

CITY OF HILVIEW ALCOHOL ORDINANCE

CHAPTER 113: ALCOHOLIC BEVERAGES

Section

Restaurant Wine License

- 113.01 Established
- 113.02 Applicant qualifications
- 113.03 Fees
- 113.04 License subject to additional requirements

Retail Drink License

- 113.10 Established
- 113.11 Applicant qualifications
- 113.12 Fees
- 113.13 License subject to additional requirements

Nude and Nearly Nude Appearances and Activities

- 113.20 Nude or nearly nude appearances and activities prohibited on licensed premises
- 113.21 Licensee of premises

Sale of Alcoholic Beverages

- 113.30 Definitions
- 113.31 State law adopted
- 113.32 Classification of licenses; fee schedule
- 113.33 Form, content of city license
- 113.34 Application; issuance
- 113.35 Approval of application
- 113.36 Denial of application
- 113.37 Transfer of license
- 113.38 Premises selling groceries, gasoline, and the like prohibited from obtaining license
- 113.39 "Treating" prohibited; exceptions; sampling
- 113.40 Hours of sale
- 113.41 Compliance with regulations and prohibitions
- 113.42 Maintenance of state license
- 113.43 Display of required licenses and certain signs
- 113.44 Criminal conduct on premises prohibited
- 113.45 Conducting business with minor
- 113.46 Business to be conducted continuously; exceptions

Administration and Enforcement

- 113.60 Alcoholic beverage control vested in the Mayor
- 113.61 Right of entry; search and seizure
- 113.62 Suspension, revocation of license

- 113.99 Penalty

RESTAURANT WINE LICENSE

§ 113.01 ESTABLISHED.

There is hereby established by the City Council a restaurant wine license as authorized pursuant to state statute.

(Ord. 85-1, passed 1-21-85)

§ 113.02 APPLICANT QUALIFICATIONS.

Before a restaurant wine license is issued, the applicant must be:

(A) The owner or lessee of a restaurant which receives fifty percent (50%) or more of its gross annual income from the sale of food,

(B) Has a minimum seating capacity of fifty (50) people at tables.

(Ord. 85-1, passed 1-21-85)

§ 113.03 FEES.

The annual fee for the issuance of a restaurant wine license shall be:

(A) New applications \$300

(B) Renewals \$200

(Ord. 85-1, passed 1-21-85)

Cross-reference:

For alcoholic beverage taxes, licenses, and fees, see § 110.10

§ 113.04 LICENSE SUBJECT TO ADDITIONAL REQUIREMENTS.

This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the city, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission.

(Ord. 85-1, passed 1-21-85)

RETAIL DRINK LICENSE

§ 113.10 ESTABLISHED.

There is hereby established by the City Council a retail drink license as authorized pursuant to KRS 243.070.

(Ord. 96-11, passed 8-19-96)

§ 113.11 APPLICANT QUALIFICATIONS.

Before a retail drink license is issued:

(A) The applicant must hold a valid existing state license for the retail sale of liquor by the drink.

(B) The premises licensed shall contain facilities for the service of food to no less than ten (10) patrons seated at tables or counters.

(C) The premises shall contain adequate kitchen and storage facilities for the preparation of food to be served upon the premises and said kitchen facilities shall be separated from the serving area.

(D) The applicant shall have employed on the premises no less than one (1) person whose responsibility shall include the preparation of food for the purpose of sale upon the premises.

(Ord. 96-11, passed 8-19-96)

§ 113.12 FEES.

The annual fee for the issuance of a retail drink license shall be:

(A) New applications - \$600.00

(B) Renewals - \$600.00

(Ord. 96-11, passed 8-19-96)

Cross-reference:

For alcoholic beverage taxes, licenses, and fees, see § 110.10

§ 113.13 LICENSE SUBJECT TO ADDITIONAL REQUIREMENTS.

This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the city, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission, and shall not be transferable.

(Ord. 96-11, passed 8-19-96)

NUDE AND NEARLY NUDE APPEARANCES AND ACTIVITIES

§ 113.20 NUDE OR NEARLY NUDE APPEARANCES AND ACTIVITIES PROHIBITED ON LICENSED PREMISES.

No person shall perform or appear on the premises of any establishment licensed to sell wine, distilled spirits or malt beverages (hereafter, "licensed premises") in such a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or make genitals in a discernible turgid state even if completely and opaquely covered, or employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast immediately above the top of the areola.

(Ord. 91-10, passed 12-16-91) Penalty, see § 113.99

§ 113.21 LICENSEE OF PREMISES.

No licensee holding a license for the sale of wine, distilled spirits or malt beverages and no employee or agent of said licensee shall permit any person to perform or appear on its licensed premises in such manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or human or simulated male genitals in a discernible turgid state even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(Ord. 91-10, passed 12-16-91) Penalty, see § 113.99

SALE OF ALCOHOLIC BEVERAGES

§ 113.30 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD. The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

CATERER (DISTILLED SPIRITS AND WINE). A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (distilled spirits and wine) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and servicing the food and alcoholic beverages to the customer's guests,

CATERER (MALT BEVERAGE). A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (malt beverages) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests.

CITY LICENSE. A license established and authorized pursuant to the terms hereof and issued by the city.

CITY LICENSEE. A person who has been issued a city license pursuant to the terms hereof by the city, including the officers and agents of the licensee.

KRS. Kentucky Revised Statutes.

PERSON. Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, and servants, and employees thereof.

PREMISES. The premises described in the city license issued pursuant to the term hereof and the application therefor.

RETAIL LIQUOR DRINK SAMPLING LICENSE AND RETAIL LIQUOR PACKAGE SAMPLING LICENSE. A license that allows customers to sample distilled spirits and/or wine

at a retail liquor drink or a retail liquor package establishment that have met certain requirements.

SOUVENIR PACKAGE SUNDAY SALES. Pursuant to KRS 244.290(3)(b), a souvenir retail liquor license for Sunday sales may be issued to any licensed Kentucky distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory and has a souvenir retail package license.

SOUVENIR RETAIL PACKAGE LICENSE. A souvenir retail liquor license may be issued to any licensed state distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory.

SPECIAL PRIVATE CLUB LICENSE. A license issued to any nonprofit social, fraternal, military, or political organization or club, which for more than two years prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded.

SPECIAL TEMPORARY DISTILLED SPIRITS AND WINE LICENSE. A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorize the licensee to exercise the privileges of a distilled spirits and wine retail drink licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions applying to a distilled spirits and wine retail drink licensee shall apply also to a special temporary distilled spirits and wine licensee.

SPECIAL TEMPORARY MALT BEVERAGE LICENSE. A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorize the licensee to exercise the privileges of a malt beverage licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions applying to a malt beverage licensee shall apply also to a special temporary malt beverage licensee.

STATE. The Commonwealth of Kentucky.

STATE LICENSE. A license authorized by KRS 243.030 to 243.680.

SUPPLEMENTARY CATERER'S LICENSE (DISTILLED SPIRITS AND WINE). A caterer's license issued to any "liquor-by-the drink" or "liquor-by-the-package" licensee.

SUPPLEMENTARY CATERER'S LICENSE (MALT BEVERAGES). A caterer's license issued to any "malt beverage" licensee.

TRAFFIC IN ALCOHOLIC BEVERAGES. Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

(Ord. 2013-08, passed 8-19-13)

§ 113.31 STATE LAW ADOPTED.

