-37. Approval of premises selling by the drink by health department required.

Sec. 4-38. License not to issue where principal trade with school children.

Sec. 4-39. License not to issue where dancing permitted.

Sec. 4-40. Inspection of licensed premises; authority of administrator.

Sec. 4-41. Conditions of license granted.

Sec. 4-42. Posting of license mandatory.

Sec. 4-43. Transfer.

Sec. 4-44. Limitation on number of licenses.

Sec. 4-45. Revocation or suspension.

Sec. 4-46. Expiration date.

ARTICLE I. IN GENERAL**Sec. 4-1. Definitions.**

The words and phrases used in this chapter shall have the same meaning as defined in KRS Chapters 241, 243 and 244. As used herein the term "hotels" shall include motels.

(Code 1968, § 113.04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 4-2. Scope.

The provisions of this chapter shall be applicable to the sale and traffic in alcoholic beverages, unless specifically provided to the contrary.

(Code 1968, § 113.02)

Sec. 4-3. Adoption of state alcoholic beverage laws.

The provisions of the Alcoholic Beverage Control Law of the state, including KRS Chapters 241, 243 and 244 and the regulations of the state alcoholic beverage control board, as the same may from time to time be amended, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein.

(Code 1968, § 113.03)

Sec. 4-4. City alcoholic beverage control administrator.

(a) Under authority of KRS 241.160 there is hereby created the office of city alcoholic beverage administrator for the city (hereinafter in this chapter referred to as the administrator), who shall have the duties and functions prescribed by KRS Chapter 241. The administrator may or may not be an officer or employee of the city, and shall be appointed by the city manager. He shall also have such further duties and functions as are prescribed in this chapter.

(b) The administrator, before entering upon his duties as such, shall take the oath as prescribed by Section 228 of the Constitution and shall execute a bond with a good and solvent, corporate surety in the sum of not less than one thousand dollars (\$1,000.00), faithfully to perform the duties of his office pursuant to the provisions of KRS 62.060 et seq.

(Code 1968, §§ 113.05, 113.06)

Cross references: Administration, Ch. 2.

Sec. 4-5. Compliance with alcoholic beverage control laws mandatory.

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.

(Code 1968, § 113.07)

Sec. 4-6. Nonexclusive application.

Nothing contained in this chapter shall excuse or relieve any person from the restrictions, requirements and penalties of any other ordinances of the city, or of any statutes or regulations of the state relating to violations pertaining to alcoholic beverages.

(Code 1968, § 113.08)

Sec. 4-7. Restrictions on price advertising.

No sign of any kind, printed or electric, advertising the price of alcoholic beverages shall be displayed so as to be visible from the exterior of any premises licensed for the sale of alcoholic beverages at retail; provided, however, that any licensee may place in the window of his place of business price cards not larger than two and one-half (2 1/2) inches by three (3) inches in size, with the price thereon at which he offers alcoholic beverages for sale.

(Code 1968, § 113.09)

State law references: Advertising to comply with regulations of state alcoholic beverage control board, KRS 244.130; advertising brands by retailers prohibited, KRS 244.140; adoption of labeling and advertising regulations of bureau of internal revenue for malt beverages, KRS 244.510; advertisement or label of malt beverages not to refer to alcoholic content, KRS 244.520; signs on malt beverage premises, KRS 244.530; advertising malt beverages near school or church prohibited, KRS 244.540.

Sec. 4-8. Advertising by handbills, circulars and cards prohibited.

No licensee under this chapter shall distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.

(Code 1968, § 113.10)

Sec. 4-9. Prizes prohibited.

No licensee under this chapter shall 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.

(Code 1968, § 113.11)

Sec. 4-10. Books and records.

Every licensee under this chapter 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 reasonable rules and regulations of the state alcoholic beverage control board. Such books and records shall be available at all reasonable times for inspection by the administrator.

(Code 1968, § 113.12)

State law references: License to keep records, KRS 244.150.

Sec. 4-11. Dancing prohibited.

No licensee under this chapter, except a hotel or private club, shall invite or permit the patrons of the place of business of such licensee to dance in any room which is equipped to sell, give away or dispense alcoholic beverages from a bar.

(Code 1968, § 113.13)

Sec. 4-12. Prohibiting intoxicated persons on licensed premises.

No licensee under this chapter shall permit any person to become drunk or intoxicated on the licensed premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(Code 1968, § 113.14)

Sec. 4-13. Opening of and drinking contents of containers on licensed premises.

No licensee to sell alcoholic beverages at retail under this chapter shall permit any person, other than employees of the licensee, to open any container of alcoholic beverages, and no container of alcoholic beverages shall be opened nor its contents consumed on the licensed premises, unless the licensee holds a retail drink license.

