

4

AN ORDINANCE AMENDING ORDINANCE #2016-18 OF THE CITY OF LEITCHFIELD, KENTUCKY ("City") RELATED TO THE LICENSING OR RESTAURANTS AND DINING FACILITIES FOR THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK WHEN SUCH FACILITIES SEAT A MINIMUM OF (100) PERSONS AND DERIVE A MINIMUM OF SEVENTY PERCENT (70%) OF GROSS RECEIPTS FROM THE SALE OF FOOD

WHEREAS, the existing city ordinance prohibits the sale of distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day; and

WHEREAS, the Leitchfield City Council has determined that such prohibition is unnecessary for the public safety or general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEITCHFIELD, KY AS FOLLOWS:


(NOTE: Deleted portions of the existing ordinance are designated by a solid line drawn through them and added portions are designated by a solid line drawn beneath them)

~~Article V section 5 originally stated "the licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day."~~

Article V section 5 is amended to read "Pursuant to KRS 244.290, the licensee shall not be prohibited from selling or dispensing any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day."

This amendment is effective upon final reading and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LEITCHFIELD, KENTUCKY AFTER THE FIRST READING ON THE 14TH DAY OF SEPTEMBER 2018. PASSED BY THE CITY COUNCIL OF THE CITY OF LEITCHFIELD, KENTUCKY AFTER THE SECOND READING ON THE 17 DAY OF SEPTEMBER, 2018.



LORI WOOSLEY, CITY CLERK



WILLIAM H. THOMASON MAYOR

AN ORDINANCE AMENDING AN ORDINANCE #2017-12 OF THE CITY OF LEITCHFIELD, KY ESTABLISHING REGULATIONS FOR LICENSE APPLICATION AND SALE OF ALCOHOLIC BEVERAGES AND ESTABLISHING LICENSES AND FEES

WHEREAS, the existing city ordinance prohibits the sale of distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day; and

WHEREAS, the Leitchfield City Council has determined that such prohibition is unnecessary for the public safety or general welfare:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEITCHFIELD, KY AS FOLLOWS:

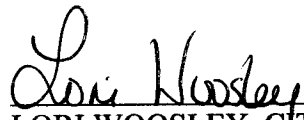
(NOTE: Deleted portions of the existing ordinance are designated by a solid line drawn through them and added portions are designated by a solid line drawn beneath them)

~~Section 6 (D) originally stated: "the licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day."~~

Section 6 (D) is amended to read "Pursuant to KRS 244.290, the licensee shall not be prohibited from selling or dispensing any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day."

This amendment is effective upon final reading and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LEITCHFIELD, KENTUCKY AFTER THE FIRST READING ON THE 14TH DAY OF SEPTEMBER 2018. PASSED BY THE CITY COUNCIL OF THE CITY OF LEITCHFIELD, KENTUCKY AFTER THE SECOND READING ON THE 12 DAY OF SEPTEMBER, 2018.


LORI WOOSLEY, CITY CLERK


WILLIAM H. THOMASON, MAYOR

AN ORDINANCE PROHIBITING QUOTA RETAIL DRINK LICENSES

WHEREAS, Kentucky statutory amendments have authorized two (2) Retail Quota Drink Licenses in the City of Leitchfield, KY; and

WHEREAS, the said statutory amendments also permit the City ~~of~~^{to} enact an ordinance prohibiting the issuance of Quota Retail Drink Licenses within the City of Leitchfield, KY; and

WHEREAS, the City of Leitchfield, KY after due consideration and evaluation of the impact such licenses will have upon the community,

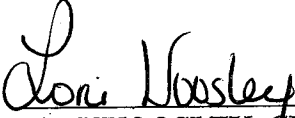
NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF LEITCHFIELD, KY THROUGH ITS MAYOR AND CITY COUNCIL THAT the issuance of Quota Retail Drink Licenses within the City of Leitchfield, KY is hereby prohibited.

Adopted this the 21st day of August 2017 after first having been read on the 7th day of August 2017.



WILLIAM H. THOMASON, MAYOR

CITY CLERK ATTEST:



LORI WOOSLEY, CITY CLERK

#

ORDINANCE NO. 2016-08

AN ORDINANCE ESTABLISHING REGULATIONS FOR LICENSE APPLICATION AND SALES OF ALCOHOLIC BEVERAGES AND ESTABLISHING LICENSES AND FEES.

WHEREAS, the City of Leitchfield has heretofore been classified as "moist" for purposes of alcoholic beverage sales and manufacture; and

WHEREAS, the City of Leitchfield recently has held an election determining that the said City shall be classified as "wet" for purposes of alcoholic beverage sale and manufacture, effective August 22, 2016; and

WHEREAS, the City Council has determined that the following ordinance is necessary and proper for regulating the sale and manufacture of alcoholic beverages in the City, given the likely increased parameters of those activities as a result of the mentioned election.

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF LEITCHFIELD, COMMONWEALTH OF KENTUCKY AS FOLLOWS:

SECTION 1: PURPOSE

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to KRS Chapters 241-244.

