

ORDINANCE NO. 14-22

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY RELATING TO THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY

WHEREAS, the Kentucky legislature has amended Kentucky Revised Statutes Section 244.290 and Section 244.480 to allow for premises licensed to sell distilled spirits, wine, or malt beverages to remain open during the hours election polls are open on any primary, regular, local option, or special election day; and

WHEREAS, the Board of Commissioners wishes to make the City's ordinances in these regards uniform with the state statutes;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION I

Ordinance No. 117.18 as codified in the City of Richmond, Kentucky Code of Ordinances shall be, and is hereby, amended in the following particulars:

Section (B) (3) (f) *Business hours.*

2. No premises for which there has been granted a license for the sale of alcoholic beverages shall be permitted to remain open for any purpose between 1:00 a.m. and 6:00 a.m. on Mondays through Saturdays, or at any time during the 24 hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday ~~or on an election day during such time as the polls are open.~~ However, if a restaurant drink, wine, or malt beverage, retail package, or retail malt beverage licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the said licensee shall be deemed to have complied with this section. This section may be amended by city ordinance.

SECTION II

This Ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with applicable Kentucky law.

| | |
|-------------------------------|----------------------------|
| DATE OF FIRST READING: | August 12, 2014 |
| MOTION BY: | Commissioner Baird |
| SECONDED BY: | Commissioner Blythe |

| | | |
|---------------------|------------|-----------|
| VOTE | YES | NO |
| Commissioner Baird | x | |
| Commissioner Blythe | x | |


Commissioner King x
Commissioner Newby x
Mayor Barnes x

DATE OF SECOND READING:
MOTION BY:
SECONDED BY:

August 26, 2014
Commissioner Baird
Commissioner Newby

VOTE
Commissioner Baird x
Commissioner Blythe x
Commissioner King x
Commissioner Newby x
Mayor Barnes x

YES **NO**



Mayor Barnes

ATTEST:



City Clerk

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ALCOHOL
CONTROL

ORDINANCE NO. 14-02

**AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING
CHAPTER 117 OF THE CITY OF RICHMOND, KENTUCKY CODE OF
ORDINANCES RELATING TO THE SALE OF ALCOHOLIC BEVERAGES IN
THE CITY AND TO THE FEES ASSESSED FOR THE ISSUANCE OF
ALCOHOLIC BEVERAGE LICENSES**

WHEREAS, the City of Richmond has heretofore adopted an ordinance relating to the fees to be assessed for the issuance of alcoholic beverage licenses and same is codified in Chapter 117 of the City of Richmond, Kentucky Code of Ordinances ("Chapter 117"); and

WHEREAS, the Kentucky statutes relating to such licenses and to such fees have been amended, making it necessary to amend Chapter 117;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION I

Existing Section 117.17 (P) and existing Section 117.17 (Q) of the City of Richmond, Kentucky Code of Ordinances, the sections of the existing City ordinance which set forth the types of licenses authorized and the fees applicable to them, provisions which must be modified so as to come into compliance with newly-enacted Kentucky statutes, are repealed in their entirety, same to be replaced with the following:

"(P) Distilled spirits, malt beverage, and wine licenses; kinds; fees. The following kinds of distilled spirits, malt beverages, and wine licenses may be issued, the fees for which shall be:

| | |
|---|-------------------|
| <u>Distiller's license, per annum</u> | <u>\$500.00</u> |
| <u>Rectifier's license, per annum</u> | <u>\$3,000.00</u> |
| <u>Wholesaler's distilled spirits and wine license, per annum</u> | <u>\$3,000.00</u> |
| <u>Quota retail package license, per annum</u> | <u>\$682.50</u> |
| <u>Quota retail drink license, per annum</u> | <u>\$682.50</u> |
| <u>Special temporary license, per event</u> | <u>\$166.66</u> |
| <u>Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....</u> | <u>\$2,000.00</u> |
| <u>Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum</u> | <u>\$1,000.00</u> |
| <u>Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum</u> | <u>\$300.00</u> |
| <u>Distilled spirits and wine special temporary auction license, per event</u> | <u>\$200.00</u> |
| <u>Special Sunday retail drink license, per annum</u> | <u>\$300.00</u> |

| | |
|---|-------------------|
| <u>Caterer's license, per annum</u> | <u>\$800.00</u> |
| <u>Bottling house or bottling house storage license, per annum</u> | <u>\$1,000.00</u> |
| <u>Malt beverage licenses as follows:</u> | |
| <u>Brewer's license, per annum</u> | <u>\$500.00</u> |
| <u>Microbrewery license, per annum</u> | <u>\$500.00</u> |
| <u>Malt beverage distributor's license, per annum</u> | <u>\$400.00</u> |
| <u>Nonquota retail malt beverage package license</u> <u>issued to holder of nonquota type 4 retail malt</u> <u>beverage drink license, per annum</u> | <u>\$50.00</u> |
| <u>All other nonquota retail malt beverage package license,</u> <u>per annum</u> | <u>\$200.00</u> |
| <u>Nonquota type 4 retail malt beverage drink license</u> <u>issued to holder of nonquota retail malt beverage</u> <u>package license</u> | <u>\$50.00</u> |
| <u>All other nonquota type 4 retail malt beverage drink</u> <u>license, per annum</u> | <u>\$200.00</u> |
| <u>Malt beverage brew-on-premises license, per annum</u> | <u>\$100.00</u> |
| <u>Limited restaurant license (includes distilled spirits, wine,</u> <u>and malt beverages), per annum</u> | <u>\$1,200.00</u> |
| <u>Limited golf course license (includes distilled spirits, wine,</u> <u>and malt beverages), per annum</u> | <u>\$1,200.00</u> |
| <u>Supplemental bar license (per each supplemental bar issued to</u> <u>same licensee at the same premises, no charge after first</u> <u>five), per annum</u> | <u>\$682.50"</u> |

SECTION II

Section 117.01 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"Section 117.01. SALE OF LIQUORS; PERMITTED SECTIONS.

