

PER LOUISVILLE ORDINANCE

ORDINANCE NO. 202, SERIES 2013

AN ORDINANCE AMENDING SECTIONS 113.40, 113.41 AND 113.42 TO ELIMINATE THE LICENSES FOR PACKAGE RETAILERS TO SELL MALT BEVERAGE, WINE AND DISTILLED SPIRITS BETWEEN THE HOURS OF 2 AM AND 4 AM. (AMENDED BY SUBSTITUTION)

Sponsored By: Councilmembers Hamilton, Scott, Shanklin, Woolridge, Butler, James, Blackwell and Tandy

WHEREAS, Louisville Metro Council wishes to prohibit the sale of package malt beverage, wine and distilled spirits at retail package businesses between the hours of 2 a.m. and 4 a.m. in an effort to combat alcohol related crime in Jefferson County; and

WHEREAS, Louisville Metro Council seeks to eliminate the problem of late night liquor stores and convenient stores being a gathering point in the community for criminal activity; and

WHEREAS, many of the problematic retail package businesses have bars on the windows and doors, they lock the doors at dusk to be drive-thru only and have even installed bullet proof glass in certain vestibules to protect the cashiers from their own customers whereas by the drink establishments are by nature places of social gathering and have security to prevent criminal activities on their premises.

WHEREAS, the lack of security at retail package businesses create an atmosphere that allows for drugs and other criminal activity to occur on the premises.

WHEREAS, criminal activities normally occur in the parking lots and streets adjacent to the retail package businesses thereby creating unwarranted disruption and safety risk to the neighbors.

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WHEREAS, Louisville Metro Council does not intend to "grandfather" those retail businesses with a current 2 a.m. and 4 a.m. extended hour supplemental retail package liquor and malt beverage licenses.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

Section 1: LMCO Section 113 section 40 is hereby amended to read as follows:

§ 113.40 LIQUOR; HOURS OF SALE.

(A) Retail package distilled spirits and wine. The lawful operating hours for a licensee to sell, permit to be sold, or deliver distilled spirits or wine are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;*
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and*
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.*

(B) Retail drink distilled spirits and wine. The lawful operating hours for a licensee to sell, serve, or permit the consumption of distilled spirits or wine are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;*
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least fifty percent (50%) of its gross receipts from the sale of food or have one of the following licenses set forth in Kentucky*

Revised Statute: qualified historic site license (KRS 243.042), nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(C) *Derby exception.* Notwithstanding sections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of distilled spirits and wine on the first Saturday of May between the hours of 12 a.m. and 6 a.m.

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

~~—(A)—To sell, give away, or permit to be sold or given away any distilled spirits or wine at retail between the hours of 12:00 a.m. midnight and 6:00 a.m. on any weekday and Saturday, or between the hours of 12:00 a.m. and 1:00 p.m. Sunday, or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday; or~~

~~—(B)—To permit the consumption of any distilled spirits or wine on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 12:00 a.m. Sunday and 6:00 a.m. Monday.~~

~~—(C)—Notwithstanding subsections (A) and (B), any retail drink or package licensee under this chapter may sell, permit to be sold, and retail drink licensees may permit the consumption of, distilled spirits or wine at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.~~

~~—(D)—Notwithstanding the provisions of subsections (A) and (B), any special hours retail package or drink licensee may sell or permit to be sold and any special hours~~

~~retail drink licensees may permit the consumption of distilled spirits or wine at any time between the hours of 12:00 a.m. and 2:00 a.m. and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s). However, an extended (special) hours retail package license, as discussed immediately above, specifically prohibits the sale of distilled spirits and wine on Monday between the hours of 12:00 a.m. and 4:00 a.m.~~

Section 2: LMCO Section 113 section 41 is hereby amended to read as follows:

§ 113.41 BEER; HOURS OF SALE.

(A) Retail malt beverage package. The lawful operating hours for a licensee to sell, permit to be sold, or deliver malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(B) Retail malt beverage drink. The lawful operating hours for a licensee to sell, serve, or permit the consumption of malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday malt beverage retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least fifty percent (50%) of its gross receipts from the sale of food or have one of the following licenses set forth in

Kentucky Revised Statute: qualified historic site license (KRS 243.042),
nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the retail
premise has an extended hour supplemental license.

(C) *Derby exception.* Notwithstanding sections (A) and (B), retail drink and retail
package licensees may sell, serve, deliver, permit to be sold, or permit the
consumption of malt beverages on the first Saturday of May between the hours
of 12 a.m. and 6 a.m.

