

Ordinance Number 492

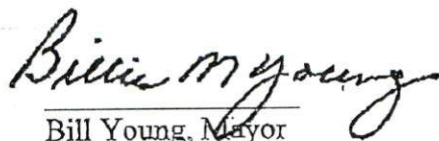
ORDINANCE TO AMEND SECTIONS 114.40(A), 114.40(B) AND 114.77(A)
AS IT RELATES TO SUNDAY SALE OF DISTILLED SPIRITS, WINE AND MALT
BEVERAGES BY THE DRINK FROM 12 NOON TO 9 P.M.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORGANFIELD,
UNION COUNTY, KENTUCKY THAT SECTIONS 114.40(A), 114.40(B) AND 114.77(A)
OF THE CITY OF MORGANFIELD CODE OF ORDINANCES IS HEREBY AMENDED
AS FOLLOWS:

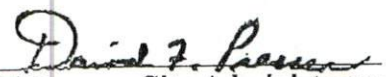
Section 114.40(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 12:00 a.m. prevailing time on any day except Sunday when the hours will be 12 noon to 9:00 p.m. for the sale by drink will be allowed to restaurants having 50% or more of their sales from food. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

Section 114.40(B) During the hours before 6:00 a.m. and after 12:00 a.m. prevailing time on any day except Sunday when the hours will be 12 noon to 9:00 p.m. for the sale by drink will be allowed to restaurants having 50% or more of their sales from food and the hours when any polls are open in the city on any election day, no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transaction authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city license was issued. All other persons shall vacate the licensed premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

Section 114.77(A) Retail sale for consumption on licensed premises. Premises for which there had been granted a license for the retail sales of alcoholic beverages by the drink, shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 midnight each weekday and 12 noon and 9:00 p.m. on Sunday if a restaurant having 50% or more of their sales from food. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city on Christmas day or any time when the polls are open for any election in the precinct in which the license is granted. However, if the 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 alcoholic beverages and if the department is kept locked during the foregoing time he or she is not permitted to remain open to sell alcoholic beverages, he or she shall be deemed to have complied with this division (A).


Bill Young, Mayor

Attest:


David Presser, City Administrator

1st Reading: October 27, 2011

2nd Reading: November 17, 2011

Published November 23, 2011

Morganfield - Business Regulations**SALE OF ALCOHOLIC BEVERAGES****§ 114.40 HOURS.**

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day. 12:4 AM

(B) During the hours before 6:00 a.m. and after 2:30 a.m. prevailing time on any day except Sunday, and the hours when any polls are open in the city on any election day, no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased. 12:4 AM

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

Penalty, see § 114.99

§ 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith. Penalty, see § 114.99

26B

Morganfield - Business Regulations**§ 114.77 HOURS OF SALE.**

(A) *Retail sale for consumption on licensed premises.* Premises for which there had been granted a license for the retail sales of alcoholic beverages by the drink, shall be permitted to remain open between the hours of 11:00 a.m. and 12:00 midnight each weekday but shall be closed during the 24 hours of each Sunday, Christmas and at any time when the polls are open for any election in the precinct in which the license is granted. However, if the 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 alcoholic beverages and if the department is kept locked during the foregoing time he or she is not permitted to remain open to sell alcoholic beverages, he or she shall be deemed to have complied with this division (A).

(B) *Violations; revocation or suspension of licenses.* Any licensee for sales of alcoholic beverages by the drink who remains open for business at any time except the hours permitted under this section shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this subchapter and § 90.99(F) and his or her license shall be subject to revocation or suspension within the discretion of the Alcoholic Beverage Control Administrator.

(C) *Control of premises during closing hours.* During the closing hours, the premises of any licensee for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his or her employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purpose.

(D) *Wholesale deliveries on Sundays prohibited.* There shall be no delivery by wholesalers of alcoholic beverages on Sunday.

(E) *Hours of sale; exceptions; requirements.* A premise that can demonstrate to the city Alcoholic Beverage Control Administrator that the gross sales of the restaurant from the sale of food for consumption on the premises is not less than 50% of the total gross sales of the licensed restaurant for the annual license period shall be allowed to remain open during non-permitted hours; however, sale of alcoholic beverages shall not be permitted.