The licensed traffic in alcoholic beverages shall be permitted only within the boundaries of the hereinafter described area of the city, as well as within such additional areas and city precincts as have by vote determined to permit the licensed traffic in alcoholic beverages, at such locations within such areas and precincts as are permissible in accordance with the city's zoning codes, and not elsewhere:"

SECTION III

Section 117.05 (B) (6) is hereby amended in the following particulars:

- "(6) Each licensed premise shall maintain a file at the licensed premise for such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this section. This information shall be available during hours

of operation to the City Administrator and to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of ~~one year~~ three (3) years."

SECTION IV

Section 117.16 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(H) *Appeals.* Appeals from the orders of the City Administrator may be taken to the board, by filing with the board within ~~10 days~~ the time permitted by applicable Kentucky statute a certified copy of the order of the City Administrator."

SECTION V

Section 117.17 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(A) *License required.*

(1) No person shall sell, deal or traffic in any of the following ~~for the purpose of evading the statutes or ordinance~~ without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable thereto.

(a) Retail dealer of malt beverages whether by the package or by the drink;

~~(d)~~ Selling wine at a restaurant facility which has a seating capacity of 50 or more people at tables, which facility receives 50% or more of its income from the sale of food (KRS 243.032);

~~(e)~~(d) Wholesaler of distilled spirits, malt beverages, or wines with premises in the city;

~~(f)~~(e) Retailer of wine or distilled spirits whether by the package or by the drink;

~~(g)~~(f) Activities for which special temporary licenses are authorized;

~~(h)~~(g) Operation of a private club, as defined in KRS 243.270 which traffics in malt beverages, distilled spirits and wine for consumption on the premises.

* * * * *

(B) *Application for license.* Applications for the issuance of new licenses shall be in writing and only upon forms provided by the ~~Alcoholic Beverage Administrator~~ Department of Alcoholic Beverage Control, Commonwealth of Kentucky. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed a concise advertisement stating the name and address of the applicant, ~~as well as the name and address of the business, and the type of license applied for,~~ and the date by which the application will be made.

(C) *Sworn information to be contained in application.* Application for a license to sell, deal or traffic in ~~an intoxicating liquor~~ alcoholic beverages shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath. ~~wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinance in the conduct of the proposed business.~~

* * * * *

(I) *Special temporary license.*

~~(1) The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized in KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be \$16.25 for each month or part of month for which the temporary license is issued.~~

~~(2)(1) The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who is qualified for such a license in accordance with the provisions of KRS 243.260."~~

SECTION VI

Section 117.18 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(2) Prohibitions.

(g) Any person under the age of 21 years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or

for the purpose of listening to and observing a television set will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any ~~piers~~ premises licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, and the like, will be considered as loitering or loafing within the meaning of this regulation.

(3) Exceptions.

(d) *Retail premises not to be disorderly.*

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

(e) Creating a public nuisance;

(f) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or

(g) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or a local government, or by state administrative regulations, for the licensed premises."

SECTION VII

Section 117.40 and Section 117.41 of the City of Richmond, Kentucky Code of Ordinances are hereby repealed in their entirety:

~~117.40 REQUIREMENT FOR ISSUANCE OF LIQUOR LICENSE~~

~~No retail package liquor license shall be issued to any business or person that does not receive at least 90% of its gross receipts from the sale of alcohol.~~

~~117.41 CERTIFICATION UNDER OATH; REISSUANCE OF LICENSE~~

~~An applicant for a retail package liquor license shall certify under oath that 90% of the total projected gross receipts from sales made at the licensed premises during the 12 month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages. No retail package liquor license, issued after June 7, 1995, shall be reissued unless the licensee's total gross receipts were 90% from~~

~~sales of alcoholic beverages for the immediate past 12 months. This subchapter applies to new licensees and not to those licensed as of June 7, 1995.~~

SECTION VIII

Section 117.01 (H) of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(H) (1) *Expiration date; renewal of licenses.* All licenses, except special temporary licenses and state multiple license holders issued under this subchapter shall expire on ~~May 31~~ April 30th of each year and the fees thereof shall be due and payable on or before May 1st of each year. State multiple license holders shall be known as "batch" licensees. ~~A—L batch licenses shall expire on July 31 of each year, and the fees thereof shall be due and payable on August 1 of each year. M—Z batch licenses shall expire on August 31 of each year, and the fees thereof shall be due and payable on September 1 of each year.~~ All batch licenses shall expire on August 31st of each year and the fees thereof shall be due and payable on or before September 1 of each year.