SECTION 2: DEFINITIONS

The definitions of the words used throughout this Ordinance, unless the context otherwise requires, shall have the same meaning as those set out in the State Alcoholic Beverage Control Law (KRS Ch. 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

SECTION 3: SCOPE

- (A) This Ordinance shall apply to the manufacture and sale of malt beverages, wine and distilled spirits on any premises or establishment within the City. The manufacture and/or sale of malt beverages, wine and distilled spirits on any premises or establishment within the City pursuant to a license issued by the Department of Alcoholic Beverage Control Board shall be governed by the applicable state statutes; however, the provisions of this Ordinance shall apply to all persons, licensees, premises and establishments within the City to the fullest extent such application is delegated to the City, or otherwise authorized, by the provisions of KRS Ch. 241 through 244. Nothing in this Ordinance shall excuse or relieve the licensee, or the

agent or any employee of any licensee thereof, from the restrictions, requirements and penalties of any other ordinance or ordinances of the City or of any statutes of the Commonwealth relating to violations pertaining to alcoholic beverages.

- (B) The provisions of the Alcoholic Beverage Control Law of the Commonwealth (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance, except as otherwise lawfully provided herein.

SECTION 4: LICENSES

Under this Ordinance, a license shall be issued by the City only to the owners and/or operators of those establishments which qualify for licenses applicable to the City of Leitchfield pursuant to KRS Chapter 243. Whenever any person or entity seeks a license from the Department of State Alcoholic Beverages Control to manufacture or traffic in alcoholic beverages within the City pursuant to some other provision of KRS Chapter 241 through 244, such State applicant shall apply to the City for any applicable City license for the privilege of manufacturing and/or trafficking in alcoholic beverages within the City. City license fees, whether primary or supplemental, shall be assessed in accordance with KRS 243.070 and Section 13 of this Ordinance. Regulatory license fees shall be assessed in accordance with KRS 243.075 and Section 20 of this Ordinance.

SECTION 5: ABC ADMINISTRATOR

- (A) The Mayor shall appoint the City Clerk as City ABC Administrator and any assistant ABC Administrator subject to approval of the City Council. The term City ABC Administrator as used in this ordinance shall also include any assistant ABC Administrator.
- (B) The City ABC Administrator may from to time appoint such additional personnel as is necessary to assist him or her in the administration of this Ordinance.
- (C) The salary for the Office of City ABC Administrator, if any, together with the salaries of any other personnel assisting the City ABC Administrator, shall be fixed from time to time by the City Council.
- (D) The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth (hereinafter referred to as ABC Board) with respect to state licenses and regulations.
- (E) No person shall be a City ABC Administrator, an Assistant ABC Administrator, an investigator or an employee of the City under the supervision of the City ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.
- (F) The City ABC Administrator or assistant ABC Administrator(s) shall have all authority as

authorized under KRS Chapter 241 through 244.

- (G) Should the City ABC Administrator or assistant ABC Administrator(s) at any time have probable cause to believe that any applicant, licensee, employee of a licensee or any stockholder, agent or employee of a licensed corporation, has a criminal record, he or she shall have the authority to require such person to appear in person at the City Police Department for the purpose of having his or her fingerprints taken.
- (H) The City ABC Administrator or assistant ABC Administrator(s), before entering upon his or her duties as such, shall take the oath of office as prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000, the cost of which shall be paid by the City; shall be at least 30 years of age, a citizen and resident of Grayson County for at least two preceeding years, have no interest in any premises or business where alcoholic beverages are manufactured, stored or sold and have no immediate family member who has a disqualifying interest. He or she shall receive no commission or profit from any person applying for or receiving any license or permit.
- (I)
 - (1) Appeals from the Orders of the City ABC Administrator or assistant ABC Administrator(s) may be taken to the State ABC Board by filing with the Board within 30 days a certified copy of the Orders of the City ABC Administrator.
 - (2) Matters at issue shall be heard by the Board as upon an original proceeding.
 - (3) Appeals from orders of the City ABC Administrator or assistant ABC Administrator(s) shall be governed by KRS Ch. 13B.

SECTION 6: HOURS FOR SALE AND DELIVERY

- (A) A licensee shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages Monday through Saturday between the hours of 6:00 a.m. and 12:00 midnight and on Sunday between the hours of 12:00PM and 12:00AM.
- (B) All delivery of alcoholic beverages in the City shall be made between the hours of 6:00 a.m. and 12:00 midnight, Monday through Saturday. No delivery shall occur on Sunday.
- (C) The licensee may sell and dispense distilled spirits, wine and/or malt beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Year's Eve occurs; provided that, the appropriate licenses have been obtained from both the City and the State ABC Board.
- (D) The licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day.

