

Jessamine County, KY Code of Ordinances

CHAPTER 111: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS**§ 111.01 SCOPE.**

This chapter shall be applicable to all persons selling or offering to sell alcoholic beverages at retail and to all premises where alcoholic beverages are sold or offered for sale at retail in any unincorporated area of the county.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.02 DECLARED ADDITIONAL TO STATUTES, STATE REGULATIONS.

No part of this chapter is intended to alter or vary any requirements or regulations contained in the statutes of this state, or promulgated by any department or agency of the state pursuant to authority granted by the statutes. The purpose of this chapter is to impose certain local regulations in addition to those prescribed by the state and its agencies relative to the sale of alcoholic beverages at retail.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.03 REGULATIONS APPLICABLE TO RETAIL SALE.

All business establishments in any unincorporated area of the county where any kind of alcoholic beverages are sold at retail shall comply with the following requirements:

(A) All those premises shall be situated on the first or ground floor;

(B) All those premises shall be well-lighted at all times during business hours; and

(C) All those premises shall be subject to inspection at all times by the police officers of the county, by the County Alcoholic Beverage Control Administrator and by the law enforcement officers of the state. The inspection may be carried out at any time during the hours that the business is open and at any other times that the proprietor, the operator of the business, an employee or any other person is within the premises. If any person is within the premises and the street door is locked, any of the above named law enforcement officers may force entrance into the premises in the event a demand by them for entrance is refused or ignored.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.04 DEFINITIONS.

The words and phrases used in this chapter shall have the same meaning as defined in KRS Chapters 241, 243 and 244.

(Ord. 03JC-0100, passed 4-15-2003)

LICENSES**§ 111.15 LICENSE REQUIRED TO SELL.**

No person shall sell or dispense at retail or have in his or her possession for sale, any alcoholic or malt beverage, nor manufacture or transport any alcoholic or malt beverages in the county unless he or she shall first procure and have issued to him or her a license under the provisions of this chapter and all statutes of the state and regulations adopted pursuant to this chapter.

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.16 LICENSE EXPIRATION DATE; PRORATION.

All licenses issued by the county shall be valid for a period of no more than 1 year. All licenses shall expire on June 30 of each year. Applications for renewal are to be filed with the county at least 15 days prior to expiration. When any person applies for a new license, he or she shall be charged the full fee for the respective license if 6 months or more remain before the license is due to be renewed. In the

event any licensee shall cease doing business for any reason, no refund of the county license fee shall be granted.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.17 PERSONS WHO MAY NOT BE LICENSED.

A person shall not become a licensee under this chapter for any of the reasons stated in KRS 243.100.

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.18 PUBLIC NOTICE OF INTENTION TO APPLY FOR LICENSE.

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

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.19 LOCAL ADMINISTRATOR TO APPROVE APPLICATION FIRST.

An applicant for an alcoholic beverage license must have his or her county license approved by the County Alcoholic Beverage Control Administrator before he or she is eligible to apply for a state license.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.20 APPLICATION FOR STATE LICENSE.

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

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.21 SUBMITTAL OF APPLICATION.

An applicant for a license under this chapter shall file with the County Alcoholic Beverage Control Administrator a copy of his or her state license application containing the information required by KRS 243.380 and 243.390. The county application shall include the consent of the applicant permitting the County ABC Administrator to inspect and search the licensed premises at any reasonable time, to confiscate articles found on the premises in violation of any ordinance or statute, and to order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by 1 or more violations of any ordinance or statute involving disturbance of the peace or public disorder. The temporary closure shall remain in effect until review of the alleged violations by the County ABC Administrator within 36 hours. The application shall also include documentation on

the licensee's previous year's gross sales of alcohol in a manner acceptable to the County ABC Administrator.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.22 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE; SUSPENSION OR REVOCATION.

(A) *State law references.* Causes for refusal to issue or renew a license and for suspension or revocation of a county license shall be same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any county ordinance regarding beverage licensing, sales or the administration of licenses.

(B) *Delinquent taxes or fees.* No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the county at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the county. If a licensee becomes delinquent in the payment of any taxes or any fees due to the county at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The County ABC Administrator may, in his or her discretion, approve a license to sell after receiving from the County Clerk a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the County Clerk for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees, which are due and payable by the licensee.