~~(2) Renewal fees for the year 2001 will be determined by the number of months from July to the new assigned renewal month. The fees will be prorated based on the yearly license fee.~~

~~(3) A transitional license will take the place of the current license until the new renewal month. This transitional license must be displayed on each business by July 1, 2001.~~

~~(4) A pro-rated schedule will be utilized for transitional, new and renewal alcohol licenses."~~

SECTION IX

This Ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

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|-------------------------------|----------------------------|
| DATE OF FIRST READING: | January 28, 2014 |
| MOTION BY: | Commissioner Blythe |
| SECONDED BY: | Commissioner Newby |

| VOTE | YES | NO |
|---------------------|------------|-----------|
| Commissioner Baird | x | |
| Commissioner Blythe | x | |
| Commissioner King | x | |
| Commissioner Newby | x | |

Mayor Barnes

x

DATE OF SECOND READING:

February 11, 2014

MOTION BY:

Commissioner Baird

SECONDED BY:

Commissioner Blythe

VOTE

YES

NO

Commissioner Baird

x

Commissioner Blythe

x

Commissioner King

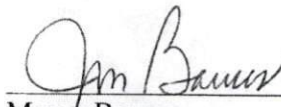
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Commissioner Newby

x

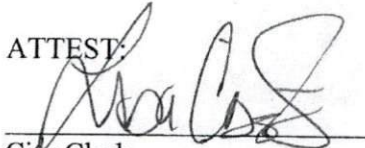
Mayor Barnes

x



Mayor Barnes

ATTEST:



City Clerk

Richmond, KY Code of Ordinances
TITLE XI: BUSINESS REGULATIONS
CHAPTER 117: SALE OF ALCOHOL
CHAPTER 117: SALE OF ALCOHOL

Section

General Provisions

- 117.01 Sale of liquors; permitted sections
- 117.02 Each precinct to determine its own wet/dry status
- 117.03 Violation; prima facie evidence
- 117.04 Alcoholic beverages generally; sale prohibited in college precinct
- 117.05 Server training

Licenses

- 117.15 Definitions
- 117.16 Office of Alcoholic Beverage Control Administrator
- 117.17 Licenses required; application; regulations
- 117.18 Operation of licensed establishments

Nude or Nearly Nude Activities in Licensed Liquor Establishments

- 117.25 Definitions
- 117.26 Prohibited acts
- 117.27 Administrative action
- 117.28 Occupational license fee revocation

Retail Package Liquor License

- 117.40 Requirement for issuance of license
- 117.41 Certification under oath; reissuance of license

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ALCOHOL
BEVERAGE CONTROL

Tracking Sale of Beer Kegs

- 117.55 Definitions
- 117.56 Duties of seller
- 117.57 General regulations
- 117.99 Penalty

Statutory reference:

Alcoholic beverages, see KRS Chs. 241 - 244

GENERAL PROVISIONS

§ 117.01 SALE OF LIQUORS; PERMITTED SECTIONS.

The licensed traffic in alcoholic liquors shall be permitted only within the boundaries of the hereinafter described area of the city and not elsewhere:

(A) First section. Beginning at the center of the intersection of Main Street and Third Street, thence eastwardly with the center of Main Street to the center of the intersection of Main and Second Streets, thence southwardly with the center of Second Street to the center of the intersection of Second and Water Streets, thence eastwardly with the center of Water Street to the center of the intersection of Water and First Streets, thence northwardly with the center of First Street to a point opposite the north wall of the old McKee Armory Building, thence eastwardly to and with the line of said north wall to the northwest corner of G. H. Thornberry property, thence with the west boundary line of G. H. Thornberry property 170 feet to Water Street, thence the same line to the south side of Water Street, thence with the south side of Water Street in an easterly direction through Madison Avenue to the Northwest corner of the Hamhock Liquor Dispensary property, thence with the west property line of Hamhock Liquor Dispensary in a southerly direction 65 feet, thence easterly with a line parallel to and 50 feet distance from Water Street to the center of Collins Street, thence northwardly with the center of Collins Street to a point 165 feet south of the south right-of-way line of Main Street, thence at a right angle eastwardly to a point 76 feet east of the east right-of-way line of Collins Street, thence at a right angle northwardly to the center of Main Street, thence westwardly with the center of Main Street to the center of the intersection of Main and Collins Streets, thence northwardly with the center of Collins Street to a point in the center of Irvine Street, thence westwardly with the center of Irvine Street to the center of the intersection of Irvine and Second Streets, thence eastwardly 154.1 feet with the center line of Irvine Street to a point opposite the parking lot situated between the Wells Hardware building and the Maffett Motor Co. building, thence through said parking lot N 28° 00' E 292.85 feet to a point; thence S 63° 24' W 22.85 feet to a point; thence N 26° 18' E 63.00 feet to a point thence N 63° 27' W 66.00 feet to a point, thence S 27° 41' W 355.85 feet and again through said parking lot to the center line of Irvine Street; thence again westwardly with the center line of Irvine Street to the center of the intersection of Irvine and

Second Streets.

(B) Second section. Beginning at a point in the center of Irvine Street which is 50 feet westwardly from the west right-of-way line of Hill Street, thence eastwardly with the center of Irvine Street to a point opposite the center of Francis Street, thence southeastwardly to the center of Francis Street and with same to a point in the center of E Street, thence northwardly with the center of E Street to a point in the center of the intersection of same with Orange Street, thence eastwardly with the center of Orange Street to the east end of said street and same course continued to the center of the southbound main track of the L & N Railroad Company and thence northwardly with same to a point opposite the east end of Elm Street, thence westwardly to the center line of Elm Street and same course continued to a point 50 feet west of the west right-of-way line of Hill Street, and thence southwardly with a line parallel to and 50 feet distant from the west right-of-way line thereof to the beginning.