The provisions of KRS Chapters 241 through 244 and all amendments thereto, relating to the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous, or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes are adopted as a portion of this chapter as far as applicable, except as otherwise lawfully provided by a city ordinances.

(Ord. 2013-08, passed 8-19-13)

§ 113.32 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

(A) 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 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 therefor:

<i>License Description</i>	<i>Statutory Authorization (KRS §)</i>	<i>Statutory Description of Authorized Business and Transactions (KRS §)</i>	<i>Annual Expiration Date (KRS §) (243.090)</i>		<i>Fee (Per Annum)</i>
<i>Distilled Spirits and Wine Licenses</i>					
Distillers	243.070(1)		243.120 243.130	June 30	\$500
Wholesalers	243.070(d)		243.160 243.170	June 30	\$2,000
Retail package	243.070(1)(e)(4)		243.240	June 30	\$600
Retail drink	243.070(2)(d) 243.030(17)		243.250	June 30 June 30	\$600 \$1,000
Private club caterer (distilled spirits and wine)	243.070(11)		243.033	June 30	\$800
Supplementary bar	241.010		243.033	June 30	\$100
* Wine by drink			243.260	June 30	\$25
* Wine by drink in connection with a restaurant operation where whiskey by the drink is not available.					

<i>License Description</i>	<i>Statutory Authorization (KRS §)</i>	<i>Statutory Description of Authorized</i>	<i>Annual Expiration Date (KRS</i>	<i>Fee (Per Annum)</i>
----------------------------	--	--	------------------------------------	------------------------

		<i>Business and Transactions (KRS \$)</i>	<i>\$) (243.090)</i>	
<i>Distilled Spirits and Wine Licenses</i>				
** Limited Sunday drink (attach proof of 70% food sales)	243.070(7)	244.290	June 30	\$300
Special temporary (special event)	243.070(17)	243.260	June 30	\$100
Souvenir retail package	243.070(17)	243.0305	June 30	\$1,000
Souvenir retail package Sunday sales		243.0305	June 30	No charge
*** Sampling				
<p>** Limited Sunday liquor drink (hours of operation shall be 1:00 p.m. - 12:00 a.m.) - available holders of liquor drink licenses that are restaurants with at least 100 seating for dining and receive at least 70% of its gross income from the sale of food or private clubs which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which: (a) have dining facilities with a minimum seating capacity of 100 people at tables; (b) are nonprofit, eleemosynary organizations with a membership of at least 200; and (c) have been in existence for a period of at least two years.</p> <p>*** Sampling - Available holders that are retail drink and retail package sales that notify the Office of Alcoholic Beverage Administrator seven days in advance before conducting a sampling event. A sampling event is limited to a period not to exceed four consecutive hours between 12:00 noon and 8:00 p.m. Each sample size shall not exceed one ounce of wine and one-half ounce of distilled spirits. A customer must be limited to no more than six wine and two distilled spirits samples per day. All samples must be provided free of charge and at the licensed premises.</p>				

<i>License Description</i>	<i>Statutory Authorization (KRS \$)</i>	<i>Statutory Description of Authorized Business and Transactions (KRS \$)</i>	<i>Annual Expiration Date (KRS \$) (243.090)</i>	<i>Fee (Per Annum)</i>
<i>Distilled Spirits and Wine Licenses</i>				

Retail drink ***Sampling	244.050(2)	243.250	June 30	\$300
Retail package ****Retail package Sunday sales	244.050(2)	243.240	June 30 June 30	\$50 No charge
<i>Malt Beverage Licenses</i>				
Brewers	243.070(13)	243.150	June 30	\$500
Distributors	243.040	243.150	June 30	\$400
Retailers (new applicant/ renewal)	243.040(4)	243.280	June 30	\$200
****Retailers Sunday sales (convenience stores and grocery stores)			June 30	\$300
Special temporary (special events)	243.040(7)	243.290	June 30	\$50 (per event)
<p>***Sampling - Available holders that are retail drink and retail package sales that notify the Office of Alcoholic Beverage Administrator seven days in advance before conducting a sampling event. A sampling event is limited to a period not to exceed four consecutive hours between 12:00 noon and 8:00 p.m. Each sample size shall not exceed one ounce of wine and one-half ounce of distilled spirits. A customer must be limited to no more than six wine and two distilled spirits samples per day. All samples must be provided free of charge and at the licensed premises.</p> <p>**** - Limited Sunday retail package and malt beverage retailers. (Hours of operation shall be 1:00 p.m. - 12:00 a.m. on Sundays.) Available to holders of retail package and malt beverage retailers (liquor stores, convenience stores and grocery stores).</p>				

(Ord. 2013-08, passed 8-19-13)

§ 113.33 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the Alcoholic Beverage Control Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

- (1) Comply with all of the provisions for state licenses required by KRS 243.440; and
- (2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(Ord. 2013-08, passed 8-19-13)

§ 113.34 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein; city licenses shall be originally issued by the Alcoholic Beverage Control Administrator and renewed by him or her upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the Alcoholic Beverage Control Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

(1) All information required by KRS 243.390 to be contained in the application for state licenses.

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names and addresses of the applicant and all shareholders.

(B) The approval of the applicant, the application, and the premises described therein by the Alcoholic Beverage Control Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

(Ord. 2013-08, passed 8-19-13)

§ 113.35 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original city license and 15 days of the date of an application for renewal of city license, the Alcoholic Beverage Control Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

(Ord. 2013-08, passed 8-19-13)

§ 113.36 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

(A) The applicant, the application, or the premises described therein do not fully comply with the provisions of this subchapter and all laws in regard to alcoholic beverages;

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false; or

(E) In the exercise of sound discretion, the Alcoholic Beverage Control Administrator determines any cause or reasons for refusing to approve an application reasonably related to the

purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the Alcoholic Beverage Control Administrator shall consider in the exercise of his discretion are: public sentiment in the area; number of license outlets in the area; potential for future growth; type of area involved; type of transportation involved; and financial potential of the area.

(Ord. 2013-08, passed 8-19-13)

§ 113.37 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the Alcoholic Beverage Control Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer of \$ 10 shall be paid to the city of the transfer of the city license.

(Ord. 2013-08, passed 8-19-13) Penalty, see § 113.99

§ 113.38 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS 243.280, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold for from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

(Ord. 2013-08, passed 8-19-13) Penalty, see § 113.99

§ 113.39 "TREATING" PROHIBITED; EXCEPTIONS: SAMPLING.

(A) No retail licensee shall give away any alcoholic beverage in any quantity or deliver it in any quantity for less than a full monetary consideration, except as provided by division (B) of this section.

(B) A retailer licensed to sell distilled spirits and wine or a retailer licensed to sell packaged distilled spirits and wine may, after acquiring a license, allow customers to sample distilled spirits and wine under the following conditions:

(1) Sampling shall be permitted only on licensed premises and during regular business hours.

(2) A licensee shall not charge for the samples provided to customers.

(3) Sample sizes shall not exceed:

(a) One ounce for wine; and

(b) One-half ounce for distilled spirits; and

(4) A licensee shall limit a customer to:

(a) Two distilled spirits samples per day; and

(b) Six wine samples per day.

(C) Retailers licensed shall:

(1) Notify the office of the City Alcoholic Beverage Administrator at City Hall at least seven days in advance of conducting a sampling event; and

(2) Limit a sampling event to a period not to exceed four hour consecutive hours between 12:00 noon and 8:00 p.m.