SECTION 7: CONDITIONS, PROHIBITIONS AND RESTRICTIONS

- (A) No gambling or game of chance unless otherwise authorized by the Commonwealth shall be permitted in any form on such licensed premises. Dice, slot machines, quarter pushers, prize redemption machines with programmable payouts, or any device with element of chance, are prohibited and shall not be kept on such premises.
- (B) (1) It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in the County as it is now or may hereafter be operated.
- (2) In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator, or any investigator or officer designated by either of such persons, shall have the authority to confiscate any and all such radio receiving apparatus.
- (C) All licensees shall be required to take precautions and implement measures reasonably necessary to discourage unlawful activity in and around the licensed premises. Accordingly, the licensee shall be responsible for maintaining security on the licensed 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.
- (D) It shall be unlawful for the 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: (1) in direct connection with the sale of malt beverages, or (2) except as otherwise allowed by state law.
- (E) No quota retail package licensee shall permit any alcoholic beverages to be consumed on the licensed premises, unless it holds an additional license authorizing same.
- (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 eight inches by 11 inches 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) (1) The licensee, before commencing any business for which a license has been issued, shall post and display the license at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license.
(2) The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.
- (J) The licensee 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 one 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.
- (K) No malt beverage distributor shall sell any malt beverages to any person in the City for any consideration except cash or cash equivalent paid at or before the time of delivery, except as permitted by KRS 244.040. Nor shall any retail licensee sell to a purchaser for any consideration except for cash or cash equivalent at time of purchase.
- (L) (1) No licensee shall knowingly employ in connection with his or her business any person who:
 - (a) Has been convicted of any felony within the last two years, unless allowed by KRS 244.090 (2);
 - (b) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two years, unless allowed by KRS 244.090 (2);
 - (c) Is under the age of 18 years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under statute; and
 - (d) Within two years prior to the date of his employment, has had any City license under this Ordinance revoked for cause.
- (2) Violation of this subsection (L) shall, subject both employer and employee to penalties provided in this Ordinance and shall be cause for revocation

of license.

SECTION 8: ENFORCEMENT, INVESTIGATION AND INSPECTION OF PREMISES

- (A) City police officers and the City ABC Administrator or assistant ABC Administrator(s) are authorized and directed to enforce this Ordinance for alleged violations.
- (B) The City ABC Administrator or assistant ABC Administrator(s) along with any authorized law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored or otherwise trafficked.

SECTION 9: MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

1. All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a City approved responsible beverage service training program approved by the ABC Administrator of the City of Leitchfield or the Administrator's designee. Before approval, the Administrator or the Administrator's designee shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol and/or drug intoxication. The City will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this Ordinance.
2. The training person or agency must reasonably instruct upon and certify the participants' competence in at least the following:
 - a. Pertinent Federal, State and Local laws related to the sale of alcohol;
 - b. Verification of age, forms of identification and usual methods of false or misleading age identification;
 - c. The effect of alcohol on humans and the physiology of alcohol intoxication, including the effect of alcohol on pregnant women, their fetuses and other situations involving the use of alcohol by persons vulnerable to its effects; and
 - d. Recognition of the signs of intoxication.
3. All persons required to complete training under paragraph 1. above shall complete that training within ninety (90) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the City not less than once every three years thereafter.
4. The manager of the restaurant shall be responsible for compliance with the training requirements and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the pertinent training information.
5. Each restaurant licensed by this Ordinance shall at all times that alcoholic beverages are being served have at least one (1) person currently certified in responsible beverage service training, as required in paragraphs 1. and 2. above, on duty.

SECTION 10: SIGNS AND ADVERTISING

- (A) All signage shall be in compliance with any and all other existing rules, regulations, and Ordinances of the City of Leitchfield, including but not limited to, the Planning and Zoning Ordinance as currently enacted, and/or as may be amended in the future.
- (B) No flashing, oscillating, rotating, shimmering, or other lights demonstrating movement, or the illusion of movement, shall be used to illuminate, or be visible from the exterior of any premises licensed under this Ordinance.
- (C) Any advertising by any licensee under this Ordinance shall be in compliance with KRS244.130 and regulations promulgated thereunder.
- (D) No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or the use of terms such as "high test", "high proof" or "extra strong") or depicting activities that tend to encourage excessive consumption.
- (E) No licensee shall erect or allow to be erected any banner that displays any particular brand of alcoholic beverage on the outside of the building or on the property.
- (F) Any off premises signage inside the City of Leitchfield advertising the sale of alcoholic beverages is prohibited. It shall be unlawful to attach signage advertising alcoholic beverages to the exterior of the building or the exterior premises of the business. This prohibition shall include the use of outdoor umbrellas or other outdoor or patio fixtures that feature the name or logo of an alcoholic beverage or manufacturer of alcoholic beverages.
- (G) Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign not over two (2) square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business cards not larger than two and one-half inches (2-1/2") in size, setting forth the price at which the licensee offers alcoholic beverages for sale.
- (H) It shall be unlawful for a licensee under this Ordinance to distribute or cause to be distributed any handbills, circulars, or cards as a medium of advertising alcoholic beverages.
- (I) No licensee shall advertise alcoholic beverages on any municipally owned property or at any municipally sponsored event.