(Code 1968, § 113.15)

Sec. 4-14. Beverages found outside locked compartment when sale prohibited.

If any alcoholic beverages are found on the outside of the locked or closed-off compartment of any licensed premises at which a license is held to sell alcoholic beverages at retail, at any hours during which the licensee is prohibited by law from selling such alcoholic beverages, a prima facie presumption shall arise that such alcoholic beverages were kept on the outside of the locked or closed-off compartment for the purpose of sale in violation of this chapter and of the state alcoholic beverage controllaws, and such shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for violations of this section, the administrator shall be and he is hereby authorized to confiscate such alcoholic beverages.

(Code 1968, § 113.16)

Sec. 4-15. Hours of sale and delivery; Sunday sales in qualified establishments.

(a) No premises for which there has been granted a license for the sale of alcoholic beverages within the corporate limits of the city, shall be permitted to remain open for any purpose between 2:00 a.m. and 6:00 a.m., prevailing time, of any week-day.

(b) Except as provided in subsection (d) below, no premises described in subsection (a) shall be permitted to remain open for any purpose at any time during the hours from 2:00 a.m. Sunday until 6:00 a.m. Monday, prevailing time, nor during the hours during which the polls are open on any legal, primary, school or special election day.

(c) However, if a licensee provides for a separate compartment within his licensed premises capable of being closed off within which is kept all stocks of alcoholic beverages and all fixtures

and appurtenances connected with his business as such licensee, and the compartment is kept locked during the time mentioned above, the above provisions of this section shall not apply.

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

(Code 1968, § 113.17; Ord. No. 4-78, § 1, 3-14-78; Ord. No. 24-05, 11-8-05)

State law references: Time when retail premises selling distilled spirits and wine are to be closed, KRS 244.290; time when delivery and sale of malt beverages are prohibited, KRS 244.480.

Secs. 4-16-4-31. Reserved.

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

The words and phrases used in this chapter shall have the same meaning as defined in KRS Chapters 241, 243 and 244. As used herein the term "hotels" shall include motels.

(Code 1968, § 113.04)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 4-2. Scope.

The provisions of this chapter shall be applicable to the sale and traffic in alcoholic beverages, unless specifically provided to the contrary.

(Code 1968, § 113.02)

Sec. 4-3. Adoption of state alcoholic beverage laws.

The provisions of the Alcoholic Beverage Control Law of the state, including KRS Chapters 241, 243 and 244 and the regulations of the state alcoholic beverage control board, as the same may from time to time be amended, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein.

(Code 1968, § 113.03)

◀ [Faint navigation text]

ARTICLE II. LICENSES*

***Cross references:** Occupational licenses, § 21-31 et seq.

State law references: Licenses to traffic in alcoholic beverages, KRS 243.020 et seq.; city licenses, KRS 243.070.

Sec. 4-32. Required.

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 having procured a license as provided for in this article.

(Code 1968, § 113.07)

Sec. 4-33. Application.

Any person desiring a license to sell, deal in, traffic or possess for sale, alcoholic beverages as provided for by this article shall make a written application to the administrator, stating the street and number of the premises where he expects to carry on the business sought to be licensed. No license shall be issued to any person or to any premises, or to any part of a building other than that approved by the administrator in such license application.

(Code 1968, § 113.30)

Sec. 4-34. Examination of applicants under oath.

The administrator shall have the power to examine or cause to be examined under oath any applicant for a license under the provisions of this article, and to examine or cause to be examined the books and records of such applicant; to hear testimony or to take proof upon the fitness of the applicant for a license or the fitness of his proposed place of business.

(Code 1968, § 113.31)

Sec. 4-35. Fees.

- (a) No license under the provisions of this article shall be issued until there has been paid to the city the license fee herein provided.
- (b) The following kinds of alcoholic beverage licenses and no others may be issued upon approval of the administrator, and the fees payable therefor to the city shall be as follows:
- (1) Distiller's license, per annum . . . \$300.00
 - (2) Rectifier's license, per annum . . . 100.00
 - (3) Blender's license, per annum . . . 100.00
 - (4) Wholesale liquor dealer's license, per annum . . . 500.00

- (5) Retail package license, per annum . . . 300.00
- (6) Retail drink license, per annum . . . 300.00
- (7) Brewer's license, per annum . . . 350.00
- (8) Wholesale beer distributor's license, per annum . . . 300.00
- (9) Retail beer license, per annum . . . 100.00
- (10) Special private club license . . . 150.00
- (11) Special temporary license . . . per month

or part of month, 1/6 of the annual fee set forth herein

(12) Retail package license held in connection with retail drink and/or retail beer license--combined license fee, per annum . . . 600.00

(13) Restaurant wine license:

- a. New applicant . . . 200.00
- b. Renewal . . . 100.00

(14) Restaurant beer license:

- a. New applicant . . . 200.00
- b. Renewal . . . 100.00

(15) License for Sunday sales of distilled spirits and wine and malt beverages by the drink in qualified hotels, motels and restaurants, per annum . . . 300.00

(c) All license fees from licenses issued under this article shall be collected and paid into the general fund of the city for use for the general operating expenses of the city.