(C) *Appeals.* Appeals may be taken from decisions of the County ABC Administrator to the State Alcoholic Beverage Control Board according to the provisions of KRS 241.200 and 243.550.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.23 APPROVAL OR DENIAL OF APPLICATION.

(A) If, upon review of the application, the County ABC Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Law, being KRS Chapter 241 through 244, as well as all regulatory provisions of this chapter, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and 242.185(6), that a license may be issued within the rules fixed by the State Alcoholic Beverage Control Board, and that there are no causes for denial of the license, the County ABC Administrator shall approve the application.

(B) If the County ABC Administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, he or she may issue to the applicant a written order setting forth the violation and requiring the applicant to show cause why the requested license should be issued. The County ABC Administrator shall have the right to order, and the applicant shall have the right to request, an evidentiary hearing to examine the violation set forth in the show cause order issued by the County ABC Administrator. Any decision by the County ABC Administrator on the application shall be subject to appeal as provided by law.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.24 PAYMENT OF FEES; REFUND.

(A) Upon approval of the application by the County ABC Administrator, the applicant shall pay the amount of the license fee provided in this chapter in the form of a certified check, money order or cash. Payment shall be held in deposit by the county pending state license approval and issuance of the county license by the County ABC Administrator.

(B) If the payment of a license fee was erroneously made or the licenses are not issued, the county shall authorize the payment of the refundable amount.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.25 ISSUANCE OF COUNTY LICENSES.

The county licenses shall be issued and the fees collected by the County Clerk. No license shall be issued by the Clerk without the approval of the County ABC Administrator.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.26 POSTING OF LICENSES.

Each county license in the same form prescribed by KRS 243.440 for state licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each county license shall remain in the County Clerk's office as part of the public record.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.27 TRANSFER, ASSIGNING OR ACQUISITION OF EXISTING LICENSE.

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

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.28 LICENSE VOID IF BUSINESS DORMANT; LICENSE RENEWAL.

(A) *Surrender of license and exceptions.* Any license under which no business is transacted during a period of 90 days shall become null and void. At the expiration of the 90-day period the license shall be surrendered to the County ABC Administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to 804 KAR 4:110, as amended from time to time, to continue the license in dormancy. In the event a period of dormancy is applied for or granted by the ABC Administrator to

the licensee, the licensee shall immediately notify the County ABC Administrator. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the County ABC Administrator and a fee shall be due and payable to the County ABC Administrator for the period the license was in dormancy in the amount due had the license remained active for the same period.

(B) *Ninety days.* Applications based on pending construction of development applications approved by the County ABC Administrator and based on pending construction or development on the premises shall be null and void after 90 days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. The ABC Administrator may grant extensions as he or she deems appropriate in exercise of his or her sound discretion based on facts and circumstances surrounding each request.

(C) *Renewals, time for filing.* All renewal of licenses and payment of license fees must be on file with the County ABC Administrator 15 days before the expiration of the license for the preceding license period or the license shall be canceled, except that the licensee may file a written, verified statement 15 days prior to the expiration date of the license, setting forth the facts justifying an extension. The ABC Administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his or her sound discretion. The licensee shall pay the license fee from the expiration date of the former license or licenses and payment shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.29 CONFISCATION AUTHORIZED IF VIOLATIONS OCCUR.

If any alcoholic or malt beverages are found on the outside of the locked or closed-off area of any licensed premises at any hours during which the licensee is prohibited by the State Alcoholic Beverage Control Act, being KRS Chapter 241 through 244, or by this chapter from selling alcoholic or malt beverages, a prima facie presumption shall arise that the alcoholic or malt beverages were kept outside the locked or closed-off section for the purpose of sale in violation of this chapter and the State Alcoholic Beverage Control Act, being KRS Chapter 241 through 244, and shall be grounds for revocation or suspension of the license. In addition to other penalties provided for violations of this chapter, the County Alcoholic Beverage Control Administrator is hereby authorized to confiscate the alcoholic or malt beverages.

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

FEES; ADMINISTRATION

§ 111.40 APPLICANT TO PAY FOR OWN LICENSE.

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

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

FEES; ADMINISTRATION

§ 111.40 APPLICANT TO PAY FOR OWN LICENSE.

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

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.41 DEPOSIT OF FEES.

All moneys derived from license fees or from fines as provided in this chapter shall be paid to the treasury of the county and become a part of the general funds of the county.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.42 ANNUAL LICENSE FEES.