SECTION: 11 PATIO AND OUTDOOR SALES

(A) Patio and Outdoor Sales Regulations

- (1) Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink.
- (2) No licensee shall offer alcoholic beverages for sale in a patio or outdoor area of the licensee's premises except in a clearly defined patio or outdoor area that is enclosed by a fence or other screening, not less than three (3) feet in height. All outdoor areas and screening shall be subject to the approval of the City ABC Administrator. An exception to this restriction may be granted for seasonal sidewalk cafes, upon application to and authorization from the ABC City Administrator. The permission to operate a sidewalk café shall be governed by the provisions of this article and shall be subject to the regulation of local zoning authorities as well as codes enforcement and public safety officers.
- (3) No licensee shall offer patio or outdoor sales of alcoholic beverages unless the patio or outdoor area and fencing or screening area shall have been approved in advance by the ABC Administrator.
- (4) Unless exempted by the following provisions of this Ordinance, and by permission of the City ABC Administrator, patio areas must comply with the screening requirements of this Ordinance. Sidewalk café seating areas must comply with this Ordinance and with local zoning laws and other public safety requirements noted in this Ordinance, or in other local ordinances, statutes or regulations.

(B) Exception(s) to Screening Requirements for Outdoor Sales and Service of Alcoholic Beverages, Specifically, Permitted Sidewalk Cafes in the City's Downtown Business Area.

- (1) Licensees in the downtown business district/area may request an exception from the outdoor screening of patio provision in order to permit seasonal sidewalk cafes that serve food and alcoholic beverages as an adjunct to the primary and adjacent licensed premises. In the case of permitted sidewalk cafes, they shall be deemed part of the licensed premises.
- (2) Any food establishment which operates a restaurant and is licensed under this Ordinance and the provisions of the state ABC code, may, upon application to the local ABC Administrator, ask permission to expand the operation of that restaurant onto a part, and only that part, of the public sidewalk which immediately adjoins the licensed premises (hereinafter referred to as "sidewalk café"). Licensees who do not serve food shall not be eligible to apply for a sidewalk café permit.

(C) Conditions for Sidewalk Café Permit

The issuance of a permit shall be subject to the following conditions and restrictions; provided, however, that the ABC Administrator may without adverse hearing procedures impose

additional reasonable restrictions or withdraw approval upon the operation of any sidewalk café where necessary in the judgment of the said Administrator to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing:

- (1) No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of thirty-six (36) inches must be maintained on the public sidewalk at all times. The sidewalk café shall not be permitted in any manner to obstruct the entrance/exit to the restaurant.
- (2) No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used for the sidewalk café during any period when the sidewalk café is not open and being operated. They shall be removed at the end of each business day at the hour specified in the permit. Umbrellas, tables, chairs, and other portable appurtenances shall be confined to the area shown on the approved Permit. While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition.
- (3) The use of a portion of the public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.
- (4) The licensee shall, in addition to all other requirements of law, take reasonable steps to insure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passersby or persons who are not of age or who are obviously or apparently intoxicated.
- (5) No disposable cups or drinking vessels may be used and the licensee shall not permit any alcoholic beverages to be taken off premises by patrons, customers or guests.
- (6) No amplified sound shall be used within a sidewalk café. At no time shall any music originating from any part of the premises create a nuisance.
- (7) Dancing shall not be permitted or allowed in the sidewalk café;
- (8) The licensee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the premises;
- (9) The permit for sidewalk café may not be assigned or transferred.

(D) Other Requirements Applicable to Sidewalk Cafes

No sidewalk café permit shall be effective unless the licensee has filed with the ABC Administrator evidence of insurance, insuring the licensee against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk café, in an amount to be established by the City Attorney and the City's Safety Coordinator. The city shall be named an additional insured in the

policy required. Such insurance policy shall further provide expressly that it may not be canceled except upon ten (10) day's written notice (or more) filed with the ABC Administrator and the City Attorney.

SECTION 12: KEG REGISTRATION

- (A) As used in this section, "keg" is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.
- (B) All retail licensees selling malt beverages in kegs for consumption off of the licensed premises shall attach a control label. The label must display a control number and the name of the licensee, and must be affixed to the keg at the time of sale. At the time of such sale, the licensee shall require the purchaser to complete and sign a keg registration form for the keg stating:
 - (1) The purchaser is of legal age to purchase, possess and use the malt beverage;
 - (2) The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;
 - (3) The purchaser will not remove, obliterate or allow to be removed or obliterated the control label;
 - (4) The property address where the keg will be consumed and physically located; and
 - (5) The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.
- (C) The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one other generally accepted and reliable form of identification.
- (D) The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic beverage control officers and other law enforcement officers.
- (E) The keg registration form shall be forwarded to the City ABC Administrator within five (5) working days in all situations when the keg is not returned or is returned with the control label removed or obliterated.
- (F) The City ABC Administrator is authorized to develop appropriate registration forms and to develop and to make those forms available to licensees.
- (G) All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the City concerning the provisions of this section.
- (H) It shall be unlawful for any licensee to sell or offer for sale kegs without the control labels attached and the keg registration form completed. It also shall be unlawful for any person to remove or to obliterate the control label or to fail to have the required notice visible

and readily accessible from the location of the keg.

SECTION 13: FEES AND APPLICATION

(A) (1) Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements, of KRS Chapter 424.

(a) The advertisement shall state the name and addresses of the individual applicant, or members of a partnership or limited liability company if the applicant is either, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, as well as the name and addresses of the corporation itself, the location of the premises for which the license is sought, and the type of license for which application is made.

(b) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170, along with a non-refundable application fee of fifty dollars (\$50.00).

(2) All licenses granted under this Ordinance shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the Kentucky Department of ABC and the City, as amended and supplemented from time to time.