(Ord. 431, passed 6-27-02) Penalty, see § 114.99

§ 114.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter for which no penalty is otherwise provided, shall, upon conviction thereof in a court of competent jurisdiction, be guilty of a misdemeanor and sentenced to pay a fine for each offense or violation of no more than \$500.

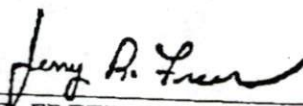
(B) Any person who violates the distillers license fee provision of § 114.20 shall, upon conviction and in accordance with KRS 243.990(2), be sentenced to pay a fine of not less than \$100 nor more than \$200, or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than \$200 nor more than \$500, or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000, or sentenced to imprisonment for not more than five years, or both.

ORDINANCE NO. 457

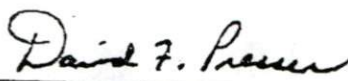
AN ORDINANCE ESTABLISHING A SPECIAL
PRIVATE CLUB LICENSE FOR CITY OF MORGANFIELD, KENTUCKY

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MORGANFIELD,
UNION COUNTY, KENTUCKY:

1. That it hereby authorizes, pursuant to KRS 243.070 and KRS 243.270, the issuance of a special private club license to any nonprofit social, fraternal, military or political organization or club, with a National and or State charter, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded, which 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; provided, however, that said licensee is and remains in compliance with all laws and regulations of the Commonwealth of Kentucky and its agency.
2. That the annual license fee payable to the City of Morganfield for said special club license shall be \$300.00, payable on a fiscal year (July 1 – June 30) basis.
3. That the Ordinance shall take effect from and after its passage, approval and publication as required by law.


JERRY R. FREER, MAYOR

ATTEST:


DAVID PRESSER
CITY ADMINISTRATOR

1st Reading: February 23, 2006

2nd Reading: March 23, 2006

Published: March 29, 2006

CHAPTER 114: ALCOHOLIC BEVERAGES

Section

General Provisions

- 114.01 Definitions

Licenses

- 114.20 Classification of licenses; fee schedule
114.21 Form, content of city license
114.22 Application; issuance
114.23 Approval of application
114.24 Denial of application
114.25 Transfer of license
114.26 Premises selling groceries, gasoline, and the like prohibited from obtaining license

Sale of Alcoholic Beverages

- 114.40 Hours
114.41 Compliance with regulations and prohibitions
114.42 Maintenance of state license
114.43 Display of required licenses and certain signs
114.44 Criminal conduct on premises prohibited
114.45 Conducting business with minor
114.46 Illegal sexual conduct, exposure of human body
114.47 Business to be conducted continuously; exceptions

Administration and Enforcement

- 114.60 Alcoholic Beverage Control Administrator
114.61 Right of entry; search and seizure
114.62 Suspension, revocation of license

Sale of Distilled Spirits by the Drink

- 114.70 Aid to economic growth
114.71 Definitions
114.72 Premises to be licensed; limitations
114.73 Territory limits
114.74 License fee
114.75 Regulatory fee
114.76 Confiscation authorized if violations occur
114.77 Hours of sale

114.99 Penalty

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GENERAL PROVISIONS**§ 114.01 DEFINITIONS.**

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

(1) **BOARD.** The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

(2) **CITY ADMINISTRATOR.** The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to § 114.60.

(3) **CITY LICENSE.** A license established and authorized pursuant to the terms hereof.

(4) **CITY LICENSEE.** A person who has been issued a city license pursuant to the terms hereof.

(5) **KRS.** Kentucky Revised Statutes.

(6) **PERSON.** Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

(7) **PREMISES.** The premises described in the city license issued pursuant to the terms hereof and the application therefor.

(8) **STATE.** The Commonwealth of Kentucky.

(9) **STATE LICENSE.** A license authorized by KRS 243.030 to 243.670.