(C) Third section. Beginning in the center of the North Main Tract of the L & N Railroad Company at a point which is 75 feet southwardly from a point opposite the center of Heath Street, thence eastwardly with the line parallel to and 75 feet south of the center line of Heath Street to the center of Big Hill Avenue, thence continuing south with the center of Big Hill Avenue to the city limits line, thence with said city limits line (same being the arc of a circle with a radius of one mile from the courthouse) northeastwardly to a point in the south line of East Main Street, thence eastwardly with said south line of said street a distance of approximately 52 feet to a point opposite the east property line of Lot No. 7 in Block 5 of Richmond Investment Company's addition to said city, thence a straight line northwardly a distance of approximately 60 feet to the north right-of-way line of East Main Street at the point where the east line of said lot intersects the same and thence same course continued with said east line of said lot a distance of 180 feet to the northeast corner of said lot; thence westwardly with the north or back line of lots numbered 7, 5, 3 and 1 in Block 5, and crossing Holly Street and thence with the north or back line of lots numbered 15, 13, 11, 9, 7, 5, 3 and 1, of the Richmond Investment Company's addition to said city, this being a line, parallel to and 180 feet distant from the north right-of-way line of East Main Street, to the east right-of-way of Pine Street; thence southwardly with the said east right-of-way of Pine Street to its intersection with the north right-of-way line of East Main Street; thence westwardly with said line of said street to a point 100 feet east of the intersection of same with the east right-of-way line of North Estill Avenue, thence northwardly with a line parallel to Estill Avenue and 100 feet distance from the east line of same a distance of 100 feet, thence at a right angle westwardly to the center of North Estill Avenue, thence northwardly with the center of Estill Avenue to the center of the intersection of Estill Avenue and Irvine Street, thence westwardly with the center of Irvine Street to a point opposite the center line of K Street, thence northwardly and with the center line of K Street and same course continued to the south line of Four Mile Avenue, thence eastwardly with said line of Four Mile Avenue to a point in the southeast intersection of Four Mile Avenue and Estill Avenue, thence southwardly with the east line of Estill Avenue and the property line of Virginia Eversole a distance of 50 feet, thence eastwardly with Eversole's line a distance of 150 feet, thence northwardly with Eversole's line a distance of 50 feet to the south line of Four Mile; thence with said south line of Four Mile Avenue to the center line of K Street, thence northwardly to a point 50 feet of the north right-of-way line of Four Mile Avenue; thence westwardly with a line parallel to Four Mile Avenue and 50 feet north of the north right-of-way line thereof to a point in the center of the Northbound

main track of the L & N Railroad Company and thence with the same southwardly to the beginning.

('79 Code, § 3-1) (Ord. A-337, passed 11-9-59; Am. Ord. 104, passed 3-6-73; Am. Ord. 102, passed 4-3-73; Am. Ord. 77-16, passed 10-4-77) Penalty, see § 117.99

§ 117.02 EACH PRECINCT TO DETERMINE ITS OWN WET/DRY STATUS.

Each precinct in the city shall determine the wet/dry status of their precincts and their vote shall be the sole determining factor as to whether or not it shall be permissible to sell alcoholic beverages in the business zones of that precinct.

('79 Code, § 3-1.1) (Ord. 80-33, passed 10-7-80)

§ 117.03 VIOLATION; PRIMA FACIE EVIDENCE.

No person shall be permitted to traffic in alcoholic liquors under license in any premises in said city located outside of the boundary lines of the above described area, and the procurement of a state license or federal stamp or permit to traffic in alcoholic beverages in any premises lying outside of the boundary of the above described area shall be deemed prima facie evidence of an intent to violate this section.

('79 Code, § 3-2) (Ord. A-105, passed 11-8-54) Penalty, see § 117.99

§ 117.04 ALCOHOLIC BEVERAGES GENERALLY; SALE PROHIBITED IN COLLEGE PRECINCT.

The college precinct in the city is hereby zoned so as no alcoholic beverages may be sold there in stores, dispensaries, bars, and the like, and all kinds of alcoholic beverages are hereby prohibited from being sold therein.

('79 Code, § 3-3) (Ord. A-557, passed 12-13-65) Penalty, see § 117.99

§ 117.05 SERVER TRAINING.

The city shall institute mandatory server training in the city.

(A) Training; standards for certification.

(1) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the city. Before approval is granted, the city 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 intoxication.

(2) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed by the city for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered are to complete a responsible beverage service training class approved by the city.

(3) This shall not apply to any manufacturer of alcoholic beverages is defined in KRS 241.010(29) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(B) Servers.

(1) Definition. SERVER. For purposes of this section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages by retail sale and/or dispersed by the drink or where malt beverages are sold by retail or by the drink and whose job duties include the sale, dispersing or service of alcoholic beverages on the management of the licensed premises.

(2) No person shall be employed by a licensed premise as a server unless the server has successfully completed a city approved alcoholic beverage server training program.

(a) This training program shall be completed for all newly hired servers within 30 days of the first date of employment.

(b) Licensees, employees, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training.

(3) Servers successfully completing the training shall receive a server certification from the server-training program.

(4) Each server shall successfully complete a new server-training program to be recertified not less than once every three years.