(d) When any applicant applies for a license under the provisions of this article to commence business after the first of July of any year, such applicant shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month within the license is granted; provided, however, that no fractional fee shall be permitted where the applicant has actually been doing business under a similar license during the last month of the preceding license period.

(e) If any license issued hereto shall be revoked or cancelled for any reason, the licensee shall not be entitled to a refund of any portion of the license fee.

(Code 1968, §§ 113.41--113.44, 113.51; Ord. No. 8-72, 3-29-72; Ord. No. 25-78, 8-8-78; Ord. No. 9-82, 5-13-82; Ord. No. 27-84, 9-11-84; Ord. No. 24-05, 11-8-05)

State law references: Authority for these fees, KRS 243.070.

Sec. 4-36. Authority of administrator to reject or grant.

The administrator shall be the sole judge of the fitness of any applicant to be granted any of the licenses provided for in this article and of the fitness of the location where any applicant may propose to engage in the business authorized by any of the licenses provided for herein. He shall have the power to authorize any of the licenses provided for herein to such person applying therefor, or shall have the right to reject the application and decline to authorize the issuance of the license. The administrator will authorize issuance of the license provided for in this article only to persons who meet the criteria for

issuance of state licenses under KRS 243.100 and KRS 243.450.

(Code 1968, § 113.32)

State law references: Persons who may not be licensed, KRS 243.100; causes for refusal of license, KRS 243.450; issuance of city licenses, KRS 243.610.

Sec. 4-37. Approval of premises selling by the drink by health department required.

The administrator shall not authorize a license for the retail sale of alcoholic beverages by the drink, until the applicant and his place of business have been approved by the county health department.

(Code 1968, § 113.33)

Sec. 4-38. License not to issue where principal trade with school children.

No license shall be issued to any applicant for the sale at retail of any alcoholic beverage at any business premises where a majority of the business conducted therein is with school children who are regularly attending private, public or parochial schools.

(Code 1968, § 113.34)

Sec. 4-39. License not to issue where dancing permitted.

No license to sell alcoholic beverage for consumption on the licensed premises shall be granted to any applicant, except a hotel or private club, who sells, gives away or dispenses, or is equipped to sell, give away or dispense alcoholic beverages from a bar in any room where the patrons of the place of business owned, operated or conducted by the applicant are invited or permitted to dance; nor to any applicant except a hotel or private club who maintains a bar in any room where the patrons of the place of business, owned, operated or conducted by the applicant are invited or permitted to dance.

(Code 1968, § 113.35)

Sec. 4-40. Inspection of licensed premises; authority of administrator.

All applicants for a license under the provisions of this article shall, at the time of making an application for a license, make and execute a permit signed by the applicant and providing that the administrator may inspect and search the licensed premises at any time. Such permit for inspection and search shall be attached to and filed with the application and shall be considered a part thereof.

(Code 1968, § 113.36)

Sec. 4-41. Conditions of license granted.

All licenses granted under this article shall be granted subject to the following conditions, as well as all other conditions of other ordinances, regulations, statutes, or laws of the city or state applicable thereto:

- (1) Every hotel and private club that procures a license under this article shall be entitled to serve alcoholic beverages as permitted by such license in a separate room or rooms at banquets or dinners or where meals are served; however, no hotel or private

club shall maintain or operate, or permit to be operated more than one bar or room where alcoholic beverages are dispensed for sale and which is opened to the general public, without first obtaining a separate license for each bar or room which is opened to the general public.

(2) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises, and no nuisance suffered, permitted or maintained thereon.

(3) No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines or any devices of chance are prohibited and shall not be kept on such premises.

(4) No radio receiving apparatus shall be kept or maintained on the licensed premises which can be adjusted so as to receive police messages broadcast from the police radio station as it now or may hereafter be operated. In addition to the other penalties provided herein, for violation of this section the chief of police or the administrator shall have the authority to confiscate any and all such radio receiving apparatus.