(10) **TRAFFIC IN ALCOHOLIC BEVERAGES.** Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

LICENSES**§ 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.**

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant

to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefor:

License Description	Statutory Authorization (KRS §)	Statutory Description of Authorized Business and Transactions (KRS §)	Annual Expiration Date (KRS § 243.090)	Fee (Per Annum)
Distilled Spirits and Wine Licenses				
Distillers	243.030(1) 243.070	243.120 243.130	June 30	\$ 500
Rectifier	243.030(2)	243.120 243.130	June 30	3000
Blenders	243.030(3)	243.140	June 30	3000
Wholesaler	243.030(6)	243.160 243.170	June 30	3000
Retail package	243.030(7)	243.240	June 30	400
Retail drink	243.030(8)	243.250	June 30	1000
Special temporary	243.030(16)	243.260	NA	1/6 of retail package license fee above per month
Special private club	243.030(17)	243.270	June 30	300
Special Sunday retail drink	243.030(18), 243.070	243.290	June 30	\$300
Nonresident special agent	243.030(19)	243.340	June 30	40
Wine, by the drink	243.030(8)	243.250	June 30	50

<i>License Description</i>	<i>Statutory Authorization (KRS §)</i>	<i>Statutory Description of Authorized Business and Transactions (KRS §)</i>	<i>Annual Expiration Date (KRS § 243.090)</i>	<i>Fee (Per Annum)</i>
Malt Beverage Licenses				
Brewers	243.040(1), 243.070	243.150	June 30	500
Microbrewery	243.040(2)	243.157	June 30	500
Distributors	243.040(3)	243.180	June 30	25
Retailers New applicants	243.040(4), 243.070	243.280	June 30	50
Renewal	243.040(4)	243.280	June 30	50
Special temporary	243.040(7)	243.290	NA	25 per month

(Am. Ord. 441, passed 3-25-04) Penalty, see § 114.99

§ 114.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

(1) Comply with all of the provisions for state licenses required by KRS 243.440; and

(2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

§ 114.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk and renewed by him or her upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The

form and content of such application shall be prescribed by regulation of the City Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

(1) All information required by KRS 243.390 to be contained in the application for state licenses.

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names, addresses, photographs, and fingerprints of the applicant and all shareholders, officers, agents, servants, and employees thereof.

(B) The approval of the applicant, the application, and the premises described therein by the City Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

§ 114.23 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original city license and 15 days of the date of an application for renewal of a city license, the City Administrator shall, by mail or personal delivery

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thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

§ 114.24 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the City Administrator shall not approve any application for a city license if:

(A) The applicant, the application, or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages;

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false; or

(E) In the exercise of sound discretion, the City Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City Administrator shall consider in the exercise of his discretion are: public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

§ 114.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.

Penalty, see § 114.99

§ 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

SALE OF ALCOHOLIC BEVERAGES**§ 114.40 HOURS.**

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

(B) During the hours before 6:00 a.m. and after 2:30 a.m. prevailing time on any day except Sunday, and the hours when any polls are open in the city on any election day, no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

Penalty, see § 114.99

§ 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith. Penalty, see § 114.99

§ 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 114.99

§ 114.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to Five Hundred (\$500.00) Dollars if they:

- a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or
- b. Possess, purchase or attempt to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 114.99

Statutory reference:

Display of state license required, see KRS 243.620, 244.270, and 244.360

§ 114.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any law, rule, or regulation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

Penalty, see § 114.99

§ 114.45 CONDUCTING BUSINESS WITH MINOR.

As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage, or engage in any of the following actions in the city:

(A) The possession or consumption of any alcoholic beverages by any person under 21 years of age in or upon any licensed premises or public places; and

(B) The misrepresentation of the name, address, age, or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

Penalty, see § 114.99

§ 114.46 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

(1) The nipple of the female breast.

(2) The female breast below the nipple.

(3) The genitalia.

(4) The pubic hair.

(5) The anus.

Penalty, see § 114.99

§ 114.47 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

ADMINISTRATION AND ENFORCEMENT

§ 114.60 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

As required by KRS 241.160, the office of Alcoholic Beverage Control Administrator is hereby established.

§ 114.61 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

§ 114.62 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, vintners, brewers, and blenders: \$1000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$400 per day; any license which by its terms authorizes the sale of liquor by the drink: \$50 per day; retail package liquor licensees: \$50 per day; retail beer licensees: \$25 per day; and all remaining licensees: \$10 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto

at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

SALE OF DISTILLED SPIRITS BY THE DRINK

§ 114.70 AID TO ECONOMIC GROWTH.

The City of Morganfield, pursuant to KRS 242.185, after due consideration, hereby determines that:

(A) An economic hardship exists within the boundary confines of the city; and

(B) Permitting the sale of distilled spirits and wine by the drink on certain premises can aid the economic growth of the city.

(Ord. 431, passed 6-27-02)

§ 114.71 DEFINITIONS.