(5) No licensed premise in which alcoholic beverages are sold by retail sale or consumed by the drink or malt beverages are sold for consumption on the premises or retail sale shall allow any server employed over 30 days to sell, dispense or service any alcoholic beverage or malt beverages or to manage any such licensed premises unless that server is the holder of a current server certification. This includes all holders of an alcohol and/or malt beverage license.

(6) Each such licensed premise shall maintain a file at the licensed premise for each such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this section. This information shall be available during hours of operation to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of one year.

(7) Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this section.

(C) Responsible beverage service training program.

(1) Any person who sells and/or serves alcoholic beverages in a licensed establishment shall participate in and successfully complete a responsible beverage service-training program approved by the city. 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 section.

(2) For a responsible beverage service-training program to be approved by the city, it must effectively train its participants in the following:

(a) Applicable federal laws, state statutes and regulations and local ordinances regarding the sale of alcoholic beverages;

(b) Verification of age forms of identification and methods of recognizing false or misleading age documents;

(c) The effect of alcohol on humans and the physiology of alcohol intoxication;

(d) Recognition of the signs or characteristics of alcohol intoxication;

(e) Strategies for intervention and preventing underage and intoxicated persons from consuming alcoholic beverages; and

(f) Potential liability for persons selling or serving alcoholic beverages.

(Ord. 06-40, passed 10-24-06)

LICENSES

§ 117.15 DEFINITIONS.

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

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

ALCOHOLIC BEVERAGE. Alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, melt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than 1% of alcohol by volume, which are fit for use for beverage purposes. It does not include:

- (1) Denatured alcohol or denatured rum;
- (2) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes;
- (3) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;
- (4) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;
- (5) Flavoring extracts and syrups that are unfit for use for beverage purposes;
- (6) Vinegar and preserved sweet cider;
- (7) Wine for sacramental purposes;
- (8) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use;
- (9) Alcohol for mechanical and scientific purposes if unfit for a beverage.

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

BOTTLE. Any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail.

BUILDING CONTAINING LICENSED PREMISES. The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

CITY ADMINISTRATOR. The City Alcoholic Beverage Control Administrator.

COMMISSIONER. The Commissioner of Alcoholic Beverage Control.

CONVICTED or CONVICTION. A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgement or the suspension of the judgement.

DEPARTMENT. The Department of Alcoholic Beverage Control.

DISTILLED SPIRITS or SPIRITS. Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted in the definition for ?alcoholic beverage,? obtained by distilling, mixed with water or other substances in solution, except wine.

DISTRIBUTOR. Any person who distributes malt beverages for the purpose of being sold at

retail.

FIELD REPRESENTATIVE. Any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the Commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes.

LICENSE. Any license issued pursuant to KRS 243.020 to 243.670 and this subchapter.

LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670 and this subchapter.

MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under the definition of "alcoholic beverage."

MANUFACTURE. Distill, rectify, brew, bottle and operate a winery.

MANUFACTURER. A vintner, distiller, rectifier or brewer and any other person engaged in the production or bottling of alcoholic beverages.

PREMISES. The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two separate businesses or enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

RECTIFIER. Any person who rectifies, purifies or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name.

REPACKAGING. The placing of alcoholic beverages in any retail container irrespective of the material from which the container is made.

RETAIL SALE. Any sale where delivery is made in Kentucky to any person not holding a license.

RETAILER. Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage.

SELL. This includes to solicit or receive an order for, to keep or expose for sale, to keep with intent to sell, and the delivery of any alcoholic beverage.

STATE ADMINISTRATOR. The administrator of the distilled spirits unit or the administrator of the malt beverage unit or both, as the context requires.

WAREHOUSE. Any place in which alcoholic beverages are housed or stored.

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

WHOLESALER. Any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer or vintner.

WINE. The product of the normal alcoholic fermentation of the juices or fruits with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. It includes preparations or mixtures vended in retail containers if such preparations or mixtures contain not exceeding 15% of alcohol by volume.

(Ord. 90-44, passed 12-4-90)

Statutory reference:

Similar provisions, see KRS 241.010

§ 117.16 OFFICE OF ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) Office created. There is hereby created in the city the office of City Alcoholic Beverage Control Administrator.

(B) Appointment. The City Administrator shall be appointed by the City Manager with the approval of the Commission.

(C) Eligibility. No person is eligible for the office of City Administrator who has himself or herself or a member of his or her immediate family has any interest in any premises or business where alcoholic beverages are manufactured, stored or sold nor shall he or she receive any commission or profit from any person applying for or receiving any license or permit. Membership in any club is not reason for ineligibility for this office.

(D) Oath and bond. The City Administrator, before entering upon his or her duties as such, shall take the oath prescribed in § 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000 which cost shall be borne by the city.

(E) Functions of City Administrator. The functions of the City Administrator shall be the same with respect to city licenses and regulations, as the functions of the board with respect to state

licenses and regulations, except that no regulation adopted by a City Administrator may be less stringent than the statutes relating to alcoholic beverage control or that the regulations of the board. No regulation of a City Administrator shall become effective until it has been approved by the City Commission and the board.

(F) Institution of revocation proceeding; notice. The City Administrator, on his or her own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license. Revocation or suspension shall be had only upon five days notice to the licensee, and an opportunity shall be given him or her to be heard.

(G) Hearings. All hearings shall be before the City Administrator. Hearings will be held on the second and third Mondays of each month at 7:00 p.m. in the courtroom, third floor, City Hall. The days and times of these hearings may be changed by a city order.