~~It shall be unlawful for any licensee under this chapter, or any amendment or
supplement thereto:~~

~~—(A) To sell, give away, or permit to be sold or given away any malt beverage at
retail between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week; or~~

~~—(B) To permit the consumption of any malt beverage on the licensed premises
between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week.~~

~~—(C) Notwithstanding the provisions of subsections (A) and (B), any malt beverage
licensee may sell, permit to be sold, or permit the consumption of malt beverages at any
time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on
the following Sunday.~~

~~—(D) Notwithstanding the provisions of subsections (A) and (B), any special hours
malt beverage licensee may sell, permit to be sold, or permit the consumption of malt
beverages between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m.
on each day of the week, as long as the licensee holds a current, corresponding special
hours license(s).~~

Section 3: LMCO Section 113 section 42 is hereby eliminated as it is addressed in LMCO § 113.40 and LMCO § 113.41:

~~§ 113.42 SUNDAY; HOURS OF SALE.~~

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

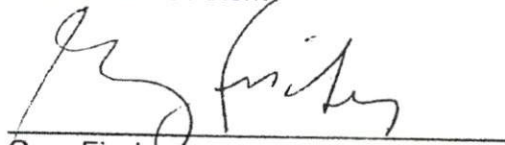
- ~~—(A) To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday; or~~
- ~~—(B) To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday.~~
- ~~—(C) Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee under this chapter may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the Sunday following the first Saturday in May of each year and 6:00 a.m. on the Sunday following the first Saturday in May of each year, and also at any time between 12:00 p.m. on the Sunday following the first Saturday in May of each year and 12:00 p.m. on Monday, the following day.~~
- ~~—(D) Notwithstanding the provisions of subsections (A), (B), (C), and (E), any special hours retail drink, special hours package, or special hours malt beverage licensee may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m., as long as the licensee holds a current, corresponding special hours license(s).~~
- ~~—(E) Notwithstanding the provisions of subsections (A), (B), and (C), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and/or~~

~~malt beverage licensees and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food and airport drink licensees and horse track licensees, may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages by the drink on Sundays between the hours of 10:00 a.m. and 12:00 a.m. on Monday, the following day.~~

Section 4: This Ordinance shall take effect on December 1, 2013.


H. Stephen Ott
Metro Council Clerk


Jim King
President of the Council


Greg Fischer
Mayor


10/31/13
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney



BY:



LOUISVILLE METRO COUNCIL
READ AND PASSED
October 24, 2013

Hours of Operation 113 40-42 CW Hamilton ROC-sjm for 10-24-13 FINAL

TITLE XI: BUSINESS REGULATIONS

CHAPTER 113: ALCOHOLIC BEVERAGES

CHAPTER 113: ALCOHOLIC BEVERAGES

Section

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supplements thereto unless the context requires otherwise.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.03 RULES OF CONSTRUCTION.

(A) Irrespective of title or article headings, the sections of this chapter shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application.

(B) Nothing in this chapter shall excuse or relieve the owner, proprietor, employee, or person in charge of any licensed premises in the jurisdiction of the Louisville/Jefferson County Metro Government ("Louisville Metro Government"), where alcoholic beverages are sold from the restrictions, requirements, and penalties of any other ordinances of the Louisville Metro Government or of any statutes of the state relating to violations pertaining to alcoholic beverages.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.04 ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.

The provisions of the Alcoholic Beverage Control Laws and Administrative Regulations of the Commonwealth of Kentucky (KRS Chapters 241, 243, and 244), and all amendments and supplements thereto, are adopted as far as applicable as a portion of this chapter except as otherwise lawfully provided herein.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

Statutory reference:

Alcoholic beverages, see KRS 241 et seq.

LICENSING PROVISIONS

§ 113.15 LICENSE FEES; ISSUANCE FEE.

Editor's Note:

The fees formerly contained in this section are promulgated by the Director, and can be found at www.louisvilleky.gov/IPL/.

§ 113.16 PUBLISHED NOTICE OF APPLICATION.

(A) The Louisville Metro Government ABC Administrator shall not approve any application for an original license to sell alcoholic beverages until the applicant has caused to be published a concise advertisement in accordance with the provisions of KRS 243.360.

(B) Applicant shall post notice of the application for an original license to sell alcoholic beverages, any amendments to an original license, or application for additional license to sell alcoholic beverages. The notice must be posted conspicuously on the property at the time the application or amendment to application is filed and remain posted until the approval or denial of the application or amendment. The posting shall be in at least 14 point font size, on at least 8.5 inches by 11 inches yellow paper of durable

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.21 COMPLIANCE WITH OTHER ORDINANCES AND REGULATIONS.