For the purpose of this subchapter, unless the context otherwise requires, words, phrases, and terms shall be defined as provided in KRS 241.010.

(Ord. 431, passed 6-27-02)

§ 114.72 PREMISES TO BE LICENSED; LIMITATIONS.

(A) *Licenses required for sale.* No person shall sell or dispense at retail, or have in his or her possession for sale, any alcoholic beverages, nor manufacture or transport any alcoholic beverages in the city unless he or she shall first procure and have issued to him or her a license under the provisions of this subchapter and all statutes of the Commonwealth of Kentucky and regulations adopted pursuant to this subchapter.

(B) *Sale of alcoholic beverages by the drink.* A special retail drink license for the sale of distilled spirits by the drink shall be issued only on the following conditions:

(1) Hotels, motels, or inns must have not less than 50 sleeping units and dining facilities for not less than 100 persons. Restaurants must be bona fide restaurant establishments, open to the general public and having dining facilities for not less than 100 persons.

(2) Bona fide restaurants are restaurants which derive at least 50% of their total gross receipts from the sale of food.

(3) Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility and food service permit from the Health Department.

(4) All alcoholic beverages must be consumed on the premises.

(5) No licensee shall require a minimum cover charge or charge admission to the premises.

(6) All licensees shall conduct alcohol awareness training twice yearly and the certificate for same must be available to the alcohol beverage control enforcement officer.

(7) Each restaurant licensee shall file with the city's alcohol beverage control enforcement officer every six months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages.

(Ord. 431, passed 6-27-02) Penalty, see § 114.99

§ 114.73 TERRITORY LIMITS.

Inasmuch as the city has the ability to adequately police the licensed premises, within the city limits, the license issuance herein permitted shall include those areas located in the confines of the City of Morganfield where the sale of distilled spirits and wine is not prohibited otherwise by law, or areas of prohibition as provided by KRS 242.230.

(Ord. 431, passed 6-27-02)

§ 114.74 LICENSE FEE.

A license issued to hotels, motels, inns or restaurants that meet the regulations and restrictions contained herein shall be charged a fee of \$600 per annum for the license.

(Ord. 431, passed 6-27-02)

§ 114.75 REGULATORY FEE.

An annual regulatory fee of \$500 shall be charged. It is deemed that the sums so raised are essential and necessary to fully reimburse the city for the reasonably estimated expenses of additional policing, regulatory and administrative related expenses. The fee shall be in addition to any other taxes, fees or licenses permitted by law.

(Ord. 431, passed 6-27-02)

§ 114.76 CONFISCATION AUTHORIZED IF VIOLATIONS OCCUR.

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

(Ord. 431, passed 6-27-02)

§ 114.77 HOURS OF SALE.

(A) *Retail sale for consumption on licensed premises.* Premises for which there had been granted a license for the retail sales of alcoholic beverages by the drink, shall be permitted to remain open between the hours of 11:00 a.m. and 12:00 midnight each weekday but shall be closed during the 24 hours of each Sunday, Christmas and at any time when the polls are open for any election in the precinct in which the license is granted. However, if the 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 alcoholic beverages and if the department is kept locked during the foregoing time he or she is not permitted to remain open to sell alcoholic beverages, he or she shall be deemed to have complied with this division (A).

(B) *Violations; revocation or suspension of licenses.* Any licensee for sales of alcoholic beverages by the drink who remains open for business at any time except the hours permitted under this section shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this subchapter and § 90.99(F) and his or her license shall be subject to revocation or suspension within the discretion of the Alcoholic Beverage Control Administrator.

(C) *Control of premises during closing hours.* During the closing hours, the premises of any licensee for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his or her employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purpose.

(D) *Wholesale deliveries on Sundays prohibited.* There shall be no delivery by wholesalers of alcoholic beverages on Sunday.

(E) *Hours of sale; exceptions; requirements.* A premise that can demonstrate to the city Alcoholic Beverage Control Administrator that the gross sales of the restaurant from the sale of food for consumption on the premises is not less than 50% of the total gross sales of the licensed restaurant for the annual license period shall be allowed to remain open during non-permitted hours; however, sale of alcoholic beverages shall not be permitted.