(5) It shall be unlawful for any licensee under this article to keep or sell, or permit to be kept or sold or used on the licensed premises any controlled substances.

(Code 1968, § 113.37)

Sec. 4-42. Posting of license mandatory.

Every license issued pursuant to this article shall be posted and shall remain in a conspicuous place in the room where the business is carried on. Should any license be lost or destroyed without fault of the licensee, a duplicate in lieu thereof shall be issued at the direction of the administrator on being satisfied of the facts. A fee of one dollar (\$1.00) shall be charged for such duplicate.

(Code 1968, § 113.45)

State law references: Posting of licenses, KRS 243.620.

Sec. 4-43. Transfer.

(a) No license to sell alcoholic beverage shall be transferable either as to the licensee or the licensed premises except as provided in the alcoholic beverage control laws of the state, and not then until approval by the administrator and payment to the city of a transfer fee of five dollars (\$5.00).

(b) No assignment of any license issued under this article shall be made except by order of any court of competent jurisdiction and with the approval of the administrator.

(Code 1968, §§ 113.46, 113.47)

State law references: Transfer of license without authorization prohibited, KRS 243.630; transfer of license to other premises, KRS 243.650.

Sec. 4-44. Limitation on number of licenses.

(a) *Wholesale malt beverages.* No wholesale beer or malt beverage license for the sale, handling or distribution at wholesale of beer or malt beverages shall be sold or issued by the city or any agency thereof if, on account of such sale or issuance, the number of holders of such wholesale licenses would exceed eight (8).

(b) *Retail malt beverages.*

(1) No retail beer or malt beverage license for the sale, handling or distribution at retail of beer or malt beverages shall be sold or issued by the city or any agency thereof if, on account of such sale or issuance the number of holders of such retail licenses would exceed fifty-five (55).

(2) Notwithstanding anything contained in subsection (b)(1), a beer license may be issued to an applicant who is an owner or lessee of a restaurant which receives fifty (50) percent or more of its gross annual income from food and has a minimum seating capacity of fifty (50) people at tables.

(3) In computing the number of licenses for the purpose of subsection (b)(1), the following shall be excluded:

- a. Fraternal or social organizations and private clubs;
- b. Hotels and motels which hold retail beer licenses pursuant to section 4-35(b)(9);
- c. Establishments which possess a beer license pursuant to section 4-35(b)(14);

(4) The limitations as set forth herein as to the number of licenses shall have no force and effect as to licenses issued prior to January 23, 1979.

(5) This subsection (b) shall not be construed to prohibit or prevent the continuation, renewal of or reissuance of any retail beer license existing prior to January 23, 1979, but in the event any such license is revoked or surrendered the city alcoholic beverage administrator shall not issue any new licenses in the city to exceed the number fixed by subsection (b)(1).

(c) *Lapse upon failure to renew.* The present holders of such wholesale and retail malt beverage licenses and their authorized transferees shall be entitled to renewals thereof in event they shall make due application therefor, and provided they shall meet all other federal, state and municipal requirements; provided, however, that should any holder of such license allow the same to lapse or should such license be revoked or denied for any legal reason, then the same shall not be renewed if to do so would cause the number of holders thereof to be in excess of the numbers set forth in this section. No license will be renewed until the administrator approves of the renewal in writing.

(Code 1968, §§ 113.48--113.50; Ord. No. 8-72, 3-29-72; Ord. No. 31-73, 6-26-73; Ord. No. 2-76, 1-27-76; Ord. No. 25-78, 8-8-78; Ord. No. 3-79, § 1, 1-23-79)

Sec. 4-45. Revocation or suspension.

(a) Whenever any licensee shall violate any of the provisions of this article or any other ordinance relating to the subject of alcoholic beverage control, or any of the rules and regulations of the administrator, or any of the provisions of the alcoholic beverage control law of the state, or any amendments or supplements thereto, or any of the rules and regulations adopted by the state alcoholic beverage control board, or any acts of Congress, or rule or regulation of any federal board, agency or commission relative to the regulation and taxation of alcoholic beverages, or upon conviction by a court of competent jurisdiction of any such violation, the administrator is hereby authorized and empowered to order the revocation or suspension of any licenses issued under this article. For purpose of this section, a violation by any duly authorized agent or employee of a licensee shall constitute a violation by the licensee.

(b) Any revocation of the authorization of the state of any licensee to engage in the sale or traffic of alcoholic beverages shall automatically revoke the licenses issued therefor by the city.

(Code 1968, §§ 113.38, 113.39)

State law references: Suspension of licenses, KRS 243.480; causes for which licenses may be revoked, KRS 243.490; causes for which licenses must be revoked or suspended, KRS 243.500.