No license shall be issued or renewed to any person for selling at retail or wholesale any alcoholic beverages at any premises or location where such business or associated activities are prohibited under, or are in violation or conflict with any regulation, including but not limited to signs, fire prevention and/or the zoning code and regulations of the Louisville Metro Government and any ordinance supplementary or amendatory to it, and any license issued in violation of this section shall be void. However, any person who held, relative to zoning and use, a Louisville Metro Government license for, and actually carried on thereunder, this business during or within the last month of the preceding license period may be granted a similar license by the Louisville Metro Government ABC Administrator, in the exercise of his or her sound discretion, for the same business at the same premises or location. Any zoning restrictions that may apply shall be noted on the license at the time of issuance.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.22 CONDITIONS GOVERNING LICENSES.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of other ordinances and regulations of the Louisville Metro Government applicable thereto and all rules and regulations duly adopted by the Louisville Metro Government ABC Administrator:

(A) Every applicant procuring a license thereby consents to the entry of the Louisville Metro Government ABC Administrator, or any duly authorized representative of such Administrator, into the licensed premises and/or building containing licensed premises including any locked storage rooms or offices or lockers used by the licensed premises or its employees. Such entry may take place during regular business hours of the licensed premises, or such other times as the licensed premises are occupied by the licensee or a clerk, servant, agent, employee or customer of the licensee, for the purpose of inspection and search to ascertain if the licensee is in violation of this chapter or state or federal law and regulations promulgated thereunder relating to alcoholic beverages, including statutes or regulations prohibiting any sale, possession, or use of controlled substances on licensed premises and prohibiting the setting up, conducting, operating, or keeping on the licensed premises of any gambling equipment or facility. Evidence of a violation discovered pursuant to this section may be seized and used in an administrative or court hearing.

(B) Every hotel that procures a license under this chapter shall be entitled to serve such beverages as such license holder is entitled to serve in a separate room or rooms at banquets or dinners or where meals are served. However, no hotel shall maintain or operate or permit to be operated more than one bar or room where alcoholic beverages are sold and which is opened to the general public without obtaining a separate license for each bar or room which is opened to the general public.

(C) 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.

(D) It shall be unlawful for any licensee licensed under this chapter to have or maintain any radio receiving apparatus on such premises that will respond or is capable of being adjusted so as to receive police messages broadcast from the Louisville Metro Government Police radio station as it is now or

(B) For a violation of any section of this chapter or any amendment thereof or of any rule or regulation of the Louisville Metro Government ABC Administrator, or of any rule or regulation of 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 on conviction by a court of competent jurisdiction for any such violation, the Louisville Metro Government ABC Administrator is authorized and empowered to order the revocation or suspension of any license issued under this chapter.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.25 TRANSFER OF LICENSE OR BUSINESS.

No license issued under this chapter shall be transferred or assigned by the holder, except as provided in the Alcoholic Beverage Control Laws of the Commonwealth of Kentucky, KRS 243.630 and per approval of the Louisville Metro Government ABC Administrator.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

OPERATING REGULATIONS

§ 113.40 LIQUOR; HOURS OF SALE.

It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:

(A) To sell, give away, or permit to be sold or given away any distilled spirits or wine at retail between the hours of 12:00 a.m. midnight and 6:00 a.m. on any weekday and Saturday, or between the hours of 12:00 a.m. and 1:00 p.m. Sunday, or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday; or

(B) To permit the consumption of any distilled spirits or wine on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 12:00 a.m. Sunday and 6:00 a.m. Monday.

(C) Notwithstanding subsections (A) and (B), any retail drink or package licensee under this chapter may sell, permit to be sold, and retail drink licensees may permit the consumption of, distilled spirits or wine at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.

(D) Notwithstanding the provisions of subsections (A) and (B), any special hours retail package or drink licensee may sell or permit to be sold and any special hours retail drink licensees may permit the consumption of distilled spirits or wine at any time between the hours of 12:00 a.m. and 2:00 a.m. and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s). However, an extended (special) hours retail package license, as discussed immediately above, specifically prohibits the sale of distilled spirits and wine on Monday between the hours of 12:00 a.m. and 4:00 a.m.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003; Lou. Metro Am. Ord. No. 113-2005, approved 8-1-2005; Lou. Metro Am. Ord. No. 26-2009, approved 3-16-2009) Penalty, see § 113.99

§ 113.41 BEER; HOURS OF SALE.

§ 113.43 MINORS; PROHIBITIONS GOVERNING.

The provisions of KRS Chapter 244 and KAR Chapter 804 involving prohibitions governing minors shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.44 DISPLAY OF PRINTED WARNING.

The provisions of KRS 244.083 requiring the display of printed warnings shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.45 TREATING PROHIBITED.

The provisions of KRS 244.050 prohibiting treating shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.46 PREMISES; APPROVAL OF BY HEALTH DEPARTMENT AND FIRE PREVENTION.