(Ord. 2013-08, passed 8-19-13) Penalty, see § 113.99

§ 113.40 HOURS OF SALE.

(A) Except as provided in division (D) of this section, no premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m., or at any time during the 24 hours of a Sunday after 1:00 a.m. However, if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. (KRS 244.290)

(B) Except as provided in division (D) of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 12:00 a.m. and 6:00 a.m. on any other day of the week. No retailer shall sell, give away, or deliver any malt beverages between 1:00 a.m. and 6:00 a.m. or at any time during the 23 hours of a Sunday after 1:00 a.m. (KRS 244.480)

(C) In all places wherein spirituous, vinous, or intoxicating liquors or malt beverages are sold by the drink for consumption on the premises in the city, all customers must vacate the premises by 1:30 a.m.

(D) Facilities receiving a minimum of 70% of its income from the sale of food and meeting the requirements of KRS 244.290(4) shall be eligible to receive a Sunday retail drink license. The hours of operation for a facility holding a Sunday retail drink license shall be the hours of 1:00 p.m. to 12:00 a.m. on Sundays. This division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290) A premises which has been granted a souvenir package Sunday sale license shall be eligible to operate between the hours of 12:00 noon to 12:00 midnight on Sunday. Convenience stores, grocery stores and packaged liquor stores which have been granted a retail beer license and/or a distilled spirits and wine retail package license shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m. on Sunday.

(E) Private clubs which meet the requirements below shall be eligible to receive a Sunday retail drink license. The hours of operation for a facility holding a Sunday retail drink license shall be the hours of 1:00 p.m. to 12:00 a.m. on Sunday. This division does not exempt retailers from observing all other conditions and requirement under any other ordinance or laws of the state (KRS 244.290). Eligible private clubs are those which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which:

- (1) Having dining facilities with a minimum seating capacity of 100 people at tables;
- (2) Are non-profit, eleemosynary organizations with a membership of at least 200; and
- (3) Have been in existence for a period of at least two years.

(F) Per KRS 244.290, in years where December 31, (New Years Eve) falls on a Sunday, the hours of operation, on December 31, for any facility holding a valid distilled spirits and wine retail drink license, or a malt beverage retail drink license, shall be from 1:00 p.m. to 1:00 a.m. Monday morning January 1. This division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state. (KRS 244.290)

(Ord. 2013-08, passed 8-19-13)

§ 113.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the Alcoholic Beverage Control Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the license premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.

(Ord. 2013-08, passed 8-19-13) Penalty, see § 113.99

§ 113.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

(Ord. 2013-08, passed 8-19-13)

§ 113.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license 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 sign or placard at least eight inches by 11 inches in size with the following message printed on or displayed thereon in 30 point or larger type;

"Persons under the age of twenty-one (21) years are subject to a fine up to One Hundred (\$100.00) Dollars if they:

- a. Enter license premises to buy or have served or delivered to them any alcoholic beverages; or
- b. Possess, purchase or attempt to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state license to which they correspond. 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.

(Ord. 2013-08, passed 8-19-13)

§ 113.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

(Ord. 2013-08, passed 8-19-13) Penalty, see § 113.99

§ 113.45 CONDUCTING BUSINESS WITH MINOR.

As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage, or engage in any of the following actions in the city:

(A) The possession or consumption of any alcoholic beverages by any person under 21 years of age in or upon any licensed premises or public place; and

(B) The misrepresentation of the name, address, age, or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

(Ord. 2013-08, passed 8-19-13) Penalty, see § 113.99

§ 113.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transaction authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the Alcoholic Beverage Control Administrator unless:

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

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the Alcoholic Beverage Control Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

(Ord. 2013-08, passed 8-19-13)

ADMINISTRATION AND ENFORCEMENT

§ 113.60 ALCOHOLIC BEVERAGE CONTROL VESTED IN THE MAYOR.

The powers of alcohol beverage control shall be vested in the office of the Alcoholic Beverage Control Administrator pursuant to KRS 241.160.

(Ord. 2013-08, passed 8-19-13)

§ 113.61 RIGHT OF ENTRY: SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

(Ord. 2013-08, passed 8-19-13)

§ 113.62 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the Alcoholic Beverage Control Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Control board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the Alcoholic Beverage Control Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the Alcoholic Beverage Control Administrator, a license may, as an alternative and in lieu of part of all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480.

<i>Type of Licensee</i>	<i>Fee (per day)</i>
Distillers, rectifiers, vintners, brewers and blenders	\$1,000
Wholesale liquor	\$400
Wholesale beer	\$400
Retail drink liquor	\$50
Retail package liquor	\$50
Retail beer	\$50
All remaining licensees	\$50

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the Alcoholic Beverage Control Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the case, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which, the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the Alcoholic Beverage Control Administrator according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the Alcoholic Beverage Control Administrator. The Alcoholic Beverage Control Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the Alcoholic Beverage Control Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the license premises by certified or registered mail.

(Ord. 2013-08, passed 8-19-13)

§ 113.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500). Each day's violation shall be a separate offense.

(B) (1) Any person who violates §§ 113.20 or 113.21 shall be guilty of a misdemeanor and shall be fined not less than two hundred fifty dollars (\$250) and no more than five hundred dollars (\$500), imprisoned not more than thirty (30) days, or both.

(2) The fines and imprisonment which may be imposed for §§ 113.20 and 113.21 shall be in addition to and independent of any action which may be taken by the City Alcoholic Beverage Control Administrator and/or the Kentucky Department of Alcoholic Beverage Control.

(C) Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of KRS 243.020 to 243.670, for which no other penalty is provided, shall, for the first offense, be guilty of a Class B misdemeanor; and for the second and each subsequent violation, he or she shall be guilty of a Class A misdemeanor. The penalties provided for in this division shall be in addition to the revocation of the offender's license.

(D) Any person who, by himself or herself or through another, directly or indirectly, violates subsection (1) of KRS 243.020 shall, for the first offense, be guilty of a Class B misdemeanor; for the second offense, he or she shall be guilty of a Class A misdemeanor; and for the third and each subsequent offense, he or she shall be guilty of a Class D felony.

(E) Any person who violates subsection (3) of KRS 243.020 shall be guilty of a violation.

(F) Any person who violates KRS 243.620 with respect to a license issued under KRS 243.050 or 243.082 shall be guilty of a violation.

(G) Any person who violates any of the provisions of KRS 243.720 or 243.730 or any regulation issued thereunder shall be guilty of a Class A misdemeanor.

(H) Any person who violates any provision of KRS 243.710 to 243.850 shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.

(I) In every case, any tax imposed by KRS 243.710 to 243.720 which is not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the due date until the date of payment.

(J) Any person who, by himself or herself or acting through another, directly or indirectly, violates KRS 243.502(1) shall, for the first offense, be guilty of a Class B misdemeanor, and for the second and each subsequent violation, he or she shall be guilty of a Class A misdemeanor. The penalties provided for in this division shall be in addition to the suspension or revocation of the offender's license.

(K) Any person who violates the provisions of KRS 243.897 shall be subject to a fine not to exceed \$1,000.

(Ord. 91-10, passed 12-16-91; Am. Ord. 2013-08, passed 8-19-13)

ORDINANCE NO. 2009-15

AN ORDINANCE RELATING TO THE SALE OF DISTILLED SPIRITS AND/OR MALT BEVERAGES AND/OR WINE, ESTABLISHING REGULATIONS, CLOSING TIMES, LICENSES AND PENALTIES.