License fees (per annum) are as follows:

<i>License Type</i>	<i>Annual Fee</i>
Retail package licenses	\$800
Retail drink licenses	\$800
Retail malt beverage license	
(1) New applicants	\$400
(2) Applicants for renewal	\$150
Golf alcoholic beverage license (liquor/wine/beer by the drink only)	\$800
Small winery license	\$100
Farm winery license	\$100

(Ord. 03JC-0100, passed 4-15-2003)

BUSINESS RESTRICTIONS

§ 111.55 LICENSEE TO PURCHASE FROM AND SELL ONLY TO AUTHORIZED PERSONS.

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

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

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.56 RETAIL SALES TO CERTAIN PERSONS PROHIBITED.

Retail sales to the following are prohibited:

(A) A minor, except that in any prosecution for selling alcoholic beverages to a minor it is an affirmative defense that the sale was induced by the use of false, fraudulent or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages. The evidence may be introduced either in mitigation of the charge or as a defense to the charge itself;

(B) A person actually or apparently under the influence of alcoholic beverages;

(C) A habitual drunkard or any person convicted of drunkenness as many as 3 times within the most recent 12-month period; and

(D) Except as provided in division (C) above, anyone known to the seller to have been convicted of D.U.I. or any other misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or for a felony within the preceding 12 months.

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.57 REQUIRED NOTICES: SALE TO MINORS; DRINKING DURING PREGNANCY.

(A) Every retail licensee shall display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or larger type, substantially as follows:

Persons under the age of 21 are subject to a fine up to \$100 if they:

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

(B) All licensed retail vendors of alcoholic beverages shall post in a prominent place easily seen by

patrons a printed sign at least 11 inches by 14 inches in size, with letters at least 1 inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.58 MINORS AND LIQUOR; FRAUDULENT IDENTIFICATION.

(A) As used in KRS 244.083 and this section, *PREMISES* has the meaning it is given in KRS 241.010 and also means the place of business of a person licensed to sell alcoholic beverages.

(B) A person under 21 years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(C) A person under 21 years of age shall not possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(D) A person under 21 years of age shall not misrepresent his or her age for the purpose of inducing any license, or the licensee or the licensee's agent, servant or employee, to sell or serve any alcoholic beverages to the underage person.

(E) A person under 21 years of age shall not use or attempt to use any false, fraudulent or altered identification card, paper or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.59 PERSONS WHOM LICENSEES MAY NOT EMPLOY.

(A) A person holding any county license shall not knowingly employ in connection with his or her business any person who:

- (1) Has been convicted of any felony within the last 2 years;
- (2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last 2 years;
- (3) Is under the age of 20 years, unless the person is employed in a capacity that does not involve the sale or serving alcoholic beverages; or
- (4) Within 2 years prior to the date of his or her employment, has had any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause.

(B) The provisions of divisions (A)(1) and (2) of this section shall not apply if the employee's

duties do not involve the sale, service, delivery or traffic in alcoholic beverages at the licensed premises.

(C) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.60 RETAIL PREMISES ORDERLY.

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

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

- (1) Engaging in fighting or in violent, tumultuous or threatening behavior;
- (2) Making unreasonable noise;
- (3) Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency;
- (4) Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose; or
- (5) Conducting promotional efforts that are not customary or usual for a restaurant operation (such as, wet T-shirt contest).

(Ord. 03JC-0100, passed 4-15-2003) Penalty, see § 111.99

§ 111.61 SUSPENSION OF LICENSES.

The Alcoholic Beverage Control Administrator shall have the power and authority to suspend the license of any person licensed by the county to sell any kind of alcoholic beverage in the county, for violation of any section of this chapter, for a period of 10 days or until offender is granted trial for the violation. If the offender is not brought to trial within 10 days of the suspension, the suspension shall be set aside. Upon conviction for violation of any provision of this chapter by a court of competent jurisdiction, the court may, within its discretion, order that the license shall be suspended for not less than 30 days and not more than 1 year.

(Ord. 03JC-0100, passed 4-15-2003)

§ 111.99 PENALTY.