(3) (a)The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the Kentucky Department of ABC and the City, including as follows:

1. Name and address;
2. Nature of interest;
3. Whether or not a citizen of the United States;
4. Date of birth;
5. Date residence was established in Kentucky, if a resident of the state. If a city resident, indicate when residence was established;
6. Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this Ordinance;
7. Extent of stock ownership; and
8. Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

(b)Each application shall be accompanied by a certified or cashier's check, or a

postal or express money order for all fees.

(4) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator or assistant ABC Administrator(s).

(5) All City license applications shall be on the form prescribed by the Kentucky Department of Alcoholic Beverage Control and shall contain:

- (a) The name and address of the licensee;
- (b) The number of the license;
- (c) The type of licenses;
- (d) A description by street and number, or otherwise, of the licensed premises;
- (e) The name and address of the owner of the building in which the licensed premises are located;
- (f) The expiration date of the license; and
- (g) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

(6) All licenses, except temporary licenses, approved by the City ABC Administrator or assistant ABC Administrator(s) and issued by the City shall begin on February 1 of any year and shall expire on January 31 of the following year. Any licenses issued after February 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six months.

(7) The renewal by the City ABC Administrator or assistant ABC Administrator(s) of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee. The renewal application shall be accompanied by a renewal application fee of \$50.00.

(8) In the event a violation of this Ordinance occurs that requires the revocation of the license, the City shall not be required to refund any portion of the license fee.

(B) (1) There hereby is imposed upon each holder of a license to manufacture and/or traffic in alcoholic beverages, under any provision of KRS Chapters 241 through 244, a license fee for the privilege of manufacturing and/or trafficking in alcoholic beverages within the City as follows:

1. Distilled spirit license as set forth in KRS 243.030:

[a] Distiller's license, per annum.....\$ 500.00

- [b] Rectifier's license:
 - [1] Class A, per annum.....\$3,000.00
 - [2] Class B (craft rectifier), per annum.....\$ 960.00
- [c] Wholesaler's distilled spirits & wine license, per annum.....\$3,000.00
- [d] Quota Retail package license, per annum.....\$1,000.00
- 2. Special temporary license, per event.....\$ 166.66
- 3. Non-quota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$2,000.00
- 4. Non-quota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$1,000.00
- 5. Non-quota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$ 300.00
- 6. Special temporary alcoholic beverage auction license, per event.....\$ 200.00
- 7. Special Sunday retail drink license, per annum.....\$ 300.00
- 8. Extended hours supplemental license, per annum.....\$2,000.00
- 9. Caterer's license, per annum.....\$ 800.00
- 10. Bottling house or bottling house storage license, per annum.....\$1,000.00
- 11. Malt beverage licenses as follows:
 - [a] Brewer's license, per annum.....\$ 500.00
 - [b] Microbrewery license, per annum.....\$ 500.00
 - [c] Malt beverage distributor's license, per annum.....\$ 400.00
 - [d] Non-quota retail malt beverage package license, per annum.....\$ 200.00
 - [e] Non-quota type 4 retail malt beverage drink license per annum.....\$ 200.00
 - [f] Malt beverage brew-on-premises, per annum.....\$ 100.00
- 12. Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum.....\$1,200.00
- 13. Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum.....\$1,200.00

14. The holder of a non-quota retail malt beverage package license may obtain a Non-quota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Non-quota type 4 malt beverage drink license may obtain a non-quota retail malt beverage package license for a fee of fifty dollars (\$50).

(2)The City ABC Administrator or Assistant ABC Administrator shall deposit into the appropriate designated account upon collection of fees. City licenses shall be issued by the City ABC Administrator or Assistant ABC Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's State application.

(3) Certain Special Licenses defined:

(Please note: The following is an updated/amended explanation and description of license types consistent with amendments made to KRS 243.070, which took effect June 25, 2013, and became enforceable thereafter via timetables set by the state ABC Administrative Office.)

(1) Limited Restaurant License

A Limited Restaurant License may be issued pursuant to KRS Chapter 243, if said restaurant meets the definition of a "Limited Restaurant" as set forth in KRS 241.010 (31). It is a facility where the usual and customary business is the serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its gross income from the sale of food, and which maintains seating capacity of either one hundred (100) or fifty (50) persons for dining. If the limited restaurant only maintains seating capacity for fifty (50) persons, it shall not have an open bar and all alcoholic beverages shall be sold in conjunction with the sale of a meal. Distilled spirits, wine, and malt beverages shall be deemed to be purchased in conjunction with a meal if the distilled spirits, wine, and malt beverages are served after the meal is ordered and no more than one-half (1/2) hour after the meal is completed.

(2) Limited Golf Course License

A Limited Golf Course License may be issued pursuant to KRS Chapter 243 if an establishment meets the following conditions: a golf course with nine (9), or eighteen (18), holes that meets United States Golf Association criteria as a regulation golf course. A Limited Golf Course License shall authorize the license to purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premise.

(3) Non-quota Type 1 Retail Drink License

A Non-quota Retail Drink License may be issued to the following pursuant to and defined by KRS: a Convention Center or a Convention Hotel Complex; a Horse Racetrack; an Automobile Racetrack; a Railroad System; a Commercial Airlines System or Charter Flight System.