WHEREAS, The City of Hillview has previously conducted a local option election pursuant to the terms of Kentucky Revised Statutes 242.020 and 242.127 and the prohibitions concerning the sale of alcoholic beverages within the municipal boundaries of the City do not apply; and

WHEREAS, Kentucky Revised Statutes 244.290 allows a city of the fourth class to establish hours and times in which distilled spirits and/or wine may be sold within the City's jurisdictional boundaries, including Sunday sales; and

WHEREAS, the Kentucky Court of Appeals has affirmed the constitutionality of KRS 244.290 regarding the ability of a City to establish the hours for the sale of distilled spirits and/or wine within its jurisdictional boundaries; and

WHEREAS, Kentucky Revised Statutes 244.480 allows a city of the fourth class, the exclusive power to establish the times in which malt beverages may be sold within its jurisdictional boundaries including Sunday sales, if the hours so fixed include the restrictions contained in KRS 244.480(3)(a)(b); and

WHEREAS, the City Council of the City of Hillview has determined, pursuant to KRS 242.185(2) that an economic hardship exists within the City of Hillview and that the sale of alcoholic beverages by the drink could aid economic growth by permitting hotels, motels, inns or restaurants which hold a valid alcoholic beverage sales license to obtain a special Sunday sales license for sale of alcoholic beverages by the drink for consumption on the premises; and

WHEREAS, the City of Hillview desires to establish the hours that distilled spirits and/or wine and/or malt beverages may be sold, including Sundays in compliance with KRS 244.290 and related statutes and regulations; now, therefore

BE IT ORDAINED BY THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY, as follows:

SECTION ONE: For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Other words and phrases used in this Ordinance shall have meanings ascribed to them in such alcoholic beverage control laws, unless the context indicates the contrary.

- (a) *Alcoholic beverage control laws.* KRS chs. 241-244.
- (b) *Board.* The State Alcoholic Beverage Control Board created by KRS 241.030.

SECTION TWO: PACKAGE SALES ARE PROHIBITED ON SUNDAYS.**SECTION THREE: OPERATION HOURS FOR RETAIL PREMISES.**

(a) Except as otherwise provided under this section, the lawful operating hours for licensed retail premises under this Ordinance for retail package sales and on-premises consumption of distilled spirits and/or wine and/or malt beverages shall only be permitted for each day of Monday through Saturday, and shall be limited to the following periods of time:

TABLE INSET:

License	Opening Hour	Closing Hour
<u>Package sales:</u>		
Malt beverages/beer	6:00 a.m.	2:00 a.m. following day
Distilled spirits	6:00 a.m.	2:00 a.m. following day
<u>On-premises consumption:</u>		
Malt beverages/beer	6:00 a.m.	2:00 a.m. following day
Distilled spirits	6:00 a.m.	2:00 a.m. following day
Wine	6:00 a.m.	2:00 a.m. following day

(b) Sales permitted only when food available. The provisions of subsection (a) above, notwithstanding, no licensee operating pursuant to **KRS 242.185** and this division shall sale alcoholic beverages at any time at which the licensee's kitchen and food service staff are off duty. This requirement is necessary for accomplishment of the legislative intent stated in KRS 242.185.

(c) The sale of distilled spirits and/or wine and/or malt beverages by the drink shall be permitted on Sundays from 1:00 p.m. until 2:00 a.m. for hotels, motels, inns and restaurants which are licensed for the retail sale of distilled spirits, and/or wine and/or malt beverages by the drink; provided such hotel, motel, inn, restaurant or Golf Course satisfy the following conditions:

- (1) The dining facility of the hotel, motel, inn, restaurant or golf course has a minimum seating capacity of 100 people;
- (2) At least seventy percent (70%) or more of the gross annual income from the dining facilities are received from the sale of food; and
- (3) The licensee shall apply for and receive a Sunday sales license and pay the applicable Sunday sales license fee.

The licensee shall only be permitted to sell such type of alcoholic beverage for which it has a valid state and City license.

(d) In the event that New Year's Eve falls on a Sunday, licensees holding a distilled spirits and/or wine, and/or malt beverages by the drink license or having a private club license shall have the right to sell distilled spirits and/or wine, and/or malt beverages by the drink on such Sundays from 1:00 p.m. until 2:00 a.m. the following day.

(e) All alcohol sales are prohibited during the hours the polls are open for a primary, regular, school or special election.

(f) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees, engaged in regular and ordinary post-closing activities, may be on the premises during the closed hours, provided that the licensee has complied with subsection (g) below.

(g) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and/or wine and/or malt beverages, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

SECTION FOUR:

(a) Application and fee.

(1) Persons requesting approval and license authorizing the sale of alcoholic beverages by the drink on Sunday pursuant to KRS 244.290 shall submit a completed application to be obtained from the office of the City ABC Administrator. The office of City ABC Administrator shall determine the form of this application and the information required by it. That form and information shall be reasonably calculated to permit a reviewing officer to determine compliance with this section. In any event, the City shall accept an application in the form approved and accepted by the Alcoholic Beverage Control (ABC) Board. Any application utilizing the ABC form shall provide any additional information not otherwise required by the ABC form by supplemental attachment to the application.

(2) Applicants for a license under this section for a special Sunday retail drink license shall pay a license fee of Three Hundred Dollars (\$300.00) pursuant to the provisions of KRS 243.070 or as this statute may be amended to permit.

(b) Supplemental information. An applicant currently operating a restaurant or dining facility of comparable size to that which is the subject of the application and one that offers the sale of alcoholic beverage by the drink shall supplement the required application. The required supplemental data shall include information related to its current operation, which reasonably demonstrates the likelihood that applicant's business in the City will yield income earned through the sale of food equal to or greater than seventy (70%) percent of its gross receipts.

(1) The hours of operation, including any differentiation between the hours during which food and drinks are sold.

(c) Periodic information. Applicants to whom a license is issued authorizing the sales of alcoholic beverages by the drink pursuant to this section shall provide periodic information demonstrating compliance with the continuing requirements that seventy (70%) percent of the applicant's business income is earned from the sale of food.

This documentations shall be provided on a schedule to be coordinated with the applicant's quarterly tax filings. Regardless of the applicant's filing schedule, the first of the applicant's periodic information shall be submitted not later than six (6) months after applicant commences sale of alcoholic beverages pursuant to this section.

This information shall consist of a certificate from the business owner. This certificate shall state:

"I, Licensee of _____ business under Ordinance 2009-_____, certify that the Licensee earned at least seventy (70%) percent of its gross receipts from the sale of food during the quarter ending _____."

This certificate shall include a brief description of the methodology utilized in the determination of the certified percentage.

(d) Forms. All forms reasonably necessary for the implementation of this section shall be provided by the City ABC Administrator.

(e) Auditing authority. The City's ABC Administrator is empowered to demand access to the pertinent business records of any licensee for the purpose of conducting an independent audit of those records to substantiate compliance with this section. The City's ABC Administrator may obtain such outside professional services as are reasonably necessary to conduct the audit. In the event the independent audit reveals noncompliance by the licensee, the cost of the audit shall be assessed to the licensee.

SECTION FIVE: REMOVAL OF PARTIALLY CONSUMED BOTTLE OF WINE FROM RESTAURANT LICENSED UNDER KRS 243.030.