Sec. 4-46. Expiration date.

The licenses permitted under the provisions of this article shall be issued for a period of not more than one year, and every license issued hereunder shall expire on the thirtieth day of June of each year.

(Code 1968, § 113.40)

State law references: Similar provisions, KRS 243.090.

**COMMONWEALTH OF KENTUCKY
HENDERSON COUNTY FISCAL COURT**

**AN ORDINANCE AMENDING THE HENDERSON COUNTY ORDINANCE
RELATING TO THE SALE OF ALCOHOLIC BEVERAGES.**

WHEREAS, the Henderson County Fiscal Court deems it necessary and appropriate to amend its existing ordinance pertaining to alcoholic license fees subsequent to the passage of Senate Bill 13 by the 2013 Kentucky General Assembly, as codified in KRS Chapters 241 through 244;

WHEREAS, pursuant to KRS Chapters 241, 242, 243 and 244, the Fiscal Court has the authority to make regulations regarding the sale and control of alcoholic beverages;

WHEREAS, the Fiscal Court has determined that it is in the best interest of health, safety and welfare of the citizens of Henderson County to establish certain requirements regarding the sale and consumption of alcoholic beverages in Henderson County, Kentucky;

WHEREAS, the Henderson County Fiscal Court deems it necessary and appropriate to amend its Alcoholic Beverage Ordinance, specifically to eliminate all county alcoholic beverage license fees and all sections and provisions relating thereto; and

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

The 1985 Henderson County Alcoholic Beverage Ordinance is amended to eliminate all county alcoholic beverage license fees and all sections and provisions relating thereto, and the regulatory ordinance should be codified in one completely and newly and fully amended Ordinance, so as to replace and supersede that Ordinance, and to read, in its entirety, as follows:

Section 1 - Definitions

The following words, terms and phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, unless the context of the provision requires otherwise; and, in addition to the definitions and rules of construction set out in this Section, the definitions contained in KRS 241.010 are adopted as the meaning of such words used in this chapter.

A.) ADMINISTRATOR, ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR, or COUNTY ADMINISTRATOR. The County of Henderson's Alcoholic Beverage Control Administrator.

B.) ALCOHOLIC BEVERAGE. Every liquid or solid, whether patented or not, containing alcohol in any amount in excess of more than one percent (1%) of alcohol by volume, which is capable of being consumed by human beings. It includes every beverage for which the Commonwealth of Kentucky requires a license under KRS Chapter 243.

C.) BOARD. The State Alcoholic Beverage Control Board created by KRS 241.030.

D.) COUNTY. County of Henderson, Kentucky.

E.) DISTILLED SPIRITS. Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

F.) LICENSE. Any license issued pursuant to KRS 243.020 to 243.670.

G.) LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670.

H.) MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS Chapter 242.

I.) PREMISES or LICENSED PREMISES. A building or structure and does not include any apartment structures, parking lots or areas outside the confines of such building or structure.

J.) RESTAURANT or BONA FIDE RESTAURANT. A facility where the usual and customary business is the serving of meals to consumers and that has a bona fide kitchen facility which has been inspected, approved, and holds a valid certification by the Henderson County Health Department, and that derives at least fifty percent (50%) of its total gross receipts from the sale of food. The name of the establishment must also convey to members of the general public that the principal business of the facility is the sale of food.

K.) RETAIL SALE. The sale for use or consumption and not for resale.

L.) SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor or agent, servant or employee, of any alcoholic beverage. Sale further means to solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

M.) STATE LICENSE. Any license issued pursuant to KRS Chapters 241 to 244.

N.) WHOLESALE SALE. A sale to any person for the purpose of resale.

O.) WINE. The product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes cider, hard cider, and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It includes ciders, perry, or sake.

P.) HOTELS. As used herein the term "hotels" shall include both "motels" and "inns".

Section 2 - Scope

The provisions of this chapter shall be applicable to the sale and traffic in alcoholic beverages, unless specifically provided to the contrary. However, nothing in this ordinance shall abrogate the rights of localities under the local option provisions of KRS Chapter 242, nor shall it apply to any area where the sale of alcoholic beverages is prohibited.

Section 3 - Adoption of state alcoholic beverage laws

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky, including KRS Chapters 241, 243 and 244 and the regulations of the Kentucky Alcoholic Beverage Control Board, as the same may from time to time be amended, are hereby adopted as part of the alcoholic beverage control laws of Henderson County, except as otherwise lawfully provided herein.