(Ord. 431, passed 6-27-02) Penalty, see § 114.99

§ 114.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter for which no penalty is otherwise provided, shall, upon conviction thereof in a court of competent jurisdiction, be guilty of a misdemeanor and sentenced to pay a fine for each offense or violation of no more than \$500.

(B) Any person who violates the distillers license fee provision of § 114.20 shall, upon conviction and in accordance with KRS 243.990(2), be sentenced to pay a fine of not less than \$100 nor more than \$200, or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than \$200 nor more than \$500, or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000, or sentenced to imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 114.20 other than as discussed in division (B) above, or any provision of §§ 114.21 through 114.26, 114.40 through 114.42, 114.44, or 114.45(A) shall, upon conviction and in accordance with KRS 243.990(1) and 244.990(1), be fined not less than \$100 nor more than \$200, or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than \$200 nor more than \$500, or be imprisoned for no more than six months, or both.

(D) Any person who violates any provision of § 114.43 shall, upon conviction and in accordance with KRS 244.990(5), be fined not less than \$10 nor more than \$100.

(E) Any person who violates any provision of § 114.45(B) shall, upon conviction and in accordance with KRS 244.990(5) and (6), be fined not less than \$10 nor more than \$100 for misrepresentation of age. For use of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be fined not less than \$50 nor more than \$500 for a first offense. For a second and each subsequent offense, the person shall be fined not less than \$200 nor more than \$2,000.

(F) Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of §§ 114.70 et seq. shall be subject to the penalty as prescribed by KRS 244.990, and/or other applicable statutes.

(Am. Ord. 431, passed 6-27-02)

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CHAPTER 114: ALCOHOLIC BEVERAGES

Section

General Provisions

- 114.01 Definitions

Licenses

- 114.20 Classification of licenses; fee schedule
114.21 Form, content of city license
114.22 Application; issuance
114.23 Approval of application
114.24 Denial of application
114.25 Transfer of license
114.26 Premises selling groceries, gasoline, and the like prohibited from obtaining license

Sale of Alcoholic Beverages

- 114.40 Hours
114.41 Compliance with regulations and prohibitions
114.42 Maintenance of state license
114.43 Display of required licenses and certain signs
114.44 Criminal conduct on premises prohibited
114.45 Conducting business with minor
114.46 Illegal sexual conduct, exposure of human body
114.47 Business to be conducted continuously; exceptions

Administration and Enforcement

- 114.60 Alcoholic Beverage Control Administrator
114.61 Right of entry; search and seizure
114.62 Suspension, revocation of license

114.99 Penalty

GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

- (1) **BOARD.** The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.
- (2) **CITY ADMINISTRATOR.** The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to § 114.60.
- (3) **CITY LICENSE.** A license established and authorized pursuant to the terms hereof.
- (4) **CITY LICENSEE.** A person who has been issued a city license pursuant to the terms hereof.
- (5) **KRS.** Kentucky Revised Statutes.
- (6) **PERSON.** Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.
- (7) **PREMISES.** The premises described in the city license issued pursuant to the terms hereof and the application therefor.
- (8) **STATE.** The Commonwealth of Kentucky.
- (9) **STATE LICENSE.** A license authorized by KRS 243.030 to 243.670.
- (10) **TRAFFIC IN ALCOHOLIC BEVERAGES.** Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

LICENSES

§ 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefor:

<i>License Description</i>	<i>Statutory Authorization (KRS §)</i>	<i>Statutory Description of Authorized Business and Transactions (KRS §)</i>	<i>Annual Expiration Date (KRS § 243.090)</i>	<i>Fee (Per Annum)</i>
<i>Distilled Spirits and Wine Licenses</i>				
Distillers	243.030(1) 243.070	243.120 243.130	June 30	\$ 500
Rectifier	243.030(2)	243.120 243.130	June 30	3000
Blenders	243.030(3)	243.140	June 30	3000
Wholesaler	243.030(6)	243.160 243.170	June 30	3000
Retail package	243.030(7)	243.240	June 30	400
Retail drink	243.030(8)	243.250	June 30	1000
Special temporary	243.030(16)	243.260	NA	1/6 of retail package license fee above per month
Special private club	243.030(17)	243.270	June 30	300
Special Sunday retail drink	243.030(18), 243.070	243.290	June 30	\$300
Nonresident special agent	243.030(19)	243.340	June 30	40
<i>WINE</i> <i>Malt Beverage Licenses</i> <i>56-</i>				
Brewers	243.040(1), 243.070	243.150	June 30	500
Microbrewery	243.040(2)	243.157	June 30	500
Distributors	243.040(3)	243.180	June 30	25
Retailers				
New applicants	243.040(4), 243.070	243.280	June 30	50
Renewal	243.040(4)	243.280	June 30	50
Special temporary	243.040(7)	243.290	NA	25 per month