(a) A restaurant licensed under KRS 243.030 may permit a patron of the restaurant to remove one (1) opened container of wine from the restaurant's premises for consumption off the premises if the patron has purchased and partially consumed the bottle of wine with a meal on the restaurant's premises.

(b) A partially consumed bottle of wine that is removed from the premises shall be securely resealed by the restaurant licensee or its employee before the bottle is removed from the premises. The partially consumed bottle of wine shall be placed in a bag or other container that is secured in a manner that makes it visibly apparent if the container has been subsequently

opened or tampered with, and the licensee shall provide a dated receipt for the wine to the patron.

(c) If a patron removes a resealed bottle of wine from the premises of a restaurant as provided for in KRS 243.115, any resealed bottle of wine that is transported in a motor vehicle shall be placed in a locked glove compartment or the trunk or other area that is not a passenger area under KRS 189.530(5).

SECTION SIX: CONDITIONS GOVERNING LICENSES.

All licenses granted under this subchapter shall be granted subject to the following conditions, and all other conditions of other ordinances and regulations of the City of Hillview applicable thereto.

(a) Every applicant procuring a license thereby consents to the entry of any member of the Hillview Police Department, the Hillview ABC Administrator, or any duly authorized representative of such Administrator, at all hours for the purpose of inspection and search; consents to the removal from the premises of all things and articles which are had in violation of this section or state law or federal law; and consents to the introduction of such things and articles in evidence in any hearing or prosecution that may be brought for such offense.

(b) 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.

(c) No gambling or game of chance, unless otherwise authorized by the Commonwealth of Kentucky, shall be permitted in any form on a licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(d) The licensee shall be responsible for maintaining security on its premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(e) It shall be unlawful for a licensee under this Ordinance who sells 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 direct connection with the sale of alcoholic beverages.

(f) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(g) The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age.

(h) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) 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.*

(i) No person shall be in possession of a loaded, as defined in KRS 237.060, firearm while actually within the room where alcoholic beverages are being sold by the drink of a building on premises licensed to sell distilled spirits and/or wine and/or malt beverages at retail by the drink for consumption on the licensed premises pursuant to KRS Chapter 243. Provided, however, that this section shall not apply to the owner, manager, or employee of the licensed premises, law enforcement officers, or special local peace officers commissioned pursuant to KRS 61.360.

SECTION SEVEN: CIVIL OFFENSE.

Any violation of any provision herein is hereby classified as a civil offense pursuant to KRS 65.8808 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, shall prohibit the enforcement of the provisions herein by any other means authorized by law.

(a) 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 fifty dollars (\$50.00) for the first offense, ninety dollars (\$90.00) for the second offense, and two hundred ten dollars (\$210.00) for the third, and thereafter, offense.

(b) 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 Code Enforcement Board shall be from twenty dollars (\$20.00) to two hundred dollars (\$200.00) for the first offense; from sixty dollars (\$60.00) to six hundred dollars (\$600.00) for the second offense; and from one hundred eighty dollars (\$180.00) to one thousand eight hundred dollars (\$1,800.00) for the third, and thereafter, offense.

(c) Each section violated shall be considered a separate fineable offense. If two (2) 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.

SECTION EIGHT: PENALTY.

Nothing contained herein shall prohibit the City from enforcing any provision of this Ordinance by following the applicable state penalties set forth in KRS Chapters 241, 242, 243, and 244.

SECTION NINE: SEVERABILITY.

If any provision of this ordinance or related ordinance or statute or the application thereof is held invalid, such invalidity shall not affect other provisions of this ordinance.

SECTION TEN: EFFECTIVE DATE.

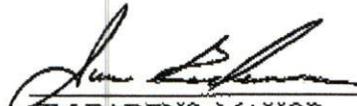
This Ordinance shall be effective upon publication.

SECTION ELEVEN: REPEAL.

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

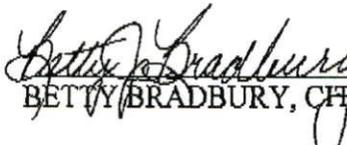
Given first reading at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 21st day of December, 2009. Given second reading, voted upon, and passed at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 18th day of January, 2010.

Votes for 5 ; Votes against 0 ; Not Voting _____.



JIM EADENS, MAYOR

ATTEST:



BETTY BRADBURY, CITY CLERK

TITLE XI: BUSINESS REGULATIONS

CHAPTER 113: ALCOHOLIC BEVERAGES

CHAPTER 113: ALCOHOLIC BEVERAGES

RESTAURANT WINE LICENSE

§ 113.01 ESTABLISHED.

There is hereby established by the City Council a restaurant wine license as authorized pursuant to KRS 243.032.

(Ord. 85-1, passed 1-21-85)

§ 113.02 APPLICANT QUALIFICATIONS.

Before a restaurant wine license is issued, the applicant must be:

(A) The owner or lessee of a restaurant which receives fifty percent (50%) or more of its gross annual income from the sale of food,

(B) Has a minimum seating capacity of fifty (50) people at tables.

(Ord. 85-1, passed 1-21-85)

§ 113.03 FEES.

The annual fee for the issuance of a restaurant wine license shall be:

(A) New applications \$300

(B) Renewals \$200

(Ord. 85-1, passed 1-21-85)

Cross-reference:

For alcoholic beverage taxes, licenses, and fees, see § 110.10

§ 113.04 LICENSE SUBJECT TO ADDITIONAL REQUIREMENTS.

This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the city, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission.

(Ord. 85-1, passed 1-21-85)

RETAIL DRINK LICENSE

§ 113.10 ESTABLISHED.

There is hereby established by the City Council a retail drink license as authorized pursuant to KRS 243.070.

(Ord. 96-11, passed 8-19-96)

§ 113.11 APPLICANT QUALIFICATIONS.

Before a retail drink license is issued:

- (A) The applicant must hold a valid existing state license for the retail sale of liquor by the drink.
- (B) The premises licensed shall contain facilities for the service of food to no less than ten (10) patrons seated at tables or counters.
- (C) The premises shall contain adequate kitchen and storage facilities for the preparation of food to be served upon the premises and said kitchen facilities shall be separated from the serving area.
- (D) The applicant shall have employed on the premises no less than one (1) person whose responsibility shall include the preparation of food for the purpose of sale upon the premises.

(Ord. 96-11, passed 8-19-96)

§ 113.12 FEES.

The annual fee for the issuance of a retail drink license shall be:

- (A) New applications - \$600.00
- (B) Renewals - \$600.00

(Ord. 96-11, passed 8-19-96)

Cross-reference:

For alcoholic beverage taxes, licenses, and fees, see § 110.10

§ 113.13 LICENSE SUBJECT TO ADDITIONAL REQUIREMENTS.

This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the city, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission, and shall not be transferable.

(Ord. 96-11, passed 8-19-96)

NUDE AND NEARLY NUDE APPEARANCES AND ACTIVITIES

§ 113.20 NUDE OR NEARLY NUDE APPEARANCES AND ACTIVITIES PROHIBITED ON LICENSED PREMISES.

No person shall perform or appear on the premises of any establishment licensed to sell wine, distilled spirits or malt beverages (hereafter, "licensed premises") in such a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or make genitals in a discernible turgid state even if completely and opaquely covered, or employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast immediately above the top of the areola.