(4) Non-quota Type 2 Retail Drink License

A Non-quota Retail Drink License may be issued pursuant to and as defined in KRS for the following: a Hotel that contains at least fifty (50) sleeping units, contains dining facilities for at least one hundred (100) persons, and receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food; a Restaurant with a minimum seating for fifty (50) consumers at tables; an Airport; or a Riverboat.

(5) Non-quota Type 3 Retail Drink License

A Non-quota 3 Retail Drink License may be issued pursuant to and defined by KRS to the following: a Private Club in existence for longer than one (1) year prior to the license application; a Dining Car; a Bed & Breakfast, and a Distillery.

(6) Non-quota Type 4 Retail Malt Beverage Drink License

A Non-quota Type 4 Retail Malt Beverage Drink License may be issued pursuant to and as defined in KRS to the following: a holder of a quota retail drink license; a holder of a microbrewery license; a holder of a small farm winery license; and any other business wishing to sell malt beverages by the drink for consumption on the premises only. A Non-quota Retail Malt Beverage Drink License shall not be issued to any premises from which gasoline and lubricating oil are sold, or from which the servicing and repair of motor vehicles is conducted, *unless* there is maintained in inventory for sale on the premises at retail not less than five thousand dollars (\$5,000) of food, groceries, and related products valued at cost.

(7) Special Temporary License

A Special Temporary License may be issued only as set forth in KRS 243.260 and 804 KAR 4:250. Such a license may be issued to any regularly organized Fair, Exposition, Racing Association, or organized civic or charitable event as permitted by law. This license shall authorize the licensee to exercise the privileges of a Quota Retail Drink Licensee *and* a Non-quota Type 4 Malt Beverage Drink Licensee at designated premises for a specified and limited time, which shall not exceed thirty (30) days and which shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine Quota Retail Drink License or a Non-quota Retail Malt Beverage Drink License shall apply also to a Special Temporary Licensee as described in this section.

The ABC Administrator shall only issue one Special Temporary License per event. All sales are required to be served in colored plastic or styrofoam container, other than original.

No Special Temporary licensee shall offer distilled spirits and wine for sale at any time between 12:00 Midnight on Saturday and 6:00 a.m. on Monday.

SECTION 14: REFUND OF LICENSE FEE

Should any licensee under this Ordinance be prohibited from conducting said business, for the full period covered by the license because of any changes that may hereafter be made in the laws of

the State with reference to alcoholic beverages or other cause outside licensee's control then the City shall refund to it the proportionate part of the license fee for the period during which it is prevented from carrying on said business if the licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee or agent or employee of the licensee.

SECTION 15: LOST OR DESTROYED LICENSE

When a license shall be lost or destroyed without fault on the part of the licensee or his or her agent or employee, a duplicate in lieu of the original license shall be issued by the City ABC Administrator or Assistant ABC Administrator after he or she shall be satisfied as to the facts; provided, however, that, the person applying for said duplicate license shall pay a fee of \$10 for issuing said duplicate.

SECTION 16: REVOCATION OR SUSPENSION AND HEARING

- (A) Any license may be revoked or suspended by the City ABC Administrator or Assistant ABC Administrator, or a licensee may in lieu of suspension on approval of the City ABC Administrator or Assistant ABC Administrator in the alternative pay in part or all of the days of any suspension period a sum in accordance with the schedule set forth in Paragraph (E) of this section, if the licensee shall have violated any of the provisions of KRS Chapter 241, 242, 243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance now, heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the city heretofore in existence or authorized by the terms of KRS Chapter 241, 243 and 244 to be created, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his or her instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his or her sound discretion deems sufficient.
- (B) A license may be revoked for any of the reasons for which the City ABC Administrator or Assistant ABC Administrator would have been required to refuse a license if the facts had been known.
- (C) Any license may be revoked or suspended for the additional following causes:
 - (1) Conviction of the licensee or his or her agent or employee for selling any illegal beverages on the premises licensed;
 - (2) Making any false, material statements in an application for a license;

(3) If, within a period of two consecutive years, any licensee or any of his or her clerks, servants, agents or employees of the licensee shall have been convicted of two violations of the terms and provisions of KRS Chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any of the clerks, servants, agents or employees of the license shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one such felony and one such misdemeanor;

(4) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this Ordinance or acts of congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof; and/or

(5) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

(6) Failure to pay when due any tax imposed by the City of Leitchfield.

(D) In the event a citation for violation of any provision of this ordinance is issued, notification of the alleged violation shall be served in writing on the licensee by delivering a copy to the licensee's place of business in City of Leitchfield and by mailing a copy by U. S. Mail, postage prepaid, to the licensee's address as shown on the application for a license, giving notice that licensee may, within seven (7) days of the date of the notification, request an administrative hearing before the City ABC Administrator or Assistant ABC Administrator to determine the existence of a violation. The hearing shall be a trial type hearing with all parties having a right to counsel and all witnesses subject to cross-examination.

After the hearing is concluded within thirty (30) business days, the City ABC Administrator shall issue a findings of fact and decision.