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

(1) For the first offense, a fine not to exceed \$500;

(2) For any subsequent offense, a fine not to exceed \$500 or confinement in jail of not more than 6 months, or both; and

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

(Ord. 03JC-0100, passed 4-15-2003)

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Office of Jessamine County Judge/Executive

IN RE: **AMENDED ORDER**
DESIGNATION OF **Local Option Election**
DATE **Precinct: C102 – Little Hickman**

WHEREAS, KRS 243.155 (3) permits a local option election may be held in a precinct containing a licensed small farm winery or a proposed small farm winery located in a dry territory. The election shall be held in the same manner as prescribed by KRS 242.010 to 242.040; and

WHEREAS, KRS 242.030 requires the County Judge/Executive to designate the date of the local option election if no date is stated in the petition for the election; and

WHEREAS, a petition has been filed with the Jessamine County Clerk for a local option election in the county where

NOW THEREFORE, the date of **Tuesday, August 31, 2010** is designated for the local option election as permitted by all Kentucky law in Precinct C102 (Little Hickman) where First Vineyard Winery is located.

DATED: JUNE 29, 2010

RECEIVED
JUL 08 2010
State Board of Elections

Wm Neal Carver
Jessamine County Judge/Executive

CERTIFY THAT THE ABOVE ATTACHED DOCUMENT IS A TRUE COPY OF A Local Option Order RECORDED IN THE OFFICE OF THE JESSAMINE COUNTY CLERK.

EVA L. MCDANIEL, CJC
BY: *PPPhillips, DC*

Received Time Jul 8 12:43PM

RECEIVED

APR 01 2009

SECRETARY OF STATE
COMMONWEALTH OF KY

Office of Jessamine County Judge/Executive

IN RE:

AMENDED ORDER

DESIGNATION OF

Local Option Election

DATE

Precinct B102- Marble Creek #2
High Point Golf Club
(Golf Club)

RECEIVED
MAR 30 2009
State Board of Elections

WHEREAS, Chapter 411 (Senate Bill 39) of the 2000 Kentucky Acts permits a local option election for the limited sale of alcoholic beverages to be held in any precinct containing a 9 hole or 18 hole golf course that meets United States Golf Association criteria; and

WHEREAS, KRS 242.030 requires the County Judge/Executive to designate the date of the local option election if no date is stated in the petition for the election; and

WHEREAS, a petition has been filed with the Jessamine County Clerk for a local option election in the precinct where the golf course named Highpoint Golf Club is located;

NOW THEREFORE, the date of May 26, 2009 is designated for the local option election as permitted by all Kentucky law in Precinct Number B102 - Marble Creek where Highpoint Golf Club is located.

DATED: 3-27-09

Wm Neal County

Jessamine County Judge/Executive

I CERTIFY THAT THE ABOVE ATTACHED DOCUMENT IS A TRUE COPY OF AN
AMENDED ORDER FOR LOCAL OPTION
RECORDED IN THE OFFICE OF THE
JESSAMINE COUNTY CLERK

EVA L. MCDANIEL, CJC
BY: P. Phillip

RECEIVED

APR 01 2009

SECRETARY OF STATE
COMMONWEALTH OF KY

ORDINANCE 03JC-0100

ALCOHOLIC BEVERAGE SALES

1. DEFINITIONS.

The words and phrases used in this chapter shall have the same meaning as defined in KRS Chapters 241, 243 and 244.

2. SCOPE.

This chapter shall be applicable to all persons selling or offering to sell alcoholic beverages at retail and to all premises where alcoholic beverages are sold or offered for sale at retail in any unincorporated area of Jessamine County.

3. DECLARED ADDITIONAL TO STATUTES, STATE REGULATIONS.

No part of this chapter is intended to alter or vary any requirements or regulations contained in the statutes of this state, or promulgated by any department or agency of the state pursuant to authority granted by such statutes. The purpose of this chapter is to impose certain local regulations in addition to those prescribed by the state and its agencies relative to the sale of alcoholic beverages at retail.

4. REGULATIONS APPLICABLE TO ALL BUSINESS ESTABLISHMENTS WHERE ANY KIND OF ALCOHOLIC BEVERAGES ARE SOLD AT RETAIL.

All business establishments, in any unincorporated area of Jessamine County where any kind of alcoholic beverages are sold at retail shall comply with the following requirements:

- (A) All such premises shall be situated on the first or ground floor.
- (B) All such premises shall be well-lighted at all times during business hours.
- (C) All such premises shall be subject to inspection at all times by the police officers of the county, by the county alcoholic beverage control administrator and by the law enforcement officers of the state. Such inspection may be carried out at any time during the hours that such business is open, and at any other times that the proprietor, the operator of the business, an employee, or any other person is within the premises. If any person is within such premises and the street door is locked, any of the above named law enforcement officers may force entrance into the premises in the event a demand by them for entrance is refused or ignored.