(Ord. 91-10, passed 12-16-91) Penalty, see § 113.99

§ 113.21 LICENSEE OF PREMISES.

No licensee holding a license for the sale of wine, distilled spirits or malt beverages and no employee or agent of said licensee shall permit any person to perform or appear on its licensed premises in such manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or human or simulated male genitals in a discernible turgid state even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(Ord. 91-10, passed 12-16-91) Penalty, see § 113.99

HOURS OF BUSINESS

§ 113.30 HOURS LIMITED FOR LICENSED ESTABLISHMENTS.

(A) This subchapter shall apply to all holders of a valid distilled spirits and/or wine; and/or malt beverage license or any combination thereof, having a place of business located within the municipal limits of the city.

(B) This subchapter is enacted pursuant to the provisions of KRS 244.290 (Distilled Spirits and Wine) and KRS 244.480 (Malt Beverages).

(C) Any place of business which is subject to the provisions of this subchapter shall not be open for conducting the sale of distilled spirits and/or wine, and/or malt beverages between the hours of 4:00 a.m. and 6:00 a.m., on any election day while the voting polls are open; or during the 24 hours between 6:00 a.m. Sunday and 6:00 a.m. Monday.

(Ord. 92-16, passed 6-16-92; Am. Ord. 2006-20, passed 1-15-07) Penalty, see § 113.99

§ 113.31 EVIDENCE OF COMPLIANCE.

Any business which sells distilled spirits and/or wine shall be deemed to have complied with the provisions of § 113.30 if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with the business as a licensee, and the department is kept locked during the time mentioned above, the licensee shall be deemed to have complied with this subchapter.

(Ord. 92-16, passed 6-15-92; Am. Ord. 2006-20, passed 1-15-07) Penalty, see § 113.99

§ 113.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500). Each day's violation shall be a separate offense.

(B) (1) Any person who violates §§ 113.20 or 113.21 shall be guilty of a misdemeanor and shall be fined not less than two hundred fifty dollars (\$250) and no more than five hundred dollars (\$500), imprisoned not more than thirty (30) days, or both.

(2) The fines and imprisonment which may be imposed for §§ 113.20 and 113.21 shall be in addition to and independent of any action which may be taken by the City Alcoholic Beverage Control Administrator and/or the Kentucky Department of Alcoholic Beverage Control.

(Ord. 91-10, passed 12-16-91)

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

© 2008 American Legal Publishing Corporation
techsupport@amlegal.com
1.800.445.5588.

Hillview, Kentucky Code of Ordinances

CITY OF HILLVIEW, KENTUCKY CODE OF ORDINANCES

CITY OF HILLVIEW, KENTUCKY CODE OF ORDINANCES

2006 S-8 Supplement contains:

Local legislation current through Ord. 2006-03, passed 2-20-06

State legislation current through 2005

Published by:

American Legal Publishing Corporation

432 Walnut Street, 12th Floor

Cincinnati, Ohio 45202

Tel: (800) 445-5588

Fax: (513) 763-3562

E-Mail: customerservice@amlegal.com

Internet: <http://www.amlegal.com>

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

© 2005 American Legal Publishing Corporation
techsupport@amlegal.com
1.800.445.5588.

CHAPTER 113: ALCOHOLIC BEVERAGES

RESTAURANT WINE LICENSE

§ 113.01 ESTABLISHED.

There is hereby established by the City Council a restaurant wine license as authorized pursuant to KRS 243.032.

(Ord. 85-1, passed 1-21-85)

§ 113.02 APPLICANT QUALIFICATIONS.

Before a restaurant wine license is issued, the applicant must be:

(A) The owner or lessee of a restaurant which receives fifty percent (50%) or more of its gross annual income from the sale of food,

(B) Has a minimum seating capacity of fifty (50) people at tables.

(Ord. 85-1, passed 1-21-85)

§ 113.03 FEES.

The annual fee for the issuance of a restaurant wine license shall be:

(A) New applications \$300

(B) Renewals \$200

(Ord. 85-1, passed 1-21-85)

Cross-reference:

For alcoholic beverage taxes, licenses, and fees, see § 110.10

§ 113.04 LICENSE SUBJECT TO ADDITIONAL REQUIREMENTS.

This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the city, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission.

(Ord. 85-1, passed 1-21-85)

RETAIL DRINK LICENSE

§ 113.10 ESTABLISHED.

There is hereby established by the City Council a retail drink license as authorized pursuant to KRS 243.070.

(Ord. 96-11, passed 8-19-96)

§ 113.11 APPLICANT QUALIFICATIONS.

Before a retail drink license is issued:

- (A) The applicant must hold a valid existing state license for the retail sale of liquor by the drink.
- (B) The premises licensed shall contain facilities for the service of food to no less than ten (10) patrons seated at tables or counters.
- (C) The premises shall contain adequate kitchen and storage facilities for the preparation of food to be served upon the premises and said kitchen facilities shall be separated from the serving area.
- (D) The applicant shall have employed on the premises no less than one (1) person whose responsibility shall include the preparation of food for the purpose of sale upon the premises.

(Ord. 96-11, passed 8-19-96)

§ 113.12 FEES.

The annual fee for the issuance of a retail drink license shall be:

- (A) New applications - \$600.00
- (B) Renewals - \$600.00

(Ord. 96-11, passed 8-19-96)

Cross-reference:

For alcoholic beverage taxes, licenses, and fees, see § 110.10

§ 113.13 LICENSE SUBJECT TO ADDITIONAL REQUIREMENTS.

This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the city, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission, and shall not be transferable.

(Ord. 96-11, passed 8-19-96)

NUDE AND NEARLY NUDE APPEARANCES AND ACTIVITIES

§ 113.20 NUDE OR NEARLY NUDE APPEARANCES AND ACTIVITIES

PROHIBITED ON LICENSED PREMISES.

No person shall perform or appear on the premises of any establishment licensed to sell wine, distilled spirits or malt beverages (hereafter, "licensed premises") in such a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or make genitals in a discernible turgid state even if completely and opaquely covered, or employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast immediately above the top of the areola.

(Ord. 91-10, passed 12-16-91) Penalty, see § 113.99

§ 113.21 LICENSEE OF PREMISES.

No licensee holding a license for the sale of wine, distilled spirits or malt beverages and no employee or agent of said licensee shall permit any person to perform or appear on its licensed premises in such manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or human or simulated male genitals in a discernible turgid state even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(Ord. 91-10, passed 12-16-91) Penalty, see § 113.99

HOURS OF BUSINESS

§ 113.30 HOURS LIMITED FOR LICENSED ESTABLISHMENTS.

(A) This subchapter shall apply to all holders of a valid distilled spirits and/or wine; and/or malt beverage license or any combination thereof, having a place of business located within the municipal limits of the city.

(B) This subchapter is enacted pursuant to the provisions of KRS 244.290 (Distilled Spirits and Wine) and KRS 244.480 (Malt Beverages).

(C) Any place of business which is subject to the provisions of this subchapter shall not be open for conducting the sale of distilled spirits and/or wine, and/or malt beverages between the hours of 2:00 a.m. and 6:00 a.m., on any election day while the voting polls are open; or during the 24 hours between 6:00 a.m. Sunday and 6:00 a.m. Monday.

(Ord. 92-16, passed 6-16-92) Penalty, see § 113.99

§ 113.31 EVIDENCE OF COMPLIANCE.