Section 4 - Alcoholic beverage control administrator

Under authority of KRS 241.110 there is hereby created the office of county alcoholic beverage administrator (hereinafter in this chapter referred to as "the administrator") who shall the County Judge / Executive and shall have the duties and functions prescribed by KRS Chapter 241. The administrator shall also have such further duties and functions as are prescribed in this chapter. The Administrator shall make an annual written report of his office's activities to the Henderson County Fiscal Court.

Section 5 - Compliance with alcoholic beverage control laws mandatory

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 Commonwealth applicable thereto.

Section 6 - Nonexclusive application

Nothing contained in this chapter shall excuse or relieve any person from the restrictions, requirements and penalties of any other ordinances of the county, or of any statutes or regulations of the Commonwealth relating to violations pertaining to alcoholic beverages.

Section 7 - Licenses

A. License Required.

It shall be unlawful to sell or offer for sale, or dispense, or have in his possession for sale, any alcoholic beverage within the county without having the appropriate state license provided for and required by state law, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and, shall not entitle the holder of the license to sell from any other premises within the county.

B. License Conditions.

The Alcoholic Beverage Administrator shall not sign or approve for submission to the state board any application for license that does not meet the following conditions and all state licensees shall be subject to the following conditions:

- (1) A Non-Quota-2 (hereinafter "NQ-2") Retail Drink License for the sale of distilled spirits by the drink at restaurants, motels, hotels, and inns shall be issued only on the condition that hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities

for not less than one hundred (100) persons. A restaurant must be a bona fide restaurant establishment, open to the general public and having dining facilities for not less than one hundred (100) persons, and must derive at least fifty percent (50%) of their total gross receipts from the sale of food.

(2) A restaurant NQ-2 Retail Drink License may be issued to an owner or lessee of a bona fide restaurant for the sale of wine, distilled spirits, and malt beverages by the drink, or a Quota Retail Drink License may be issued to such an owner for the sale of distilled spirits and wine by the drink (unless previously restricted to wine only, in which case the licensee would be so restricted). Other conditions for such licensees shall be governed by KRS Chapter 243.

(3) Applicants shall obtain and present with the state application a fire marshal's certificate as to seating capacity of the dining facility, all applicable permits from the health department and an inspection and certification by the area volunteer fire chief that the premises of the applicant meet all fire, building and safety standards. All alcoholic beverages must be consumed in accordance with all alcoholic beverage license laws and regulations.

(4) No license for the sale of alcoholic beverages at retail shall be used 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 for a term of not less than the license period.

Section 8 - Advertising by handbills, circulars and cards prohibited

No licensee under this chapter shall distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.

Section 9- Prizes prohibited

No licensee under this chapter shall 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.

Section 10 - Books and records

Every licensee under this chapter 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 Kentucky Alcoholic Beverage Control Board. Such books and records shall be available at all reasonable times for inspection by the administrator or his or her designee.

Section 11 - Prohibited sales

No licensee under this chapter shall permit any person to become drunk or intoxicated on the licensed premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises. Each licensee shall strictly comply with all applicable statutes regarding the sale of alcoholic beverages, including but not limited to KRS 244.080 regarding prohibited sales

Section 12 - Hours of sale and delivery; Sunday sales in qualified establishments

A.) No premises for which there has been granted a license for the sale of alcoholic beverages within the county shall be permitted to remain open for any purpose between 2:00 a.m. and 6:00 a.m., prevailing time, of any week-day.

B.) Except as provided in subsection (d) below, no premises described in subsection (a) shall be permitted to remain open for any purpose at any time during the hours from 2:00 a.m. Sunday until 6:00 a.m. Monday, prevailing time, nor during the hours during which the polls are open on any legal, primary, school or special election day.

C.) However, if a licensee provides for a separate compartment within his licensed premises capable of being closed off within which is kept all stocks of alcoholic beverages and all fixtures and appurtenances connected with his business as such licensee, and the compartment is kept locked during the time mentioned above, the above provisions of this section shall not apply.

D.) The sale of distilled spirits and wine by the drink, and malt beverages by individual container, shall be permitted on Sundays from 1:00 p.m. until 11:00 p.m., and on Sundays that fall on December 31 from 1:00 p.m. until 2:00 a.m. the following Monday, by hotels, motels and restaurants which are licensed for the retail sale of malt beverages and distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty (50) percent or more of their gross annual income from their dining facilities by the sale of food.

Section 13 – Alcoholic Beverages - Premises

A.) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if said alcoholic beverage is in any opened container.

B.) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of said alcoholic beverages on any parking lot which is adjacent, connected with or used by the patrons of such business establishment which is under the direct control of the license.