5. LICENSE REQUIRED FOR SALE.

No person shall sell or dispense at retail, or have in his possession for sale, any alcoholic or malt beverage, nor manufacture or transport any alcoholic or malt beverages in the county unless he shall first procure and have issued to him a license under the provisions of this chapter and all statutes of Kentucky and regulations adopted pursuant to this chapter.

6. DATE LICENSES EXPIRE; PRORATION.

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

7. PERSONS WHO MAY NOT BE LICENSED

A person shall not become a licensee under this chapter for any of the reasons stated in KRS 243.100.

8. PUBLIC NOTICE OF INTENTION TO APPLY FOR LICENSE

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

9. LOCAL ADMINISTRATOR TO APPROVE APPLICATION FIRST

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

10. APPLICATION FOR STATE LICENSE

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

11. SUBMITTAL OF APPLICATION

An applicant for a license under this ordinance shall file with the County Alcoholic Beverage Control Administrator a copy of his state license application containing the information required by KRS 243.380 and 243.390. The County

application shall include the consent of the applicant permitting the County ABC Administrator to inspect and search the licensed premises at any reasonable time, to confiscate articles found on the premises in violation of any ordinance or statute, and to order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by one or more violations of any ordinance or statute involving disturbance of the peace or public disorder. The temporary closure shall remain in effect until review of the alleged violations by the County ABC Administrator within thirty-six (36) hours. The application shall also include documentation on the licensee's previous year's gross sales of alcohol in a manner acceptable to the County ABC Administrator.

12. CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE SUSPENSION OR REVOCATION OF LICENSE

(A) State Law References. Causes for refusal to issue or renew a license and for suspension or revocation of a county license shall be same as provided for state licenses according to KRS 243.450, 243.490, 243.500, as well as violation of any county ordinance regarding beverage licensing, sales, or the administration of licenses.

(B) Delinquent Taxes or Fees No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the County at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the County. If a licensee becomes delinquent in the payment of any taxes or any fees due to the county at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The County ABC Administrator may, in his discretion, approve a license to sell after receiving from the County Clerk, a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the County Clerk for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees, which are due and payable by the licensee.

(C) Appeals. Appeals may be taken from decisions of the County ABC Administrator to the State Alcoholic Beverage Control Board according to the provisions of KRS 241.200 and 243.550.

13. APPROVAL OR DENIAL OF APPLICATION

(A) If upon review of the application, the County ABC Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Law, as well as all regulatory provisions of this chapter, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and 242.185(6), that a license may be issued within the rules

fixed by the State Alcoholic Beverage Control Board, and that there are no causes for denial of the license, the County ABC Administrator shall approve the application.

(B) If the County ABC Administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, he may issue to the applicant a written order setting forth such violation and requiring the applicant to show cause why the requested license should be issued. The County ABC Administrator shall have the right to order, and the applicant shall have the right to request, an evidentiary hearing to examine the violation set forth in the show cause order issued by the County ABC Administrator. Any decision by the County ABC Administrator on the application shall be subject to appeal as provided by law.

14. PAYMENT OF FEES, REFUND OF FEE

Upon approval of the application by the County ABC Administrator, the applicant shall pay the amount of the license fee provided in this chapter in the form of a certified check, money order or cash. Payment shall be held in deposit by the County pending state license approval and issuance of the County license by the County ABC Administrator.

If the payment of a license fee was erroneously made or the licenses are not issued, the County shall authorize the payment of the refundable amount.

15. ISSUANCE OF COUNTY LICENSES

The County licenses shall be issued and the fees collected by the County Clerk. No license shall be issued by the clerk without the approval of the County ABC Administrator.

16. POSTING OF LICENSES

Each County license in the same form prescribed by KRS 243.440 for state licenses shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each county license shall remain in the County Clerk's office as part of the public record.

17. TRANSFER, ASSIGN, OR ACQUIRE EXISTING LICENSE

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

18. APPLICANT TO PAY FOR OWN LICENSE

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

19. DEPOSIT OF FEES

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

20. LICENSE TO BECOME VOID IF BUSINESS DORMANT; LICENSE RENEWAL

(A) Surrender of license and exceptions. Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the County ABC Administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to 804 KAR 4:1110, as amended from time to time, to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the ABC Administrator to the licensee, the licensee shall immediately notify the County ABC Administrator. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the County ABC Administrator and a fee shall be due and payable to the County ABC Administrator for the period the license was in dormancy in the amount due had the license remained active for the same period.