Any business which sells distilled spirits and/or wine shall be deemed to have complied with the provisions of § 113.30 if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked

during the time mentioned above, he shall be deemed to have complied with this subchapter.

(Ord. 92-16, passed 6-15-92) Penalty, see § 113.99

§ 113.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars (\$500). Each day's violation shall be a separate offense.

(B) (1) Any person who violates §§ 113.20 or 113.21 shall be guilty of a misdemeanor and shall be fined not less than two hundred fifty dollars (\$250) and no more than five hundred dollars (\$500), imprisoned not more than thirty (30) days, or both.

(2) The fines and imprisonment which may be imposed for §§ 113.20 and 113.21 shall be in addition to and independent of any action which may be taken by the City Alcoholic Beverage Control Administrator and/or the Kentucky Department of Alcoholic Beverage Control.

(Ord. 91-10, passed 12-16-91)

Disclaimer:

This Code of Ordinances and/or any other documents that appear on this site may not reflect the most current legislation adopted by the Municipality. American Legal Publishing Corporation provides these documents for informational purposes only. These documents should not be relied upon as the definitive authority for local legislation. Additionally, the formatting and pagination of the posted documents varies from the formatting and pagination of the official copy. The official printed copy of a Code of Ordinances should be consulted prior to any action being taken.

For further information regarding the official version of any of this Code of Ordinances or other documents posted on this site, please contact the Municipality directly or contact American Legal Publishing toll-free at 800-445-5588.

© 2005 American Legal Publishing Corporation
techsupport@amlegal.com
1.800.445.5588.

HILLVIEW

ORDINANCE NO. 2005-01

AN ORDINANCE ESTABLISHING THE FEES FOR VARIOUS BUSINESSES WHICH TRAFFIC IN ALCOHOLIC BEVERAGES WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF HILLVIEW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY, as follows:

SECTION ONE. There is hereby established by the City Council of the City of Hillview the following alcoholic beverage license and annual license fees as permitted by KRS 243.070:

- (1) Distilled spirit licenses as set forth in KRS 243.030:
 - (a) Distiller's license, per annum \$500.00
 - (b) Rectifier's license, per annum \$3,000.00
 - (c) Blender's license, per annum \$3,000.00
 - (d) Wholesaler's distilled spirits and wine license, per annum \$3,000.00
- (2) Distilled spirits and wine motel drink license, airport drink license, per annum: \$600.00
- (3) Distilled spirits and wine special temporary liquor license, per event \$100.00
- (4) Special temporary wine license, per event \$50.00
- (5) Distilled spirits and wine special temporary auction license, per event: \$200.00
- (6) Special private club license, per annum \$300.00
- (7) Extended hours supplemental license, per annum \$2,000.00
- (8) Nonresident special agent or solicitor's license, per annum \$40.00
- (9) Caterer's license, per annum \$800.00
- (10) Convention center or convention hotel complex license, per annum \$2,000.00
- (11) Bottling house distilled spirits license or wine storage license, per annum \$1,000.00
- (12) Automobile race track license, per annum \$2,000.00
- (13) Souvenir retail liquor license, per annum \$1,000.00
- (14) Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages), new applicants \$800.00

SECTION TWO: This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the City of Hillview, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission.

SECTION THREE: This Ordinance shall take effect upon publication.

SECTION FOUR: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional, or invalid for any reason, the same shall not affect the remainder of this Ordinance.

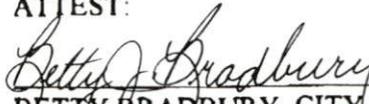
SECTION FIVE: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

Given first reading at a regular meeting of the City council of the City of Hillview, Bullitt County, Kentucky, on the 17th day of January, 2005. Given second reading at a regular meeting of the City council of the City of Hillview, Bullitt County, Kentucky, on the 21st day of February, 2005.



JIM EADENS, MAYOR

ATTEST:



BETTY BRADBURY, CITY CLERK

ORDINANCE NO. 96-11

AN ORDINANCE ESTABLISHING THE FEES AND REQUIREMENTS FOR THE ISSUANCE OF A LIQUOR BY THE DRINK LICENSE WITHIN THE CITY LIMITS OF THE CITY OF HILLVIEW.

WHEREAS, on July 2, 1996, a referendum was held within the municipal boundaries of the City of Hillview concerning the sale of alcoholic beverages by the drink within the municipal boundaries of the City of Hillview; and,

WHEREAS, the sale of alcoholic beverages by the drink within the municipal boundaries of the City of Hillview was approved by a majority of the voters casting their ballots on July 2, 1996; and,

WHEREAS, the City of Hillview does not have any ordinance which establishes the requirements for obtaining this type of license or establishes a cost for this type of license; now, therefore

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY, AS FOLLOWS:

SECTION ONE: There is hereby established by the City Council of the City of Hillview a Retail Drink License as authorized pursuant to KRS 243.070.

SECTION TWO: The annual fee for the issuance of a Retail Drink License shall be:

- a. New applications - \$600.00
- b. Renewals - \$600.00

SECTION THREE: Before a Retail Drink License is issued, the applicant must be:

- A. A valid existing state license for the retail sale of liquor by the drink.
- B. The premises licensed shall contain facilities for the service of food to no less than ten (10) patrons seated at tables or counters.
- C. The premises shall contain adequate kitchen and storage facilities for the preparation of food to be served upon the premises and said kitchen facilities shall be separated from the serving area.
- D. The applicant shall have employed on the premises no less than one (1) person whose responsibility shall include the preparation of food for the purpose of sale upon the premises.

SECTION FOUR: This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the City of Hillview, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission.

SECTION FIVE: The Retail Drink License issued by the City of Hillview shall not be transferable.

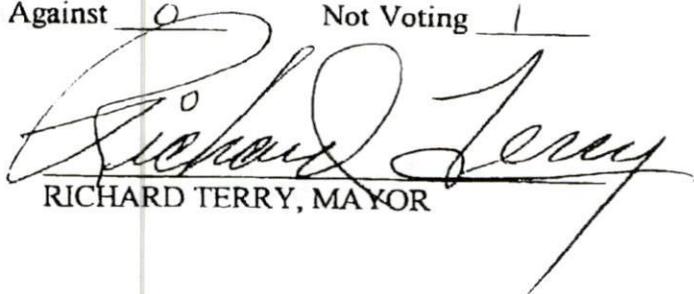
SECTION SIX: This Ordinance shall take effect upon publication.

SECTION SEVEN: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional, or invalid for any reason, the same shall not affect the remainder of this Ordinance.

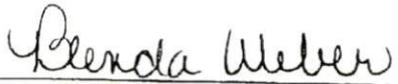
SECTION EIGHT: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

Given first reading at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 15th day of July, 1996. Given a second reading at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 19th day of August, 1996.

Voter For 5 Votes Against 0 Not Voting 1


RICHARD TERRY, MAYOR

ATTEST:



BLENDA WEBER, CITY CLERK

ORDINANCE NO. 92-16

AN ORDINANCE SETTING FORTH THE HOURS THAT AN ESTABLISHMENT HOLDING A VALID CITY DISTILLED SPIRITS AND/OR WINE AND/OR MALT BEVERAGE LICENSE MAY BE OPEN FOR BUSINESS.