Appeal from the decision of the City ABC Administrator or Assistant ABC Administrator shall be to the State ABC Board within thirty (30) days from the date of the City ABC Administrator's decision. See KRS 241.200.

(E) In the event of the payment of a monetary penalty in lieu of suspension, the monetary penalties shall be:

- 1) Distillers, rectifiers, wineries, and brewers.....\$1,000.00 per day
- 2) Wholesale liquor licensees.....\$ 400.00 per day
- 3) Distributor beer licensees.....\$ 400.00 per day
- 4) Retail licensees authorized to sell distilled spirits, wine

- or beer by the package or drink.....\$ 50.00 per day
- 5) All remaining licensees.....\$ 50.00 per day

SECTION 17: NOTICE TO LICENSEE; SURRENDER OF LICENSE; HEARING

- (A) (1) Within three days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section.
- (2) The licensee shall at once surrender his or her license to the City ABC Administrator.
- (3) If the revoked license is not forthwith surrendered by the licensee, the Chief of Police at the request of the City ABC Administrator or the Assistant ABC Administrator shall immediately cause one of his or her officers to take physical possession of the license and return it to the City ABC Administrator.
- (B) When a license has been revoked, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his or her stock of alcoholic beverages to an appropriate entity.
- (C) Appeal from the decision of the City ABC Administrator shall be to the State ABC Board.
- (D) If a license is revoked or suspended by an order of the City ABC Administrator, the licensee shall at once suspend all operations authorized under his or her license.

SECTION 18: REFUSAL OF LICENSE

The City ABC Administrator or Assistant ABC Administrator may refuse to issue or renew a license for any of the following reasons:

- (A) Causes for refusal to issue or renew a license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any City ordinance regarding alcohol beverage licensing, sales or the administration thereof;
- (B) If the applicant has done any act for which a revocation of license would be authorized; and/or
- (C) If the applicant has made any false material statement in his or her application.
- (D) Failure to pay taxes (See KRS 243.490 (2)).

Appeal from the decision of the City ABC Administrator shall be to the State ABC Board.

SECTION 19: REVIEW OF LICENSE

Applicants to whom a license is issued which require certain food sales percentages shall provide periodic information demonstrating compliance with the continuing requirement that the required percentage of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings, in the event the 50% food requirement is not met during any particular quarter, the City ABC Administrator shall have discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the City ABC Administrator may apply an accounting period of at least one year in determining whether or not the 50% minimum food requirement has been met.

SECTION 20: REGULATORY LICENSE FEE

- (A) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee upon the gross receipts of each and every person or entity licensed by the City ABC Administrator. The initial regulatory license fee shall be 6% (six percent) of gross sales of alcoholic beverages.
- (B) Payment of such regulatory fees shall be remitted to the City Clerk, and shall be held in a separate account maintained for the purpose of fully reimbursing the City for any estimated costs of any policing, regulatory or administrative expenses related to the sale of alcoholic beverages in the City. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law; except that, a credit against a regulatory license fee in the City shall be allowed in an amount equal to any licenses or fees imposed by the City pursuant to KRS 243.070. Payment of the regulatory license fee shall accompany the fee returns approved for such use by the City Council. These returns and payments are due no later than 30 days following the end of the quarters ending April 30, July 31, October 31 and January 31.
- (C) Failure to pay such quarterly remittance within ten days of the due date constitutes a violation and subjects licensee to suspension or revocation.
- (D) Penalty for failure to file a return and pay quarterly remittance by the due date is 5% of the fee due for each 90 days or fraction thereof. The total late filing penalty shall not exceed 25% of the fee due; provided, however, that, in no case shall the penalty be less than \$10.
- (E) Interest at the rate of 8% per annum will apply to any late payments.
- (F) Annually, effective July 1 of each year commencing in 2016, the City Council shall review and establish the regulatory license fee for the ensuing year so as to conform to the requirements of this ordinance and KRS 243.075.

Prior to establishing the regulatory license fee, the Mayor shall cause the City's auditor to audit the regulatory license fee account to insure compliance with KRS 243.075, and in conjunction with the City Clerk, to recommend, based upon the experience of the prior year, a fee rate for the

ensuing year.

The Auditor shall report his findings to the City Council and in addition to the regulatory license fee, recommend any action he or she deems necessary to insure compliance with KRS 243.075.

SECTION 21: CHANGE OF INFORMATION

- (A) If a license issued by the City is in the name of a corporation, it is necessary that stock ownership changes in such corporation be reported to the City ABC Administrator. The City ABC Administrator can therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.
- (B) As used herein, the word CHANGE is construed to include any change in directors or officers of the corporation, or change in ownership of stock whereby any person secures 10 % of the outstanding stock. Transfer of more than 10% of the total stock shall require a new license.
- (C) (1) The following information will be required concerning any new director, officer or person securing any interest in alcoholic beverage license:
 - (a) Name and address;
 - (b) Nature of interest;
 - (c) Whether or not a citizen of the United States;
 - (d) Date of birth;
 - (e) Date residence was established in Kentucky, if a resident of the state. If a city resident, indicate when residence was established;
 - (f) Whether or not he or she has any interest in any other license or Corporation or partnership holding a license under this act;
 - (g) Extent of stock ownership; and
 - (h) Whether or not he or she has any interest in any license or Corporation or partnership holding a license in any other state or province.