(B) Applications based on pending construction of development applications approved by the County ABC Administrator and based on pending construction or development on the premises shall be null and void after ninety (90) days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. The ABC Administrator may grant extensions as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.

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

21. CONFISCATION AUTHORIZED IF VIOLATIONS OCCUR

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

22. LICENSEE TO PURCHASE FROM AND SELL ONLY TO PERSONS AUTHORIZED TO SELL OR PURCHASE

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

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

23. RETAIL SALES TO CERTAIN PERSONS PROHIBITED

(A) A minor, except that in any prosecution for selling alcoholic beverages to a minor it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. The evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

(B) A person actually or apparently under the influence of alcoholic beverages.

(C) A habitual drunkard or any person convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period.

(D) Except as provided in Section C above, anyone known to the seller to have been convicted of D.U.I. or any other misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or for a felony within the preceding twelve (12) months.

24. LICENSEE TO DISPLAY NOTICE AS TO SALE TO MINORS; WARNING OF DANGERS OF DRINKING DURING PERGNANCY TO BE POSTED

(A) Every retail licensee shall display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or larger type, substantially as follows:

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

- (i) Enter licensed premises to buy, or have served to them, alcoholic beverages.
- (ii) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
- (iii) Misrepresent their age for purpose of purchasing or obtaining alcoholic beverages.

(B) All licensed retail vendors of alcoholic beverages shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

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

(A) As used in KRS 244.083 and this section; "Premises" has the meaning it is given in KRS 241.010 and also means that the place of business of a person licensed to sell alcoholic beverages.

(B) A person under 21 years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(C) A person under 21 years of age shall not possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(D) A person under 21 years of age shall not misrepresent his or her age for the purpose of inducing any license, or the licensee, or the licensee's agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person.

(E) A person under 21 years of age shall not use, or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

26. PERSONS WHOM LICENSEES MAY NOT EMPLOY

(A) A person holding any county license shall not knowingly employ in connection with his or her business any person who:

- (i) Has been convicted of any felony within the last two (2) years.
- (ii) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years.
- (iii) Is under the age of twenty (20) years, unless the person is employed in a capacity that does not involve the sale or serving alcoholic beverages.
- (iv) Within two (2) years prior to the date of his employment, has had any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.

(B) The provisions of paragraph (1) and (2) of subsection (A) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.

(C) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

27. RETAIL PREMISES NOT TO BE DISORDERLY

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

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

- (i) Engaging in fighting or in violent, tumultuous or threatening behavior; or
- (ii) Making unreasonable noise; or
- (iii) Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
- (iv) Creating a hazardous or physically offensive condition by an act that serves no legitimate purpose.
- (v) Conducting promotional efforts that are not customary or usual for a restaurant operation (e.g. wet t-shirt contest).

28. PENALTIES

- (A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall, in addition to other penalties provided by law, be subject to the following penalties:
 - (i) For the first offense a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00)
 - (ii) For any subsequent offense a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00 or confinement in jail of not more than six (6) months, or both).
- (B) Any proceeding for the revocation of any license issued hereunder shall be governed in accordance with the provisions of KRS 243.480.

29. LICENSE FEES (per annum)

- (A) Retail Package Licenses \$800.00
- (B) Retail Drink Licenses \$800.00
- (C) Retail Malt Beverage License
 - (i) New Applicants \$400.00
 - (ii) Applicants for renewal \$150.00
- (D) Golf Alcoholic Beverage License (liquor/wine/beer by the drink only) \$800.00
- (E) Small Winery License \$100.00
- (F) Farm Winery License \$100.00

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30. SUSPENSION OF LICENSES

The alcoholic beverage control administrator shall have the power and authority to suspend the license of any person licensed by the county to sell any kind of alcoholic beverage in the county, for violation of any section of this chapter, for a period of ten (10) days or until offender is granted trial for such violation. If the offender is not brought to trial within ten (10) days of such suspension, the suspension shall be set aside. Upon conviction for violation of any provision of this chapter by a court of competent jurisdiction, the court may, within its discretion, order that such license shall be suspended for not less than thirty (30) days and not more than one (1) year.