The City Council of the City of Hillview, Bullitt County, Kentucky, does hereby ordain as follows:

SECTION I: The provisions of this ordinance shall apply to all holders of a valid distilled spirits and/or wine; and/or malt beverage license or any combination thereof, having a place of business located within the municipal limits of the City of Hillview, Bullitt County, Kentucky

SECTION II: This ordinance is enacted pursuant to the provisions of KRS 244.290 (Distilled Spirits and Wine) and KRS 244.480 (Malt Beverages).

Section III: Any place of business which is subject to the provisions of this ordinance shall not be open for conducting the sale of distilled spirits and/or wine, and/or malt beverages between the hours of 2:00 a.m. and 6:00 a.m., on any election day while the voting polls are open; or during the twenty-four (24) hours between 6:00 a.m. Sunday and 6:00 a.m. Monday.

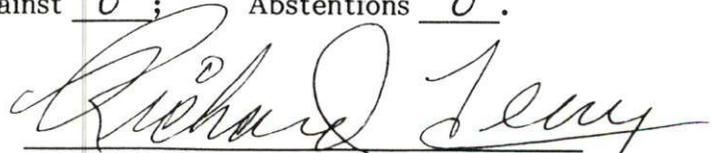
SECTION IV: Any business which sells distilled spirits and/or wine shall be deemed to have complied with the provisions of Section III herein if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this ordinance.

SECTION V: Any ordinance or part of an ordinance in conflict with this Ordinance or any part of this Ordinance is hereby repealed.

SECTION VI: Should any section, clause, line, paragraph or part of this Ordinance be held unconstitutional or invalid for any reason, the same should not affect the remainder of this Ordinance.

Given first reading at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 18th day of May, 1992. Given second reading, voted upon and passed at the special meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 15th day of June, 1992.

Votes for 6 ; Votes against 0 ; Abstentions 0 .


RICHARD TERRY, MAYOR

ATTEST:



BLENDA WEBER, CITY CLERK

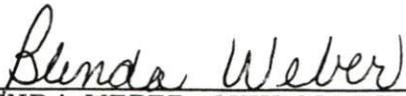
Votes for 5 ;

Votes against 0 ;

Abstentions 1 .


RICHARD TERRY, MAYOR

ATTEST:


BLENDA WEBER, CITY CLERK

HILLVIEW

ORDINANCE NO. 91-10

AN ORDINANCE PROHIBITING NUDE OR NEARLY NUDE APPEARANCES AND PERFORMANCES AT PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES WITHIN THE CITY LIMITS OF THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY.

WHEREAS, the City Council of the City of Hillview finds that live performances and appearances made by the nude and nearly nude persons at premises licensed to sell alcoholic beverages begets undesirable and disorderly behavior, is injurious to the citizens of the City of Hillview and increases the number of incidents of crime and juvenile delinquency; and

WHEREAS, the practice of persons licensed to sell alcoholic beverages permitting performances and appearances by nude and nearly nude persons may blight abutting residential and commercial properties; and

WHEREAS, it has long been the policy of the State of Kentucky Department of Alcoholic Beverage Control and the City of Hillview Alcoholic Beverage Control Administrator to regulate entertainment at licensed premises; and

WHEREAS, the City Council of the City of Hillview finds that it is prudent and in the best interest of licensees to state with greater specificity the standard of conduct to be permitted in the City of Hillview on premises licensed to sell alcoholic beverages; and

WHEREAS, the City Council of the City of Hillview is authorized by Kentucky Revised Statutes to issue city regulations pertaining to the sale of alcoholic beverages according to the provisions of KRS 241 through 244, and is authorized by KRS 243.070 to impose license fees for the privilege of trafficking in alcoholic beverages and to issue regulations applicable to licensees;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILLVIEW, BULLITT COUNTY, KENTUCKY AS FOLLOWS:

SECTION ONE: No person shall perform or appear on the premises of any establishment

licensed to sell wine, distilled spirits or malt beverages (hereafter, "licensed premises") in such a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or male genitals in a discernible turgid state even if completely and opaquely covered, or employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

SECTION TWO: No licensee holding a license for the sale of wine, distilled spirits or malt beverages and no employee or agent of said licensee shall permit any person to perform or appear on its licensed premises in such manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or human or simulated male genitals in a discernible turgid state even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of, or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

SECTION THREE: Any person who violates the provision of this ordinance shall be fined not less than Two Hundred and Fifty Dollars (\$250.00) and nor more than Five Hundred Dollars (\$500.00), imprisoned not more than thirty (30) days, or both.

SECTION FOUR: The fines and imprisonment which may be imposed for violations Sections (1) and (2) above shall be in addition to and independent of any action which may be taken by the City of Hillview Alcoholic Beverage Control Administrator and/or the Kentucky Department of Alcoholic Beverage Control.

SECTION FIVE: This Ordinance shall take effect upon publication.

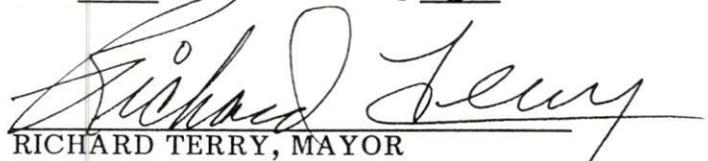
SECTION SIX: This Ordinance shall be published according to law.

SECTION SEVEN: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are repealed.

SECTION EIGHT: Shall any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional or invalid for any reason, the same shall not effect the remainder of this Ordinance.

Given the first reading at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 18th day of November, 1991. Given second reading, voted upon and passed at regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 16th day of December, 1991.

Votes for 6 ; Votes against 0 ; Not voting 0 .


RICHARD TERRY, MAYOR

ATTESTED BY:


BELINDA WEBER, City Clerk

ORDINANCE NO. 85-1

AN ORDINANCE ESTABLISHING THE FEES AND REQUIREMENTS FOR THE ISSUANCE OF A RESTAURANT WINE LICENSE WITHIN THE CITY LIMITS OF THE CITY OF HILLVIEW.

Be it Ordained by the City Council of the City of Hillview, Bullitt County, Kentucky, as follows:

SECTION ONE: There is hereby established by the City Council of the City of Hillview, a Restaurant Wine License as authorized pursuant to KRS 243.032.

SECTION TWO: The annual fee for the issuance of a Restaurant Wine License shall be:

- a. New applications - \$300.00
- b. Renewals - \$200.00

SECTION THREE: Before a Restaurant Wine License is issued, the applicant must be:

- (1) The owner or lessee of a restaurant which receives fifty percent (50%) or more of its gross annual income from the sale of food,
- (2) Has a minimum seating capacity of Fifty (50) people at tables.

SECTION FOUR: This license shall be subject to any additional requirements imposed by the Alcoholic Beverage Administrator of the City of Hillview, the Commonwealth of Kentucky, or the Alcoholic Beverage Control Commission.

SECTION FIVE: This Ordinance shall take effect upon publication.

SECTION SIX: Should any section, clause, line, paragraph, or part of this Ordinance be held unconstitutional, or invalid for any reason, the same shall not affect the remainder of this Ordinance.

SECTION SEVEN: All ordinances or parts of ordinances in conflict with this Ordinance or any part of this Ordinance are hereby repealed.

Given first reading at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 17th day of December, 1984. Given a second reading at a regular meeting of the City Council of the City of Hillview, Bullitt County, Kentucky, on the 21st day of January, 1985. Votes for 6, votes against 0, abstentions 0.

R. L. Carter

R. L. Carter, Mayor

ATTEST:

Myra Curry

City Clerk