Penalty, see § 114.99

§ 114.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

(1) Comply with all of the provisions for state licenses required by KRS 243.440; and

(2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

§ 114.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk and renewed by him upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

(1) All information required by KRS 243.390 to be contained in the application for state licenses.

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names, addresses, photographs, and fingerprints of the applicant and all shareholders, officers, agents, servants, and employees thereof.

(B) The approval of the applicant, the application, and the premises described therein by the City Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

§ 114.23 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original city license and 15 days of the date of an application for renewal of a city license, the City Administrator shall, by mail or personal delivery

thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

§ 114.24 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the City Administrator shall not approve any application for a city license if:

(A) The applicant, the application, or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages;

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false; or

(E) In the exercise of sound discretion, the City Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City Administrator shall consider in the exercise of his discretion are: public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

§ 114.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.

Penalty, see § 114.99

§ 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

SALE OF ALCOHOLIC BEVERAGES**§ 114.40 HOURS.**

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

(B) During the hours before 6:00 a.m. and after 2:30 a.m. prevailing time on any day except Sunday, and the hours when any polls are open in the city on any election day, no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

Penalty, see § 114.99

§ 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith. Penalty, see § 114.99

§ 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 114.99

§ 114.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to Five Hundred (\$500.00) Dollars if they:

- a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or
- b. Possess, purchase or attempt to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 114.99

Statutory reference:

Display of state license required, see KRS 243.620, 244.270, and 244.360

§ 114.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any law, rule, or regulation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

Penalty, see § 114.99

§ 114.45 CONDUCTING BUSINESS WITH MINOR.

As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage, or engage in any of the following actions in the city:

(A) The possession or consumption of any alcoholic beverages by any person under 21 years of age in or upon any licensed premises or public places; and

(B) The misrepresentation of the name, address, age, or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

Penalty, see § 114.99

§ 114.46 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

(1) The nipple of the female breast.

(2) The female breast below the nipple.

(3) The genitalia.

(4) The pubic hair.

(5) The anus.

Penalty, see § 114.99

§ 114.47 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

ADMINISTRATION AND ENFORCEMENT

§ 114.60 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

As required by KRS 241.160, the office of Alcoholic Beverage Control Administrator is hereby established.

§ 114.61 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

§ 114.62 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, vintners, brewers, and blenders: \$1000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$400 per day; any license which by its terms authorizes the sale of liquor by the drink: \$50 per day; retail package liquor licensees: \$50 per day; retail beer licensees: \$25 per day; and all remaining licensees: \$10 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which

the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

§ 114.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter for which no penalty is otherwise provided, shall, upon conviction thereof in a court of competent jurisdiction, be guilty of a misdemeanor and sentenced to pay a fine for each offense or violation of no more than \$500.

(B) Any person who violates the distillers license fee provision of § 114.20 shall, upon conviction and in accordance with KRS 243.990(2), be sentenced to pay a fine of not less than \$100 nor more than \$200, or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than \$200 nor more than \$500, or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000, or sentenced to imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 114.20 other than as discussed in division (B) above, or any provision of §§ 114.21 through 114.26, 114.40 through 114.42, 114.44, or 114.45(A) shall, upon conviction and in accordance with KRS 243.990(1) and 244.990(1), be fined not less than \$100 nor more than \$200, or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than \$200 nor more than \$500, or be imprisoned for no more than six months, or both.

(D) Any person who violates any provision of § 114.43 shall, upon conviction and in accordance with KRS 244.990(5), be fined not less than \$10 nor more than \$100.

(E) Any person who violates any provision of § 114.45(B) shall, upon conviction and in accordance with KRS 244.990(5) and (6), be fined not less than \$10 nor more than \$100 for misrepresentation of age. For use of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be fined not less than \$50 nor more than \$500 for a first offense. For a second and each subsequent offense, the person shall be fined not less than \$200 nor more than \$2,000.

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