C.) No person shall drink any alcoholic beverage on or in any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

D.) No person shall consume or be in possession of any alcoholic beverage on licensed premises other than alcoholic beverages sold and dispensed by the licensee. The licensee or his agent shall have the authority to order the immediate removal of any alcoholic beverage carried onto licensed premises in violation of this section.

E.) Exemption for Outdoor Festivals. There is exempted from this section any person or licensee which holds a Special Temporary License, which license permits the operation of an outdoor festival, if said festival is conducted no more than seven (7) consecutive days annually.

Section 14 – Retail Premises Not To Be Disorderly.

A.) A retail licensee, a patron, or the licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed premises to be disorderly.

B.) Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance, or alarm, or create a risk through:

- 1) Engaging in fighting or in violent, tumultuous, or threatening behavior;
- 2) Making unreasonable noise;
- 3) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency;
- 4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;
- 5) Creating a public nuisance;
- 6) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or
- 7) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or a local government, or by state administrative regulations, for the licensed premises.

Section 15 – Aiding or Assisting Persons Underage.

It shall be unlawful for any person to aid or assist any person under the age of twenty-one (21) years in purchasing, delivering, serving, or in any way procuring directly or indirectly any alcoholic beverages whether or not remuneration is received or contemplated.

Section 16 – Posting Of Signs – Display of License

In accordance with KRS 244.083 and this ordinance, every retail licensee shall cause to be displayed in a conspicuous, prominent place on the license premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

A.) 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) if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

B.) All valid state licenses issued therefor. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control board in regard thereto.

Section 17 – Temporary Suspension of Sale

The Administrator shall have the right to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire county, or any portion thereof whenever said Administrator considers such action necessary by reason of a serious public emergency such as a riot, insurrection, pestilence, epidemic, or any catastrophe of such proportions as would affect the general welfare, public health, safety and morals of all the citizens of the county in general. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken.

Section 18 – Scope of Coverage.

This ordinance shall apply to all areas of Henderson County outside of the corporate city limits of the city of Henderson, Kentucky, which has its own regulatory ordinances in regard hereto.

Section 19 – Gender Neutrality

The terms he, his or any other masculine description utilized in this ordinance shall be interchangeable with the terms she, her or any other feminine description and vice versa.

Section 20 - Penalty

A.) Any person, firm, or corporation who shall violate any provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

- 1.) If for a violation of any state statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations

incorporated in this chapter, the penalty shall be the same as provided by the statute.

- 2.) If for a violation of any provision of this ordinance by a fine of not more than two hundred and fifty dollars (\$250.00), or by imprisonment in jail for not more than ninety (90) days, or both, in the discretion of the criminal court (a Class B misdemeanor).

Section 21 - Repeal

All ordinances, or parts thereof, in conflict herewith are, to the extent of such conflict hereby repealed. This Ordinance hereby specifically repeals Henderson County Ordinance Chapter 110.02 pertaining to Sunday Hours; and 110.15, 110.16, 110.17, 110.18, 110.19, and 110.20 pertaining to Horse Racetrack Licenses.

Section 22 - Severability

The provisions of this ordinance are severable and, if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstance, such invalidity, unconstitutionality or inapplicability shall not affect or impair the remaining provisions of this ordinance.

Section 23 - Effective date

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

On first reading of the foregoing Ordinance, it was moved by Magistrate Wilkerson, seconded by Magistrate Warren, that the Ordinance be adopted on its first reading.

WHEREUPON, the vote was called.

Upon roll call the vote stood:

Magistrate Warren	<u>Aye</u>
Magistrate Todd	<u>No</u>
Magistrate Puttman	<u>Aye</u>
Magistrate Alexander	<u>Aye</u>
Magistrate Wilkerson	<u>Aye</u>

WHEREUPON, County Judge-Executive Donald Hugh McCormick declared the Ordinance adopted on its first reading and ordered that the same be published in summary form and presented for second reading on November 19, 2013, at the regular meeting of Fiscal Court.

On second reading of the foregoing Ordinance, it was moved by Magistrate Puttman, seconded by Magistrate Warren, that the Ordinance be adopted.

WHEREUPON, the vote was called.

On roll call the vote stood:

Magistrate Warren	<u>Aye</u>
Magistrate Todd	<u>No</u>
Magistrate Puttman	<u>Aye</u>
Magistrate Alexander	<u>Aye</u>
Magistrate Wilkerson	<u>Aye</u>

WHEREUPON, County Judge-Executive Donald Hugh McCormick declared the Ordinance adopted on its second reading, affixed his signature and the date thereto and declared that the same be recorded.