(H) Appeals. Appeals from the orders of the City Administrator may be taken to the board, by filing with the board within 10 days a certified copy of the order of the City Administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from order of the City Administrator shall be governed by KRS 243.550 to 243.590.

(I) Report from administrator. The City Administrator will make a quarterly report to the City Commission.

(Ord. 90-44, passed 12-4-90)

Statutory reference:

Similar provisions, see KRS 241.060, 241.100, 241.160, 241.170, 241.180, 241.190, 241.200, 243.550 and 243.590

§ 117.17 LICENSES REQUIRED; APPLICATION; REGULATIONS.

(A) License required.

(1) No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinance, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable hereto.

(a) Retail dealer of malt beverages;

(b) Distributor of malt beverages;

(c) Rectifier or blender of distilled spirits or vine;

(d) Selling wine at a restaurant facility which has a seating capacity of 50 or more people at tables, which facility receives 50% or more of its income from the sale of food (KRS 243.032);

- (e) Wholesaler of distilled spirits or wine; with premises in the city;
- (f) Retailer of wine or distilled spirits;
- (g) Activities for which special temporary licenses are authorized;
- (h) Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises.

(2) Any person violating any of the provisions of division (A) shall be deemed guilty of a Class B misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

(B) Application for license. Applications for the issuance of new licenses shall be in writing and upon forms provided by the Alcoholic Beverage Administrator. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed, a concise advertisement stating the name and address of the applicant as well as the name and address of the business and the type of license applied for.

(C) Sworn information to be contained in application. Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinance in the conduct of the proposed business.

(D) Local administrator to approve application first. Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the City Administrator.

(E) Payment of delinquent taxes prerequisite to issuance. No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the Alcoholic Beverage Administrator may, at his or her discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him or her for taking care of the indebtedness represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

(F) Issuance of city licenses. Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this subchapter, within the time prescribed in this subchapter to the Finance Department who shall issue the license.

(G) Persons who may not be licensed.

(1) A natural person shall not become a licensee under the provisions of this chapter if he or she:

(a) Has been convicted of any felony until five years have passed from the date of conviction, release from custody or incarceration, parole, or termination of probation, whichever is later;

(b) Has been convicted of any misdemeanor described under KRS 218A.050 through KRS 218A.130, inclusive, in the two years immediately preceding the application;

(c) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two years immediately preceding the application:

(d) Is under the age of 21 years;

(e) Has had any license issued under this statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(f) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his or her application for a license is made.

(2) A partnership, limited partnership, limited liability company, corporation, or other business entity shall not be licensed if:

(a) Each of the members, directors, principal officers, and managers does not qualify under division (G)(1)(a) through (d) of this section;

(b) It has had any license issued under this statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(c) Any of the members, directors, managers, or principal officers has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of the later of two years from the date of the revocation or two years from the date of conviction.

(H) (1) Expiration date; renewal of licenses. All licenses, except special temporary licenses and state multiple license holders, issued under this subchapter shall expire on May 31 of each year, and the fees thereof shall be due and payable on June 1 of each year. State multiple license holders shall be known as "batch" licensees. 1-L batch license shall expire on July 31 of each year, and the fees thereof shall be due and payable on August 1 of each year. M-Z batch licenses shall expire on August 31 of each year, and the fees thereof shall be due and payable on September 1 of each year.

(2) Renewal fees for the year 2001 will be determined by the number of months from July to the new assigned renewal month. The fee will be prorated based on the yearly license fee.

(3) A transitional license will take the place of the current license until the new renewal month. The transitional license must be displayed on each business by July 1, 2001.

(4) A pro-rated schedule will be utilized for transitional, new and renewal alcohol licenses.

(I) Special temporary license.

(1) The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized in KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be \$16.25 for each month or part of month for which the temporary license is issued.

(2) The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be \$108.33 for each month or part of month for which the temporary license is issued.

(J) Special private club license. A special private club license may be issued to any non-profit social, fraternal, military or political organization or club, which for more than one year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license.

(K) Transfer of assignment of license without authorization prohibited. No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the State Administrator in the exercise of his or her sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of \$50 shall be made to the Finance Director.

(L) Transfer of license to other premises. In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the State Administrator who issued the license may, if in his or her discretion such action is necessary to attain justice change the license to authorize continuance of

business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made, the State Administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

(M) Posting of license.

(1) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed 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. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.

(2) No licensee shall post the license or permit it to be posted, upon premises other than the licensee's 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.

(N) Lost or destroyed licenses. When the license shall be lost or destroyed without fault on the part of the holder of the license or his or her agent or employee, a duplicate in lieu of the original license shall be issued by Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate license shall pay a fee of \$10 for issuing the duplicate.

(O) Sales only at place specified in license. No license issued pursuant to this subchapter shall authorize the sale of alcoholic beverages of any kind at more than one place, which shall be specified in the license, and a separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

(P) Distilled spirits and wine licenses; kinds; fees. The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be:

Wholesaler's license, per annum

\$1,950.00

Retail package license, per annum

650.00

Retail drink license, per annum

650.00

Special temporary license, per month or part of month, one-sixth of the fees enumerated in ?retail package license?

108.33

Special private club license, per annum

195.00

Supplemental bar license

650.00

Restaurant wine license, per annum:

New applicants

390.00

Renewals

260.00

(Q) Malt beverage licenses; kinds; fees. The following kinds of malt beverage licenses may be issued by the City Administrator, the fees for which shall be:

Distributor's license, per annum

\$ 260.00

Retailer's license, per annum:

New applicants

200.00

Renewals

75.00

Special temporary license, per month or part of month

16.25

(R) Payment of license fee. The license fee for every license issued under this subchapter shall be payable by the person making application for the license and to whom the license is issued, and

no other person shall pay for any license under this subchapter. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another.

(S) Partial license fees; forfeiture; proportional payments in law.

(1) When a person applies for a license requires or authorized by this subchapter after July 1st of any year, he or she shall be charged, if the license is issued, a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(2) The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit any and all claims which he or she might otherwise have had to any portion of the license fee paid by him or her upon the issuing of the license.

(3) Should any person after obtaining a license to carry on any of the businesses mentioned under this subchapter, be prohibited from conducting such business for the full term of the license because of any changes that may hereafter be made in the laws of the state with reference to intoxicating liquors, then the city shall refund to him or her the proportionate part of the license for the period during which he or she is prevented from carrying on the business.

(T) Revocation and/or suspension of licenses. Licenses issued under this subchapter may be revoked or suspended as spelled out in § 117.99.

(U) Disposition. All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this subchapter, shall be paid into and become part of the general fund of the city government.

(Ord. 90-44, passed 12-4-90; Am. Ord. 01-23, passed 6-26-01; Am. Ord. 10-01, passed 2-23-10)
Penalty, see § 117.99

Statutory reference:

Similar provisions, see KRS 243.020, 243.360, 243.390, 243.370, 243.100, 243.090, 243.270, 243.630 - 243.640, 243.650, 243.620, 243.070, 243.040, 243.670, 243.090

§ 117.18 OPERATION OF LICENSED ESTABLISHMENTS.

(A) Prohibited retail sales.

(1) No retail licensee shall sell, give away or deliver any alcoholic beverages or procure or permit any alcoholic beverages to be sold, given away or deliver to:

(a) Any person under the age of 21; or

(b) Any person actually or apparently under the influence of alcoholic beverages; or

(c) A habitual drunkard or any person convicted of drunkenness as many as three times within the most recent 12 month period; or

(d) Any person known to the seller to have been convicted of any misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or of any felony.

(2) Under subdivision (A)(1)(a), 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, such evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

(B) Persons under the age of 21 not to possess or purchase liquor nor to misrepresent age or use fraudulent identification nor to loiter in barrooms; exceptions.

(1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LOAF. To spend time in idleness; as to loaf time away.

LOITER. To be slow in moving, delay, linger, saunter, tarry, lag behind; to wander as an idle vagrant; and to waste time.

PREMISES. The place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments the entire lot upon which the business is situated.

RESTAURANT. An establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a restaurant within the meaning of this regulation.

(2) Prohibitions.

(a) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(b) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to 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.

(c) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee or other employee of any licensee to sell or serve any alcoholic beverage to such person.

(d) No person under 21 years of age shall use or attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(e) No person under the age of 21 years shall possess in the city any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.

(f) No person under the age of 21 years shall loaf or loiter in or about the barroom of any licensed premises where alcoholic beverages are sold by the drink.

(g) Any person under the age of 21 years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set, will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any piers licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, and the like, will be considered as loitering or loafing within the meaning of this regulation.

(h) All bowling alleys licensed for the sale of alcoholic beverages shall have the bar enclosed from the bowling area, except that this shall not apply to any premises licensed prior to November 1, 1968.

(3) Exceptions.

(a) Limited. Exceptions are limited to those created by KRS 244.085, KRS 244.087, and KRS 244.090, if applicable.

(b) Persons under 21. Persons under the age of 21 years may patronize licensed establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are scheduled. Bowling is considered an athletic event. During junior league bowling, the sale of alcoholic beverages on licensed premises is prohibited.

(c) Retail premises to furnish clear view from sidewalk or entrance; hotel or club may serve in separate room. The entrance doors of any premises for which a retail license has been issued

shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or where meals are served.

(d) Retail premises not to be disorderly.

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

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

a. Engaging in fighting or in violent, tumultuous or threatening behavior; or

b. Making unreasonable noise; or

c. Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

d. Creating a hazardous' or physically offensive condition by any act that serves no legitimate purpose.

(e) Security and lighting. The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises.

(f) Business hours.

1. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from 6:00 a.m. until 1:00 a.m. prevailing time.

2. No premises for which there has been granted a license for the sale of alcoholic beverages shall be permitted to remain open for any purpose between 1:00 a.m. and 6:00 a.m. on Mondays through Saturdays, or at any time during the 24 hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a restaurant drink, wine, or malt beverage; retail package; or retail malt beverage licensee provides a separate department within his or her license premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times

mentioned above, the said licensee shall be deemed to have complied with this section. This section may be amended by city ordinance.

3. Exceptions. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business on Sundays from 1:00 p.m. until 9:00 p.m. provided that the dining facilities seats at least 75 people and that 50% or more of their gross annual income of their business is derived from the sale of food served at the establishment. Sunday sales shall be authorized only for those alcohol license holders whose predominant trade is the selling of prepared food for consumption on the premises. Sunday hours of alcohol sales shall only be for restaurants in the city limits.

