

ORDINANCE NO. 11-2013

1ST READING 10-15-13
2ND READING 11-19-13

AN ORDINANCE AMENDING THE COMPREHENSIVE REGULATORY
ORDINANCE FOR THE CONTROL, LICENSING, OPERATION,
ADMINISTRATION, AND ENFORCEMENT OF THE SALE OF ALCOHOLIC
BEVERAGES BY THE DRINK, ORDINANCE NO. 168-90

WHEREAS, the City of Mt. Sterling adopted a Comprehensive Regulatory Ordinance for the Control, Licensing, Operation, Administration, and Enforcement of the Sale of Alcoholic Beverages by the drink on June 19, 1990, said Ordinance Number being 168-90; and

WHEREAS, there is a need for the City of Mt. Sterling to amend said Ordinances to comply with certain new provisions of legislation affecting regulation of alcoholic beverages recently enacted by the Kentucky General Assembly;

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Ordinance No. 168-90 is hereby amended as follows:

1. SECTION 11. EXPIRATION DATE; DATE FEES DUE; FRACTIONAL FEES is HEREBY REPEALED. Such topics shall be addressed in SECTION 12 as amended.

2. SECTION 12. ~~PAYMENT OF LICENSE FEES.~~ The fee for said license as set out in this ordinance shall be \$250.00.

CLASSIFICATION OF LICENSES: FEE SCHEDULE.

(A) For the privilege of trafficking 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 transaction authorized and permitted thereby are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be as indicated in the following schedule.

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ALCOHOL
BEVERAGE CONTROL

(B) The license year shall be July 1 of each year through June 20 of the following year. Licenses may be issued for less than the full license year upon payment of the proportion of the annual license fee equal to 1/12 times the number of months or fraction of a month remaining in the license year; provided that the minimum license fee shall be one-half of the annual license fee. All licenses shall expire on June 30 of each year regardless of when the license was issued. Application for renewal shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 8.

(C) No person shall traffic in alcoholic beverages within the city without both a valid city license and a valid state license therefor:

DISTILLED SPIRITS AND WINE LICENSES

<u>License Description</u>	<u>Statutory Authorization</u>	<u>Statutory Description</u>	<u>Fee Per Annum</u>
<u>NQ2-Retail Drink License (liquor/wine/beer)</u>	<u>KRS 243.070(2)(a)</u>	<u>KRS 243.120</u>	<u>\$250.00</u>
<u>Quota Retail Package</u>	<u>KRS 243.070(2)(d)</u>	<u>KRS 243.240</u>	<u>\$600.00</u>

MALT BEVERAGE LICENSES

<u>License Description</u>	<u>Statutory Authorization</u>	<u>Statutory Description</u>	<u>Fee Per Annum</u>
<u>NQ4- Retail Malt Beverage Drink License</u>	<u>KRS 243.070(13)(c)</u>	<u>KRS 243.088</u>	<u>\$200.00</u>

3. SECTION 19 ENFORCEMENT. City police officers and the City ABC Administrator are authorized to enforce this Ordinance for alleged violations. Further the powers and duties of the City ABC Administrator shall be the same with respect to

city distilled spirits and wine licenses and malt beverage licenses and regulations as the State Alcoholic Beverage Control Board as created by KRS 241.030 with respect to state licenses and regulations, except that no regulation adopted by the city may be less stringent than the statutes relating to alcoholic beverage control, or than the regulations of the State Alcoholic Beverage Control Board.

4. Any and all Ordinances in conflict with this Ordinance shall be, and thereby are repealed to the extent of said conflict.

This Ordinance shall become effective and amend Ordinance No. 168-90 upon passage after the second reading and publication.


GARY WILLIAMSON, MAYOR

ATTEST:


JEANETTE BERTRAM, CITY CLERK

November 19, 2013
DATE

08/03/2012 WED 1:41 PM
ORDINANCE NO. 7 -2012

1ST READING 8-21-12
2ND READING 9-18-12

AN ORDINANCE AMENDING THE COMPREHENSIVE REGULATORY
ORDINANCE FOR THE CONTROL, LICENSING, OPERATION,
ADMINISTRATION, AND ENFORCEMENT OF THE SALE OF ALCOHOLIC
BEVERAGES BY THE DRINK, ORDINANCE NO. 168-90 AND ORDINANCE NO.
340-99 ESTABLISHING OPERATING HOURS FOR LICENSED PREMISES TO
SALE LIQUORE BY THE DRINK

WHEREAS, the City of Mt. Sterling adopted a Comprehensive Regulatory Ordinance for the Control, Licensing, Operation, Administration, and Enforcement of the Sale of Alcoholic Beverages by the drink on June 19, 1990, said Ordinance Number being 168-90; and

WHEREAS, the City of Mt. Sterling amended Ordinance No. 168-90 on June 16, 1999, with Ordinance Number 340-99, amending the hours licensed premises could remain open for Liquor by the Drink Sales; and

WHEREAS, the City of Mt. Sterling wishes to amend said Ordinances to allow hotels, motels, inns, or restaurants, which are authorized to sell alcoholic beverages by the drink under KRS 242.185(3), to also sell alcoholic beverages by the drink on Sundays;

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Ordinance No. 168-90 and Ordinance No. 340-99 are hereby amended to state as follows:

SECTION 17. HOURS FOR THE SALE. Premises licensed under this chapter may remain open for business daily from 9:00 a.m. until midnight, prevailing time Monday through Saturday. ~~[original ordinance stated 2:00 a.m. prevailing time and shall have their last call for drinks at 1:30 a.m. except no sale of alcoholic beverages by the drink as called for herein may be made after midnight on Saturday (original ordinance stated 2:00 a.m. on Sunday) until 9:00 a.m. on Monday and]~~ Said licensed premises shall be closed during the hours that election polls are open on election day.