(2) This information shall be filed with the City ABC Administrator as an amendment of the application pursuant to which the license was granted.

SECTION 22: DORMANCY

- (A) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after 90 days. Such is the intent of this section. Realizing that a licensee, like other business, may have his or her business interrupted by situations not under his or her control, various exceptions to the dormancy rule have been included in this section.
- (B) Any license under which no substantial business is transacted during a period of 90 days, or repeated shorter periods, shall be considered dormant and rescinded by the City ABC

Administrator. For purposes of the preceding sentence, "no substantial business" means either no alcohol beverage transactions during the ninety (90) day period in question, or by using comparable data, the City ABC Administrator determines in his or her discretion that the license is being underutilized such that sales for such period(s) are twenty percent (20%) or more below expected sales for such period(s) and such deficiency is not caused by circumstances otherwise excused by this ordinance. Comparable data available to the City ABC Administrator may include, but not be limited to, sales data from comparable businesses and past sales data of the licensee in question. Upon a determination of dormancy by the City ABC Administrator, the license shall be surrendered to the City ABC Administrator. If the license is not voluntarily surrendered, it shall be revoked by the City ABC Administrator.

- (C) The provisions of division (A) above shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, or the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain (whether the acquisition is voluntary or involuntary), or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of 90 days of inactivity, for any of the reasons set forth herein, and, the City ABC Administrator may grant an extension of the dormancy for such period as the Administrator, in his or her sole discretion, deems reasonable, advisable and warranted, with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within 12 months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his or her discretion.
- (D) All renewal licenses must be on file with the City ABC Administrator within 30 days prior to the expiration of the licenses for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than 20 days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized, to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

SECTION 23: APPROVAL OF PREMISES

The City ABC Administrator or Assistant ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until said applicant and his or her place of business shall have been approved by Planning and Zoning, and any and all other inspections required by the Kentucky Building Code.

Ideally, no license for quota retail package sales should be issued where the proposed situs of the business is or will be located within five hundred (500) feet of a church, school, or daycare facility, as measured by a straight line from the closest walls of the respective structures. For purposes of this section, "church" shall mean (in addition to its ordinary meaning) a non-residential structure and premises where religious services are conducted on a regular and continuing basis. "School" shall mean (in addition to its ordinary meaning) a non-residential structure and premises where ten (10) or more students regularly gather for educational purposes. "School" shall not include a vocational training center intended for adults over the age of 18. "Daycare facility" shall mean (in addition to its ordinary meaning) a non-residential structure and premises where ten (10) or more children are cared for during normal daytime working hours while the parents or guardians are at work or are otherwise engaged. Similarly, no license for quota retail package sales should be issued where such a store would materially alter the character of a predominantly residential neighborhood.

SECTION 24: DELINQUENT TAXES OR FEES

- (A) 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 City at the time of the 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 City.
- (B) Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

SECTION 25: BOOKS, RECORDS, AND REPORTS

- (A) Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and such City employees who may assist the City ABC Administrator in his or her review.
- (B) The original records of the ABC Administrator shall be kept in the office of the City Clerk. The ABC Administrator shall maintain a copy of those records in his or her office.
- (C) For the purpose of assisting the City ABC Administrator in enforcement of this Ordinance,

every licensee required to report to the Department of ABC under KRS 243.850 shall provide a copy of such report to the City ABC Administrator. Copies of any and all reports and correspondences to the Department of ABC required by statute shall be furnished to the City ABC Administrator.

SECTION 26: COST OF ADDITIONAL POLICE PROTECTION FOR TEMPORARY EVENT

If it is deemed necessary in the discretion of the City ABC Administrator, the licensee may be required as a condition of receiving a special temporary license, to contract directly with the City (by and through the City of Leitchfield Police Department), at the expense of the licensee, to provide adequate security for the qualifying event.

SECTION 27: IMPLEMENTATION

From time to time, the City Council may by resolution or order promulgate such rules and regulations and may publish and utilize such forms and other documents as, in its discretion, may be necessary for the proper implementation of this Ordinance.

SECTION 28: SEVERABILITY

If any section, sentence, clause or portion of this Ordinance is for any reason declared illegal, unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions thereof.

SECTION 29: EFFECTIVE DATE

This Ordinance is effective upon final reading and publication.

PASSED BY THE CITY COUNCIL OF THE CITY OF LEITCHFIELD, KENTUCKY, AT THE FIRST READING ON THE 18th DAY OF JULY, 2016. PASSED BY THE CITY COUNCIL OF THE CITY OF LEITCHFIELD, KENTUCKY, AT THE SECOND READING ON THE 1ST DAY OF AUGUST, 2016.

The members of the City Council voting upon this Ordinance voted as follows:

<u>Member</u>	<u>Vote</u>
Kelly Stevenson	AYE
William Dallas	AYE
Margaret Fey	AYE
Raymond Cottrell	ABSENT
Harold Miller	AYE
Margie Decker	ABSENT

PASSED: 8/1/2016

/s/ Kimberly Sowders
Kimberly Sowders, City Clerk

/s/ William H. Thomason
William H. Thomason, Mayor