APPROVED this the 19th day of November, 2013.

ATTEST:

Sue Baker
Sue Baker
Henderson Fiscal Court Clerk

Donald Hugh McCormick
Donald Hugh McCormick
Henderson County Judge-Executive

ORDINANCE RELATING TO ALCOHOLIC BEVERAGES

SUMMARY: AN ORDINANCE ADOPTING WITH AMENDMENTS FOUND HEREIN, CHAPTER 4, *ALCOHOLIC BEVERAGES*, ARTICLE II, *LICENSES*, SECTION 4-35 THROUGH SECTION 4-46 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSON

WHEREAS, the City of Henderson deems it necessary and appropriate to amend its existing ordinance pertaining to alcoholic license fees so as to incorporate the change passed in Senate Bill 13 by the Kentucky General Assembly, as codified in KRS Chapters 241 through 244.

Sec. 4-35. - Fees.

- (a) No license under the provisions of this article shall be issued until there has been paid to the city the license fee herein provided. For the privilege of causing, permitting and engaging in the actions, business and transaction 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 KRS 243.070.
- (b) ~~The following kinds of alcoholic beverage licenses and no others may be issued upon approval of the administrator, and the fees payable, therefore to by the city and the fees for each shall be as follows:~~

- (1) Distiller's license, per annum\$300.00
- (2) Rectifier's license, per annum100.00
- (3) Blender's license, per annum100.00
- (4) Wholesale liquor dealer's license, per annum500.00
- (5) Retail package license, per annum300.00
- (6) Retail drink license, per annum300.00
- (7) Brewer's license, per annum350.00
- (8) Wholesale beer distributor's license, per annum300.00
- (9) Retail beer license, per annum100.00
- (10) Special private club license150.00

- (11) Special temporary licenseper month or part of month, 1/6 of the
— annual fee set forth herein

- (12) Retail package license held in connection with retail drink and/or retail beer
license — combined license fee, per annum600.00
- (13) Restaurant wine license:
 - a. New applicant200.00

PUBLICATION DATE: 11/30/2013

FIRST READING: 11/12/2013
SECOND READING: 11/26/2013

- b. Renewal100.00
- (14) Restaurant beer license:
 - a. New applicant200.00
 - b. Renewal100.00
- (15) License for Sunday sales of distilled spirits and wine and malt beverages by the drink in qualified hotels, motels and restaurants, per annum300.00

1. Distiller's license, per annum\$ 315.00
2. Rectifier's license, per annum . . . \$ 105.00
3. Wholesaler's distilled spirits and wine license, per annum.....\$525.00
4. Quota retail package license, per annum.....\$315.00
5. Quota retail drink license per annum.....\$315.00
6. Special temporary license, per event.....\$ 50.00
7. Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$1,000.00
8. Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$400.00
9. Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$250.00
10. Distilled spirits and wine special temporary auction license, per event...\$200.00
11. Special Sunday retail drink license, per annum.....\$300.00
12. Extended hours supplemental license, per annum.....\$ No Charge
13. Caterer's license, per annum.....\$300.00

14. Bottling house or bottling house storage license, per annum.....\$500.00

15. Malt beverage licenses as follows:
 - a. Brewer's license, per annum.....\$365.00
 - b. Microbrewery license, per annum...\$365.00

c. Malt beverage distributor's license, per annum...\$400.00

d. Nonquota retail malt beverage package license, per annum.....\$105.00

e. Nonquota type 4 retail malt beverage drink license, per annum... \$105.00

f. Malt beverage brew-on-premises license, per annum.....\$100.00

16. The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

17. The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

(c) All license fees from licenses issued under this article shall be collected and paid into the general fund of the city for use for the general operating expenses of the city.

(d) When any applicant applies for a license under the provisions of this article to commence business after the first of July thirty-first (31st) of January of any year, such applicant shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month within the license is granted; provided, however, that no fractional fee shall be permitted where the applicant has actually been doing business under a similar license during the last month of the preceding license period.

(e) If any license issued hereto shall be revoked or cancelled for any reason, the licensee shall not be entitled to a refund of any portion of the license fee.

(f) Upon adoption of this ordinance, the ABC administrator shall issue updated licenses to all current license holders, at no additional charge. These updated licenses shall expire on June 30, 2014. Upon application by these current license holders for their 2014 licenses, the ABC administrator, within his/her discretion, will renew licenses on July 1, 2014, at a prorated fee. These renewal licenses will expire on January 31, 2015. All other license applicants will be issued as provided by Sec. 4-45.

State law reference— Authority for these fees, KRS 243.070.