Upon the initial application for an alcoholic beverage license, the Louisville Metro Government ABC Administrator shall not grant the license under this chapter to any applicant until the applicant and the applicant's place of business have been approved by the Board of Health and the Fire Prevention Bureau. Upon renewal of an alcoholic beverage license, the requirement of approval by the Board of Health and Fire Prevention Bureau before issuance will be waived if the applicant's business have been approved by the Board of Health and Fire Prevention Bureau during the licensing period. Premises being licensed for the retail sales of package distilled spirits and wine may be exempted from the Board of Health approval unless otherwise required by the Board of Health.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.47 BOOKS AND RECORDS.

The provisions of KRS 244.150 and 804 KAR 4:100 requiring the retention of books and records shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.48 SPIRITS OUTSIDE LOCKED DEPARTMENT; DISCOVERY OF.

The provisions of KRS Chapter 244 and KAR Chapter 7 pertaining to the discovery of spirits outside a locked department shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

REQUIRED.

(A) Every licensee selling alcoholic beverages by retail sales shall notify each employee employed in retail sales that proof of age is required from a prospective buyer if it is reasonable to believe that the prospective buyer is under the age of 21 years.

(B) The following unaltered written instruments are the only acceptable types of identification.

(1) An unexpired driver's license issued by any state, provided such license contains a picture of the person;

(2) An official identification card issued by any state, provided such identification includes a picture of the person;

(3) A United States Armed Forces identification card, provided such identification includes a picture of the person;

(4) An unexpired passport issued by a government and which contains a picture of the person and a date of birth.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.53 CURRENT DRIVER LICENSE BOOK REQUIRED.

(A) Each licensee shall maintain on its premises the most recent edition of a reference booklet or publication, approved by the Louisville Metro Government ABC Administrator that features pictorial samples or representations of legal motor vehicle operators' licenses. The Louisville Metro Government ABC Administrator shall maintain a list of approved references.

(B) A retail sales clerk shall consult such reference when presented identification which he or she believes may be fraudulent, or when other circumstances make it reasonable to believe that the identification may be fraudulent.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.54 SALES TO MINORS PROHIBITED; DEFENSE.

(A) No person shall sell or cause to be sold, give away, or deliver alcoholic beverages to a person under the age of 21 years.

(B) In any prosecution for a violation of this chapter, the defense that the sale was induced by fraudulent or altered identification papers, as defined in KRS 244.080(1), shall exist.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

ADMINISTRATION AND ENFORCEMENT

§ 113.81 FAILURE TO PAY FINES.

approved 2-10-1987; Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

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ORDINANCE NO. 059, SERIES 2013

AN ORDINANCE AMENDING SECTIONS ~~113.40~~ 113.16
AND 113.42 ALLOWING SUNDAY SALES TO OCCUR FOR
RETAIL BY THE DRINK AT RESTAURANTS AT 10
A.M. (AS AMENDED)

Sponsored By: Councilman Tandy, Blackwell, King and Kramer

WHEREAS, Louisville Metro Council wishes to provide greater flexibility to establishments who would like to serve customers alcohol by the drink before 1 pm on Sunday;

WHEREAS, for Louisville to remain competitive for conventions and major sporting events and races, it is helpful for properly licensed restaurants to have the option of serving alcohol by the drink before 1 pm on Sunday; and

WHEREAS, the Kentucky Revised Statute 244.290(3)(b) gives Louisville Metro Council the authority to permit the sale of alcohol by the drink on Sunday at 10 a.m.; and

WHEREAS, Louisville Metro Council wants to add more transparency for neighbors of establishments who apply for a license to sell alcoholic beverages and require notification be posted at said property.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

~~Section 1: LMCO Section 113 section 40 is hereby amended to read as follows:~~

~~§ 113.40 LIQUOR; HOURS OF SALE.~~

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

(A) To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 12:00 a.m. midnight and 1:00 p.m. Sunday; or

(B) To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. ~~10 a.m.~~ Sunday.

(C) Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee under this chapter may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the Sunday following the first Saturday in May of each year and 6:00 a.m. on the Sunday following the first Saturday in May of each year, and also at any time between 12:00 p.m. on the Sunday following the first Saturday in May of each year and 12:00 p.m. on Monday, the following day.

(D) Notwithstanding the provisions of subsections (A), (B), (C), and (E), any special hours retail drink, special hours package, or special hours malt beverage licensee may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m., as long as the licensee holds a current, corresponding special hours license(s).

(E) Notwithstanding the provisions of subsections (A), (B), and (C), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and/or malt beverage licensees and ~~who have dining facilities with a minimum seating capacity of 100 people at tables and~~ who receive at least 50% or more of their gross annual income from dining facilities by the sale of food and airport drink licensees and horse track licensees, may sell, permit to be sold, or permit consumption of liquor, ~~or wine, or malt beverages by the drink~~ on Sundays between the hours of 10:00 a.m. 1:00 p.m. and 12:00 a.m. on Monday, the following day.

Section 2: LMCO Section 113 section 16 is hereby amended to read as follows: