

MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2014-2

**AN ORDINANCE PROHIBITING THE RETAIL
SALE OF DISTILLED SPIRITS, WINE AND
MALT BEVERAGES WITHIN MCCRACKEN
COUNTY'S TERRITORIAL LIMITS ON ANY
PRIMARY, REGULAR, LOCAL OPTION OR
SPECIAL ELECTION DAY DURING THE
HOURS THAT POLLS ARE OPEN**

WHEREAS, McCracken County, Kentucky, permits the retail sale of distilled spirits, wine and malt beverages within its territorial limits so long as such sales are conducted in accordance with all state laws, federal laws and local ordinances; and

WHEREAS, Kentucky Revised Statutes Sections 244.290 and 244.480 have been amended to grant local county governments the exclusive option to permit or prohibit the retail sale of distilled spirits, wine and malt beverages within their territorial limits on any primary, regular, local option or special election day during the hours that the polls are open; and

WHEREAS, in accordance with Kentucky Revised Statutes Sections 244.290 and 244.480, the McCracken County Fiscal Court now desires to exercise this exclusive option to prohibit the retail sale of distilled spirits, wine and malt beverages on such days and at such times;

NOW THEREFORE, be it ordained by the Fiscal Court of the County of McCracken, Commonwealth of Kentucky, as follows:

Section 1. Limited Prohibition On Retail Sales of Distilled Spirits, Wine and Malt Beverages.

All entities licensed to conduct retail sales distilled spirits, wine and malt beverages within the territorial limits of McCracken County, Kentucky, shall be prohibited from engaging in such retail sales on any primary, regular, local option or special election days during the hours that the polls are open.

Section 2. Territorial Limitation.

Pursuant to Kentucky Revised Statutes Sections 244.290 and 244.480, the prohibition on retail sales of distilled spirits, wine and malt beverages set forth herein shall be limited to the territorial limits of McCracken County, Kentucky and shall not supersede, reverse or modify any decision made pursuant to said sections by the legislative body of a city of the first, second, third or fourth class located within McCracken County, Kentucky.

Section 3. Severability.

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

Section 4. Effective Date.

This Ordinance shall be read on two separate days, published pursuant to KRS Chapter 242, and become effective on March 25, 2014.

MCCRACKEN COUNTY FISCAL COURT

BY: 

Van E. Newberry
McCracken County Judge Executive

ATTEST:



Fiscal Court Clerk

Introduced and publically read on March 10, 2014.
Publically read and adopted on March 25, 2014.
Published by *The Paducah Sun* on March 28, 2014

MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2014-01

**AN ORDINANCE ABOLISHING MCCRACKEN
COUNTY'S JUNE 27, 1952 ALCOHOLIC BEVERAGE
LICENSING ORDINANCE AND ESTABLISHING
LICENSING REQUIREMENTS FOR THE SELLING
AND MANUFACTURING OF DISTILLED SPIRITS,
WINE AND MALT BEVERAGES**

WHEREAS, McCracken County, Kentucky (hereinafter "County") permits the presence of alcohol manufacturing and sales within its territorial limits so long as such is done in accordance with all state and federal laws and local ordinances; and

WHEREAS, the McCracken County Fiscal Court now desires to adjust the County's regulations and requirements related to the sale, manufacture, and distribution of alcoholic beverages in order to comply with the licensing and regulatory requirements pursuant to KRS Chapters 241 through 244; and

WHEREAS, this Ordinance will repeal and supersede the County's June 27, 1952 alcoholic beverage licensing ordinance and establish new licensing requirements for the selling and manufacturing of distilled spirits, wine, and malt beverages.

NOW THEREFORE, be it ordained by the Fiscal Court of the County of McCracken, Commonwealth of Kentucky, as follows:

ARTICLE I. DEFINITIONS AND GENERAL PROVISIONS

- (1) All words and phrases in this Ordinance shall have the same meanings as those set out in the Kentucky Alcoholic Beverage Control laws (KRS Chapter 241 through 244) and all amendments and supplements thereto, unless the context indicates the contrary.
- (2) This Ordinance shall be construed to apply to the manufacture and trafficking in distilled spirits, wine and malt beverages. Nothing in this Ordinance shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance or any statutes of the Commonwealth relating to violations pertaining to alcoholic beverages.
- (3) Pursuant to this Ordinance, licensees shall be permitted to sell only such type of alcoholic beverage for which the licensee holds a license.

ARTICLE II. TERM AND ISSUANCE OF LICENSE

Section 1. License Required.

No person shall sell or dispense at retail or wholesale, or have in his possession for sale, any distilled spirits, wine or malt beverages, or manufacture the same in the County unless he shall first procure and have issued to him a license under the provisions of this Ordinance.

Section 2. Application.

Any person desiring to obtain a license required by this Ordinance shall make application to the McCracken County Clerk or his designee (hereinafter "County Clerk"). The application shall include the name and residence of the applicant and the physical address within the County where alcoholic beverages are to be sold or dispensed. County licensing fees shall be collected at the time at which the application is approved by the Commonwealth of Kentucky Alcoholic Beverage Control Board.

Section 3. Issuance Standards.

All licenses required by the Ordinance shall be issued by the County Clerk. If, in the judgment of the County Clerk, the applicant has complied with all requirements of the Commonwealth alcoholic beverage control laws, as well as the regulatory provisions of this Ordinance, the license shall be issued. In such case the County Clerk shall prepare and issue the license to the applicant upon payment of the license fee required by this Ordinance.

The standards for the issuance and renewal of all licenses required by this Ordinance shall be as follows:

- (1) The applicant has complied with all requirements of the Commonwealth's alcoholic beverage control laws as verified by the Commonwealth of Kentucky Alcoholic Beverage Control Board.
- (2) The applicant has complied with all regulatory provisions of this Ordinance.
- (3) The applicant has been issued an occupational business license and has paid all fees and taxes required by the same.
- (4) The applicant has paid all County ad valorem taxes which are due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.
- (5) The applicant has paid all fees required by this Ordinance.
- (6) The applicant has paid all County property maintenance liens due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.

Section 2. Distilled Spirit, Wine and Malt Beverage Combination Licenses.

(1) Non-quota Type 2 Retail Drink License (NQ-2) \$840.00 per annum

- a. The holder of this combination license may sell distilled spirits, wine and malt beverages by the drink. A second retail malt beverage license is not required.
- b. The NQ-2 license incorporates the following former license types:
 - i. Restaurant Drink license
 - ii. Motel Drink license
 - iii. Restaurant Wine license
 - iv. Airport Drink license
 - v. Riverboat license

(2) Non-quota Type 3 Retail Drink License (NQ-3) \$300.00 per annum

- a. The holder of this combination license may sell distilled spirits, wine and malt beverages by the drink. A second retail malt beverage license is not required.
- b. The NQ-3 license incorporates the former Special Private Club license.
- c. A NQ-3 licensee that qualifies as a special private club may not hold a non-quota retail malt beverage package license.

Section 3. Malt Beverages Licenses.

(1) Non-quota Type 4 Malt Beverage Retail Drink License (NQ-4) \$52.50 per annum

- a. The holder of this license may sell only malt beverages by the drink.
- b. For \$50.00 per annum, the holder of this license may add a Non-Quota Retail Malt Beverage Package License, allowing the sale of malt beverages for consumption off the premises.

(2) Non-quota Malt Beverage Retail Package License (NQ) \$52.50 per annum

- a. The holder of this license may sell only malt beverages for consumption off the premises.
- b. For \$50.00 per annum, the holder of this license may add a Non-quota Type 4 Malt Beverage Retail Drink License, allowing the sale of malt beverages by the drink.

Section 4. Refusal of Issuance.

- (1) The County Clerk shall refuse to issue a license if the applicant fails to comply with all of the terms and provisions set forth in Section 3 above.
- (2) Appeals of any such refusal by the County Clerk shall be taken before the Commonwealth of Kentucky Alcoholic Beverage Control Board as provided in KRS 241.200.

Section 5. Term of License.

- (1) All licenses required by this Ordinance shall be valid for a term of one (1) year. The expiration date for all licenses required by this Ordinance is the same date scheduled for the expiration of such licenses' statewide counterpart.
- (2) The fees set forth in Article III below shall be prorated commensurate with the number of months such license(s) shall be in effect during the calendar year.

ARTICLE III. LICENSES REQUIRED

NOTE: The activities permitted by the licenses below are set forth in KRS Chapter 243, which is incorporated by reference as if set forth fully herein.

Section 1. Distilled Spirits and Wine Licences.

- (1) **Quota Retail Liquor Package License** \$630.00 per annum
 - a. The holder of this license may sell only distilled spirits and wine for consumption off of the premises.
 - b. The holder of this license must also obtain a Non-quota Malt Beverage Retail Package License in order to sell malt beverages for consumption off of the premises.
- (2) **Quota Retail Liquor Drink License** \$787.00 per annum
 - a. The holder of this license may sell only distilled spirits and wine by the drink.
 - b. The holder of this license must also obtain a Non-quota Type 4 Malt Beverage Retail Drink License in order to sell malt beverages by the drink.

Section 4. Special and Limited Purpose Licenses.

- | | |
|---|--------------------|
| (1) Special Temporary License | \$90.00 per annum |
| a. Nonprofit organizations are exempted from the licensing fee above. | |
| (2) Special Sunday Retail Drink License | \$300.00 per annum |
| (3) Limited Restaurant License-LR100 & LR50 | \$840.00 per annum |
| (4) Limited Golf Course License | \$840.00 per annum |

ARTICLE IV. PROCEDURAL MATTERS

Section 1. Severability.

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be effected.

Section 2. Effective Date.

This Ordinance shall be read on two separate days, published pursuant to KRS Chapter 242, and become effective on _____.

Section 3. Repeal of Ordinance.

Upon the publication and effective date of this Ordinance, McCracken County's June 27, 1952, alcoholic beverage licensing ordinance shall be repealed in its entirety and superseded by this Ordinance.

MCCRACKEN COUNTY FISCAL COURT

BY: _____
Van E. Newberry
McCracken County Judge Executive

ATTEST:

Jeff Jerrell
McCracken County Clerk

Introduced and publically read on 1/13/14.
Publically read and adopted on Tabled on 1/27/14 Motion to Accept * 02/10/2014
Recorded by County Clerk on _____
Published by *The Paducah Sun* on _____

ARTICLE IV. PROCEDURAL MATTERS

Section 1. Severability.

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be effected.

Section 2. Effective Date.

This Ordinance shall be read on two separate days, published pursuant to KRS Chapter 242, and become effective on February 10, 2014.

Section 3. Repeal of Ordinance.

Upon the publication and effective date of this Ordinance, McCracken County's June 27, 1952, alcoholic beverage licensing ordinance shall be repealed in its entirety and superseded by this Ordinance.

MCCRACKEN COUNTY FISCAL COURT

BY: Jerry W. Beyer
Jerry W. Beyer
McCracken County Judge Executive Pro-tem

ATTEST:

Jeff Ferrell
Jeff Ferrell, County Clerk

First Reading January 13, 2014
Advertised January 17, 2014
Second Reading and Adoption
February 10, 2014
Advertised February 14, 2014



EXECUTIVE ORDER

**Office of the Judge/Executive
McCracken County, Kentucky**

**IN THE MATTER OF A LOCAL OPTION ELECTION FOR THE SALE OF
ALCOHOLIC BEVERAGES IN THE PRECINCT KNOWN AS REIDLAND 1,
MCCRACKEN COUNTY, KENTUCKY**

WHEREAS, a petition has been filed in the office of the McCracken County Clerk requesting a special option election be held to allow the sale of alcoholic beverages in the precinct known as Reidland 1; and

WHEREAS, the McCracken County Clerk has examined said petition and found it to be in order; and

WHEREAS, it is the responsibility of the Judge/Executive to appoint a day for said election.

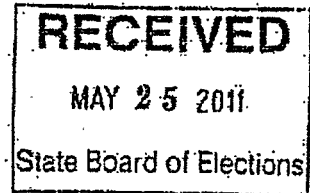
NOW, THEREFORE, it is ordered that a local option election shall be held in the precinct known as Reidland 1 in McCracken County, Kentucky, on June 28, 2011 for the purpose of determining whether or not the sale of alcoholic beverages will be allowed in said precinct.

Entered this 23 day MAY of 2011.

Van E. Newberry, Judge/Executive

ATTEST:

Jeff Leibel, County Clerk



*Effective
2/12/2009*

MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2009-2

AN ORDINANCE REPEALING ORDINANCE
NO. 75-3 AND FIXING THE OPERATING HOURS
FOR RETAILERS OF ALCOHOLIC BEVERAGES

WHEREAS, KRS 244.290 grants local county governments the power to establish the hours of operation for retail sellers of alcoholic beverages and to permit the sale of alcoholic beverages by the drink on Sundays at specific establishments which comply with specific requirements;

WHEREAS, the McCracken County Fiscal Court elects to exercise the aforesaid power by repealing Ordinance No. 75-3 and establishing new hours of operation for retail sellers of alcoholic beverages and providing for Sunday sales of alcoholic beverages by the drink;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of McCracken County, Kentucky:

Section 1: Ordinance No. 75-3, entitled "AN ORDINANCE FIXING THE OPENING AND CLOSING TIMES FOR RETAILERS OF ALCOHOLIC BEVERAGES", is hereby repealed.

Section 2: Except as otherwise provided under this section, the lawful operating hours for licensed retail premises for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall only be permitted for each day of Monday through Saturday, and shall be limited to the following periods of time:

RECEIVED
2009 MAR 21 A 9:20
MCCracken County Fiscal Court
ALCOHOLIC BEVERAGE CONTROL

<u>License</u>	<u>Opening Hour</u>	<u>Closing Hour</u>
<u>Package sales:</u>		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
<u>On-premises consumption:</u>		
Malt beverages/beer	6:00 a.m.	3:00 a.m. following day
Distilled spirits	6:00 a.m.	3:00 a.m. following day

Section 3: Package sales are prohibited on Sundays.

Section 4: The sale of distilled spirits, wine and malt beverages by the drink shall be permitted on Sundays from 1:00 p.m. until 10:00 p.m. for hotels, motels and restaurants which are licensed for the retail sale of distilled spirits, wine and/or malt beverages by the drink; provided such hotel, motel and restaurant satisfy each of the following conditions:

- (1) The dining facility of the hotel, motel and restaurant has a minimum seating capacity of one hundred (100) people at tables;
- (2) At least fifty percent (50%) or more of the gross annual income from the dining facilities are received from the sale of food; and
- (3) The licensee shall apply for and receive a Sunday sales license and pay the applicable Sunday sales license fee.

Any such licensee shall only be permitted to sell such type of alcoholic beverage for which it is licensed.

Section 5: In the event that New Year's Eve falls on a Sunday, licensees holding a distilled spirits, wine, and/or malt beverages by the drink license or having a

RECEIVED
 2009 JUN 21 AM 9:20
 CLERK OF SUPERIOR COURT

private club license shall have the right to sell distilled spirits, wine, and/or malt beverages by the drink on such Sundays from 1:00p.m. until 3:00 a.m. the following day.

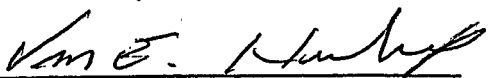
Section 6: All alcohol sales are prohibited during the hours the polls are open for a primary, regular, school or special election.

Section 7: The licensee shall ensure that at the closing hour, all patrons shall have vacated the premises. Operators and their employees, engaged in regular and ordinary post-closing activities, may be on the premises during the closed hours, provided that the licensee has complied with Section 8 below.

Section 8: If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

Section 9: All prior ordinances, or parts thereof, in conflict with the provisions of this ordinance are, to the extent of any such conflict, hereby repealed.

Section 10: This ordinance shall be read on two separate days and will become effective upon the date of its summary publication pursuant to KRS 424.


Van E. Newberry
McCracken County Judge Executive

ATTEST:


MCCRACKEN COUNTY CLERK

2009 AUG 27
A 9:20
RECEIVED
CLERK'S OFFICE

Introduced by the Fiscal Court:
Advertised:
Adopted by the Fiscal Court:
Advertised:

January 26, 2009
February 01, 2009
February 09, 2009
February 12, 2009

RECEIVED

2009 AUG 21 A 9: 20

ALCOHOLIC
LIQUOR CONTROL

EXECUTIVE ORDER

**Office of the Judge/Executive
McCracken County, Kentucky**

**IN THE MATTER OF A LOCAL OPTION ELECTION FOR THE SALE OF
ALCOHOLIC BEVERAGES IN THE PRECINCT KNOWN AS LONE OAK # 1,
FOR SALE OF WINE AT DOSSEY VINEYARDS, LLC DBA PURPLE TOAD
WINERY, McCRACKEN COUNTY, KENTUCKY**

WHEREAS, a petition has been filed in the office of the McCracken County Clerk requesting a special option election be held to allow the sale of alcoholic beverages in the precinct known as Lone Oak # 1; and

WHEREAS, the McCracken County Clerk has examined said petition and found it to be in order; and

WHEREAS, it is the responsibility of the Judge/Executive to appoint a day for said election.


NOW, THEREFORE, it is ordered that a local option election shall be held in the precinct known as Lone Oak # 1 for sale of wine at Dossey Vineyards, LLC DBA Purple Toad Winery in McCracken County, Kentucky, on January 13, 2009, for the purpose of determining whether or not the sale of alcoholic beverages will be allowed in said precinct.

Entered this 27th day of October 2008.



Van E. Newberry, Judge/Executive

ATTEST:


Jeff Jerren, County Clerk



Van E. Newberry
McCracken County Judge Executive

McCracken County Courthouse
300 South Seventh Street
Paducah, KY 42003-1700
Office: (270) 444-4707
Fax: (270) 444-4731

EXECUTIVE ORDER

**Office of the Judge/Executive
McCracken County, Kentucky**

IN THE MATTER OF A LOCAL OPTION ELECTION FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE PRECINCT KNOWN AS OAKDALE, McCRACKEN COUNTY, KENTUCKY

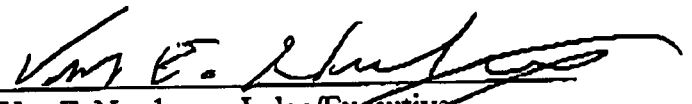
WHEREAS, a petition has been filed in the office of the McCracken County Clerk requesting a special option election be held to allow the sale of alcoholic beverages in the precinct known as Oakdale; and

WHEREAS, the McCracken County Clerk has examined said petition and found it to be in order; and

WHEREAS, it is the responsibility of the Judge/Executive to appoint a day for said election.

NOW, THEREFORE, it is ordered that a local option election shall be held in the precinct known as Oakdale in McCracken County, Kentucky, on August 5, 2008, for the purpose of determining whether or not the sale of alcoholic beverages will be allowed in said precinct.

Entered this 23rd day of June 2008.


Van E. Newberry, Judge/Executive

ATTEST:


Jeff Ferrell, County Clerk

FILED

DEC 28 1989 *W.*

MCCRACKEN CIRCUIT COURT
PADUCAH, KENTUCKY

IN RE: GARY LYNN HOVEKAMP, COUNTY JUDGE - EXECUTIVE OF MCCRACKEN
COUNTY, KENTUCKY

KNOW ALL MEN BY THESE PRESENTS

This day there appeared Gary Lynn Hovekamp, County Judge - Executive Elect for McCracken County, Kentucky, and produced his Certificate of Election and also his Commission as County Judge - Executive from the Governor of the Commonwealth.

Said Gary Lynn Hovekamp, also then and there presented and produced his bond to the Commonwealth of Kentucky in the sum of Ten Thousand Dollars (\$10,000.00), which was signed by The Continental Insurance Company. Said bond was then and there examined by Alfred Obermark, Circuit Court Clerk of McCracken County, Kentucky and Hon. Ron Daniels, McCracken Circuit Court Judge, Division No. II, and same was then and there approved by said Clerk and by said Judge, and it is therefore adjudged that said bond is sufficient and proper.

Thereupon, said Gary Lynn Hovekamp, took the Constitutional and Statutory oaths of office, and is accordingly now adjudged to be the duly elected, qualified and acting County Judge - Executive of McCracken County, Kentucky, his term of office to begin January 1, 1990.

It is Ordered that his bond be recorded in the Order Book of this Court and of the County Court, which bond is in words and figures as follows, to-wit:

PUBLIC-OFFICIAL'S BOND

NO. BND-112 27 67

KNOW ALL MEN BY THESE PRESENTS:

That GARY LYNN HOVEKAMP of Paducah, State of Kentucky hereinafter called the Principal, and The Continental Insurance Company, hereinafter called the Surety, a corporation organized under the laws of the State of New Hampshire with its home office in the City of New York State of New York, are held and firmly bound unto County of McCracken of Paducah, State of Kentucky hereinafter called the Obligee, in the sum of Ten Thousand and No/100 (\$10,000.00) Dollars; for the payment of whereof to the Obligee the Principal binds himself, his heirs, executors, administrators, and assigns, and the Surety binds itself, its successors and assigns, jointly and severally, firmly by these presents.

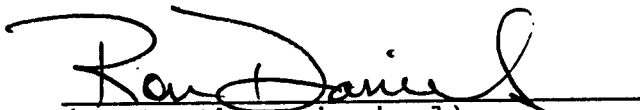
Signed, sealed, and dated this 1st day of January, 1990.

WHEREAS, the above-named principal has been duly appointed or elected to the office of County Judge of the County of McCracken, State of Kentucky for the term of office beginning on January 1, 1990 and ending on December 31, 1993.

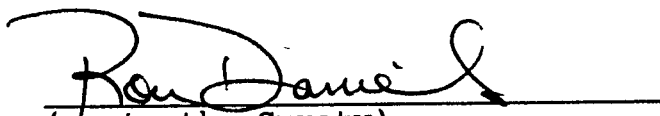
NOW, THEREFORE, THE CONDITION OF THE FOREGOING OBLIGATION IS SUCH, that if the Principal shall faithfully perform such duties as may be imposed on him by law and shall honestly account for all money that may come into his own hands in his official capacity during the said term, then this obligation shall be void; otherwise it shall remain in force.

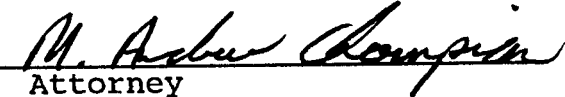
This bond is further conditioned that the liability of the surety shall be fully terminated as to future acts of the principal thirty (30) days after the receipt by the obligee, of the surety's written notice of cancellation.

Signed, sealed and delivered
in the presence of

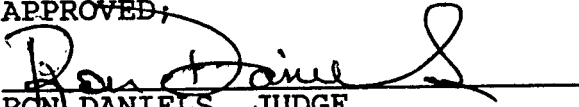

(as to the Principal)


GARY LYNN HOVEKAMP, Principal

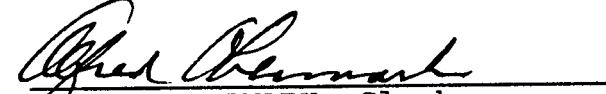

(as to the Surety)

THE CONTINENTAL INSURANCE COMPANY
BY: 
Attorney

APPROVED:

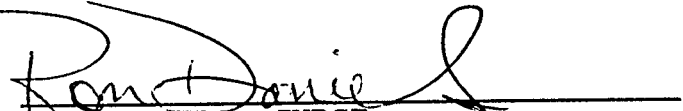


RON DANIELS, JUDGE
McCracken Circuit Court
Division No. II



ALFRED OBERMARK, Clerk
McCracken Circuit Court
McCracken County, Kentucky

ENTERED this 28 day of December, 1989.



RON DANIELS, JUDGE
MCCRACKEN CIRCUIT COURT
DIVISION NO. II

558

On motion of Commissioner Davis, seconded by Commissioner Harris it is ordered that an Ordinance fixing the opening and closing times for retailers of Alcoholic Beverages be adopted to-wit:

McCRACKEN FISCAL COURT

AN ORDINANCE FIXING THE
OPENING AND CLOSING TIMES
FOR RETAILERS OF ALCOHOLIC BEVERAGES (NO. 75-3)

WHEREAS, KRS 244.290, gives the Fiscal Court exclusive power to establish the hours and times in which alcoholic beverages may be sold.

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of McCracken County, Kentucky,

Section 1: No premises for which there has been granted a license for the sale of distilled spirits, wine, malt beverages or beer, and for which an entertainment permit has been issued shall remain open for any business between the hour of 1:00 A.M., prevailing time, for on-premises consumption and 8:00 A.M. on any weekday, nor between 1:00 A.M. Sunday and the lawful time for opening on Monday morning.

Section 2: No premises for which there has been granted a package license for off-premises consumption of distilled spirits, wine, malt beverages or beer, shall remain open for any purpose between the hours of 12:00 o'clock midnight and 8:00 o'clock a.m. on any weekday, nor between 12:00 a.m. on Sunday and the lawful time for opening on Monday morning.

Section 3: No distilled spirits, wine, malt beverages or beer shall be sold on any election day while the polls are still open.

PASSED by the McCracken County Fiscal Court on this the 24th day of July, 1975.

Richard C. DeLoach
JUDGE - McCRACKEN FISCAL COURT

The motion was carried with the County Judge and all Commissioners present voting aye.

2/11/53

*See 116-1
LCS-116
City of Paducah*

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 347

September 21, 1953

The State Alcoholic Beverage Control Board met in Executive Session in its offices on the 21st day of September, 1953, all members being present, namely: Honorable Guy C. Shearer, Chairman, Honorable John E. Kirksey and Honorable Julian G. Elliott, Members. The said Board unanimously approved the following regulation:

LCS-116

Re: Limit on Retail Package Liquor Licenses and Limit on Retail Drink Liquor Licenses in McCracken County and City of Paducah
K. R. S. 241.060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241.060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, the Alcoholic Beverage Control Board by Order No. 292, adopted January 24, 1951, set the retail distilled spirits license quota for the City of Paducah, Kentucky, on a population basis; and,

WHEREAS, it is the expressed intention of the Alcoholic Beverage Control Board, by this order, to approve and to permanently settle on a population, self-regulation basis all questions past, present and future relative to the issuance of retail package liquor licenses and retail drink liquor licenses on a quota basis for McCracken County, Kentucky; and,

WHEREAS, the Kentucky Alcoholic Beverage Control Board did on Thursday, April 9, 1953, after giving residents of McCracken County, through the public press and other sources, notice of the hearing to be held on the question of raising the quota for retail distilled spirits licenses for McCracken County, Kentucky, and on the question of determining an accurate estimate of the population of McCracken County; and,

WHEREAS, no protestants appeared against raising the quota for retail distilled spirits licenses in McCracken County, Kentucky; and,

WHEREAS, the Board did on April 9, 1953, hear testimony concerning the population of the City of Paducah and McCracken County, Kentucky; and,

WHEREAS, the Alcoholic Beverage Control Board has considered the evidence heard and made a study of McCracken County as to the number of persons residing therein and as to the number of retail package liquor licenses and retail drink liquor licenses that should be granted in said county;

IT IS, THEREFORE, ORDERED that in McCracken County, there shall be issued not more than one (1) retail drink liquor license for every 2500 of the inhabitants of McCracken County, Kentucky, nor more than one (1) retail package liquor license for every 1500 of the inhabitants of McCracken County, Kentucky. In order that a fixed and approved standard of population may be adopted, the Alcoholic Beverage Control Board may, after proper hearing on the question of population, annually estimate the population for McCracken County, and if it so elects, may, without such hearing, adopt such enumeration of the population as may hereafter be fixed by the Paducah Association of Commerce in every year except a census year, and during the census year, the United States Government's census figures of population shall be controlling. At the date of the issuance of this regulation, the population of McCracken County is figured and based on the hearing held by the Alcoholic Beverage Control Board on April 9, 1953, and is hereby fixed at 90,000 persons. This figure was supplied the Board by the Paducah Association of Commerce.

IT IS FURTHER ORDERED by the Alcoholic Beverage Control Board that the population for the City of Paducah, be, and the same is hereby fixed at 63,000 persons.

Any and all regulations and approved ordinances in conflict herewith are rescinded to the extent of such conflict.

This the 21st day of September, 1953.


ALCOHOLIC BEVERAGE CONTROL BOARD


GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:
J. D. BUCKMAN, JR., THE ATTORNEY GENERAL

BY: 
ASSISTANT ATTORNEY GENERAL

ATTEST:


Lora Belle Reeve, Acting Secretary
Alcoholic Beverage Control Board

ROY STEWART
COUNTY JUDGE
McCRACKEN COUNTY
PADUCAH, KENTUCKY

January 1st, 1952.

RE: Limitation of number of Wholesale Beer License
KRS. 241-140.

REGULATION.

Pursuant to the authority vested in the County Alcoholic Beverage Administrator by Section 241 140 Kentucky Revised Statutes, the following regulation is hereby adopted.

WHEREAS, it is the considered judgment of the County Alcoholic Beverage Administrator that eight is a sufficient number of wholesale beer outlets to serve adequately the retail licensees of McCracken County, and for other reasons;

THEREFORE, it is now ordered that the number of wholesale licenses for the sale of malt beverages in McCracken County be frozen at eight; provided, however, that the regulation hereinabove referred to is approved by the State Alcoholic Beverage Control Board.

COUNTY ALCOHOLIC BEVERAGE ADMINISTRATOR

Roy Stewart

ROY STEWART, COUNTY JUDGE

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 279

November 13, 1950

The Alcoholic Beverage Control Board met in Executive Session in its offices on Thursday, October 19, 1950, and adopted Regulation LCS-81, a copy of which is to be filed with the Secretary of State, All members being present, namely; Honorable Guy C. Shearer, Chairman, Honorable John E. Kirksey, and Honorable Julian G. Elliott, Members, The said regulation provides as follows:

LCS-81

Re: Limit on Retail Drink Liquor Licenses

KRS 241, 060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241, 060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, the Alcoholic Beverage Control Board has made a study of Jefferson County, Kentucky, as to the number of Retail Drink Liquor Licenses that should be granted for said County of Jefferson, and

WHEREAS, it is the expressed intention of the Alcoholic Beverage Control Board by this order to approve and to permanently settle on a population, self-regulating basis, all questions, present and future, relative to the issuance of Retail Drink Liquor Licenses on a quota basis for Jefferson County, Kentucky, and

WHEREAS, the Board is of the opinion that the limitation of the number of Retail Drink Liquor Licenses in Jefferson County is in the public interest, and will materially contribute to the public welfare,

IT IS THEREFORE ORDERED that in said county there shall be issued not more than one (1) Retail Drink Liquor License for every 1500 population. In order that a fixed and approved standard of population may be adopted, the Alcoholic Beverage Control Board adopts the Louisville Chamber of Commerce annual estimate of the population for Jefferson County, in every year except a census year, and during a census year the United States Government's census figures of population shall be controlling. At the date of the issuance of this regulation, the population of Jefferson County is figured for the purpose of this regulation at 486,735 persons,

Any and all regulations in conflict herewith are rescinded to the extent of such conflict,

This the 13th day of November, 1950.

ALCOHOLIC BEVERAGE CONTROL BOARD



Guy C. Shearer, Chairman and Commissioner

APPROVED AS TO LEGALITY

A. E. Funk,
The Attorney General

BY: /s/ A. E. Funk

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 278

November 3, 1950

The Alcoholic Beverage Control Board met in executive session in its offices on Thursday, October 19, 1950, and adopted Regulation LCS-80, a copy of which is to be filed with the Secretary of State. All members being present, namely: Honorable Guy C. Shearer, Chairman, Honorable John E. Kirksey and Honorable Julian G. Elliott, Members. The said regulation provides as follows:

LCS-80

Re: Limit on Retail Package Liquor Licenses
KRS 241.060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241.060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, this Board did not and does not want its orders #267 and #268 construed as being ex post facto, and

WHEREAS, it was the expressed intention of the Alcoholic Beverage Control Board by its orders number 267 and 268, adopted July 24, 1950, I. to approve and to permanently settle on a population self-regulating basis all questions present and future, relative to retail package liquor license quotas for Jefferson County, Kentucky, and

WHEREAS, it was the intention of the Board to further exempt the applications of all applicants for Retail Package Liquor Licenses on file as of July 21, 1950, II. and all retail package liquor licensees holding license in said county on said date from any restriction in Orders 267 and 268 that could be construed as prohibiting the issuance of any retail package license issued prior to July 21, 1950, and

WHEREAS, questions of interpretation have arisen concerning Orders No. 267 and 268 that the Board desires to and does hereby clarify:

IT IS THEREFORE ORDERED that to eliminate any question of the Board's intention in regard to the quota restriction on the applications of the following applicants known by the Board to be on file as of July 21, 1950, or to be pending in court on said date:

Allan K. Cook, Mike W. Crimmins
and Arthur Voll
DBA Old Kentucky Tavern
2352 Lexington Road
Louisville, Kentucky

Frank Ahmann
612 Baxter Avenue
Louisville, Kentucky

Salvatore Passafiume
1005 West Broadway
Louisville, Kentucky

Clarence E. Patton
DBA Trianon Nite Club
3902 7th Street Road
Louisville, Kentucky

Joseph Krenitz
802 South Clay Street
Louisville, Kentucky

Henry Waldman
DBA Post Office Drug Store
632 West Broadway
Louisville, Kentucky

the Retail Package Liquor License Quota for Jefferson County, be, and the same is hereby raised to three hundred (345) forty-five.

IT IS FURTHER ORDERED that in the event the Board does not issue licenses to any of the aforementioned applicants, or to applicants having a like status but unknown to the Board at this time, then, in that event, the quota being set in this order is to be reduced proportionately. The issuance of all licenses to applicants for Retail Package Liquor Licenses reaching the Department after July 21, 1950, shall be controlled on the basis of population as provided by Orders No. 267 and 268.

Any and all regulations in conflict herewith are rescinded to the extent of such conflict.

This the 3rd day of November, 1950.

ALCOHOLIC BEVERAGE CONTROL BOARD

Guy C. Shearer
GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:

A. E. FUNK
THE ATTORNEY GENERAL

BY: /s/ A. E. Funk

ALCOHOLIC BEVERAGE CONTROL BOARD

ORDER NO. 255

June 14, 1950

The State Alcoholic Beverage Control Board met in executive session on June 14, 1950, and amended Regulation LCS-24 insofar as it pertains to McCracken County, Kentucky. Members present: Honorable Guy C. Shearer, Chairman, Honorable John E. Kirksey and Honorable Julian G. Elliott, Members. The said regulation provides as follows:

LCS-64

Re: Limit on Retail Liquor Licenses
KRS 241.060

REGULATION

Pursuant to the authority vested in the Alcoholic Beverage Control Board by Section 241.060 of the Kentucky Revised Statutes, the following regulation is adopted:

WHEREAS, the Alcoholic Beverage Control Board has carefully considered the number of licenses that are now in existence in McCracken County, Kentucky, and

WHEREAS, the Board has carefully studied the population, the location and the area of the licenses now existing in said McCracken County, and

WHEREAS, the Board is of the opinion that the limiting of the number of Retail Package Distilled Spirits Licenses in McCracken County to the number hereinafter set out is in the public interest and will materially contribute to the public welfare, and

WHEREAS, the present Alcoholic Beverage Control Board has had its records of Retail Distilled Spirits Licenses for McCracken County checked and rechecked during the past eight months to determine the exact number of licenses that have been issued and renewed;

IT IS, THEREFORE, ORDERED that the existing Retail Package Liquor License quota for the County of McCracken, be, and the same is hereby raised from thirty-eight (38) to thirty-nine (39).

Any and all regulations in conflict herewith are rescinded to the extent of such conflict.

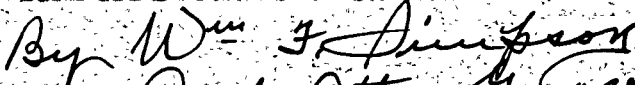
This the 14th day of June, 1950.

ALCOHOLIC BEVERAGE CONTROL BOARD


Guy C. Shearer, Chairman

APPROVED AS TO LEGALITY:

A. E. FUNK,
THE ATTORNEY GENERAL

By 
Asst. Atty. General

IT IS, THEREFORE, ORDERED that the existing Retail Package Distilled Spirits quota for McCracken County, be, and the same is hereby raised from thirty-six (36) to thirty-eight (38) Retail Package Liquor Licenses.

ANY AND ALL regulations in conflict herewith are rescinded to the extent of such conflict.

This the 2nd day of December, 1948.

ALCOHOLIC BEVERAGE CONTROL BOARD


GUY C. SHEARER, CHAIRMAN

APPROVED AS TO LEGALITY:

A. E. PUNK,
THE ATTORNEY GENERAL

By 
WILLIAM F. SIMPSON
ASSISTANT ATTORNEY GENERAL