4. Any restaurant requesting Sunday sales of alcohol by the drink must file a Schedule F with the State Office of Alcohol Beverage Control and apply to the State Director and meet all other legal requirements for obtaining a limited Sunday liquor and wine by the drink license. The cost for the state license is \$500 per year. Upon receipt of the state license, the business shall apply for a city limited Sunday liquor and wine by the drink Sunday sales license, the cost of which shall be \$300 per year. If the restaurant has a valid state and city retail malt beverage license, a special Sunday sales license for retail malt beverage sales will not be required. These regulations shall comply with KRS 244.290 and 244.480.

5. All trafficking in alcoholic beverages on Christmas Day in the city is hereby prohibited.

ORDINANCE NO. 06-40

AN ORDINANCE OF THE CITY OF RICHMOND ESTABLISHING SERVER TRAINING FOR ALCOHOL LICENSE HOLDERS IN THE CITY OF RICHMOND.

WHEREAS, the City of Richmond desires to promote responsible serving of Alcoholic Beverages in the City, and

WHEREAS, a Server Training Program would benefit the citizens of Richmond and would help in the responsible serving of alcoholic beverages.

NOW, THEREFORE BE IT ORDAINED by the City of Richmond Board of Commissioners.

The City of Richmond shall institute mandatory Server Training in the City of Richmond.

- (1) Training; standards for certification: All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the city. Before approval is granted, the city 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 intoxication.

All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed by the city for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered are to complete a responsible beverage service training class approved by the city.

This shall not apply to any manufacturer of alcoholic beverages is defined in KRS 241.010(29) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

- (A) "Server" For purposes of this ordinance shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages by retail sale and/or dispersed by the drink or where malt beverages are sold by retail or by the drink and whose job duties include the sale, dispersing or service of alcoholic beverages on the management of the licensed premises.

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- (B) No person shall be employed by a licensed premise as a server unless the server has successfully completed a city approved alcoholic beverage server training program. This training program shall be completed for all newly hired servers within thirty (30) days of the first date of employment.

Licensees, employees, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training.

- (C) Servers successfully completing the training shall receive a server certification from the server-training program.
- (D) Each server shall successfully complete a new server-training program to be recertified not less than once every three (3) years.
- (E) No licensed premise in which alcoholic beverages are sold by retail sale or consumed by the drink or malt beverages are sold for consumption on the premises or retail sale shall allow any server employed over thirty (30) days to sell, dispense or service any alcoholic beverage or malt beverages or to manage any such licensed premises unless that server is the holder of a current server certification. This includes all holders of an alcohol and/or malt beverage license.
- (F) Each such licensed premise shall maintain a file at the licensed premise for each such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this Ordinance. This information shall be available during hours of operation to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of one (1) year.
- (G) Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this Ordinance.

- (2) (1) Any person who sells and/or serves alcoholic beverages in a licensed establishment shall participate in and successfully complete a responsible beverage service-training program approved by the City of Richmond. 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) For a responsible beverage service-training program to be approved by the city, it must effectively train its participants in the following:

Applicable federal laws, state statutes and regulations and local ordinances regarding the sale of alcoholic beverages;

Verification of age forms of identification and methods of recognizing false or misleading age documents;

The effect of alcohol on humans and the physiology of alcohol intoxication;

Recognition of the signs or characteristics of alcohol intoxication;

Strategies for intervention and preventing underage and intoxicated persons from consuming alcoholic beverages and

Potential liability for persons selling or serving alcoholic beverages.

(3) Penalties

- (A) No person, corporation, association, restaurant, business, club or other entity holding a license for the sale of distilled spirits, wine and/or malt beverages by the package or drink shall intentionally, willfully, knowingly, or wantonly authorize, direct, permit, allow or cause any employee, officer or agent of the licensee who has not completed the mandatory service training required, to sell or serve any alcoholic beverages to anyone on the licensed premises.
- (B) Any person, corporation, licensee, association, restaurant, business, club or other entity or any employee thereof, found to be in violation of any subsection of this section, shall upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00); for subsequent violations within a two-year period and upon conviction thereof, a fine not to exceed five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense.
- (C) If a person who violates any provision of this Ordinance is a Corporation, Partnership, Joint Stock Company, Association or Fiduciary, then the president and/or the principal officer or partner responsible for such violations may be fined as authorized by this section.

(4) This ordinance shall be effective on January 1, 2007.

This Ordinance shall be in full force and effect upon second reading, adoption and publication according to law.

Date of First Reading: October 10, 2006

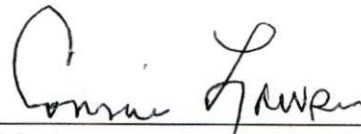
Motion By: Commissioner Barnes
Seconded By: Commissioner Jones

| Vote: | Yes | No |
|---------------------|------------|-----------|
| Commissioner Barnes | x | |
| Commissioner Blythe | x | |
| Commissioner Brewer | x | |
| Commissioner Jones | x | |
| Mayor Lawson | x | |

Date of Second Reading: October 24, 2006

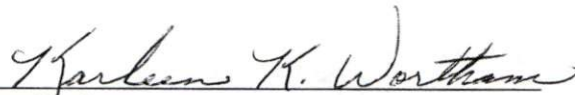
Motion By: Commissioner Blythe
Seconded By: Commissioner Jones

| Vote: | Yes | No |
|---------------------|------------|-----------|
| Commissioner Barnes | x | |
| Commissioner Blythe | x | |
| Commissioner Brewer | x | |
| Commissioner Jones | x | |
| Mayor Lawson | x | |



Mayor

Attest:



City Clerk