Premises licensed under Ordinance No. 168-90 and KRS Chapter 242 may apply for a limited Sunday drink license for the limited sale of distilled spirits and wine by the drink on Sundays from 1:00 pm until 9:00 p.m. if:

1. The limited Sunday drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under KRS 242.185(3) (hotels, motels, or inns containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons; and
2. The holders of distilled spirits and wine retail drink licenses have applied to the state director and meet all other legal requirements for obtaining a limited Sunday liquor by the drink license.

This Ordinance shall become effective and amend Ordinance No. 168-90 and Ordinance No. 340-99 upon passage after the second reading and publication.


GARY WILLIAMSON, MAYOR

ATTEST:


JEANETTE BERTRAM, CITY CLERK

September 18, 2012
DATE

WHEREAS, in order to protect and promote the health, safety and welfare of the citizens of Mt. Sterling, increase public education and awareness, reduce the consumption of and access to alcoholic beverages by persons under the age of twenty-one (21), reduce the risk of liability to persons, restaurants, and businesses licensed for the sale of alcoholic beverages that are associated with alcohol impairment and to improve the overall quality of life in the City of Mt. Sterling, it is the desire and intention of the City Council to adopt an ordinance requiring all persons licensed for or employed in the sale of alcoholic beverages to complete a mandatory responsible beverage server training program based on certain minimal criteria that are approved by the Alcoholic Beverage Control Administrator, at least once every three (3) years.

NOW, THEREFORE, BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, as follows:

Section 1. Mandatory responsible alcoholic beverage service training; standards for certification.

(A) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sale and/or service of alcoholic beverages by the drink, including distilled spirits, wine, malt beverages, any other type of liquor and beer, and the retail sale of packaged liquor, shall participate in and complete a mandatory responsible beverage service training program approved by the Alcoholic Beverage Control Administrator of the City of Mt. Sterling or the Alcoholic Beverage Control Administrator's designee. Before approval is granted, the Alcoholic Beverage Control Administrator or his designee shall first be satisfied that the training program is genuine and effectively trains all participants in the following:

(1) Applicable statutes and ordinances regarding the sale of alcoholic beverages;

- (2) Verification of age, forms of identification and recognition of false identification and age documents;
- (3) The human characteristics of alcohol and/or drug intoxication;
- (4) Strategies for the prevention of underage and intoxicated persons consuming alcoholic beverages;
- (5) Potential liability for persons selling or serving alcoholic beverages.

The Alcohol Beverage Control Administrator shall not require enrollment in any particular class or classes, but only require that the training be obtained from a recognized person, program or agency with a bona fide curriculum that is approved by the Alcohol Beverage Control Administrator.

(B) Personnel Certification Records. Each licensee shall maintain written proof of completion of service training on its business premises for each person connected with its business for whom training is required under this ordinance. Training records shall be retained by the licensee for a minimum of three (3) years. Upon request of the Alcoholic Beverage Control Administrator, all licensees and other persons engaged in the sales and/or service of alcoholic beverages by the drink shall present proof of completion of the responsible beverage service training required herein.



(C) All persons required to undergo the training set forth in paragraph (A) above shall complete same within one hundred twenty (120) days of the effective date of this ordinance. New licensees, employees, officers and agents shall complete the mandatory responsible beverage service training within sixty (60) days from the date of employment. Licensees, employees, officers or agents who fail to complete the

mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training. All persons completing the training requirements in this section shall be recertified in responsible beverage service training from a program approved by the Alcohol Beverage Control Administrator or his designee under the foregoing criteria not less than once every three (3) years thereafter.

(D) Penalties:

(1) No person, corporation, association, restaurant, business, club or other entity holding a license or employed in the sale of alcoholic beverages by the drink, including distilled spirits, wine, malt beverages, any other type of liquor and beer, and retail sale of packaged liquor shall intentionally, willfully, knowingly, or wantonly authorize, direct, permit, allow or cause any employee, officer or agent of the licensee who has not completed the mandatory service training required in this section, to sell or serve any alcoholic beverages to anyone on the licensed premises.

(2) Any person, corporation, licensee, association, restaurant, business, club or other entity or any employee thereof, found to be in violation of any subsection of this ordinance, shall upon conviction thereof, be fined in an amount not to exceed One Hundred Dollars (\$100.00); for subsequent violations within a two (2) year period and upon conviction thereof, a fine not to exceed Five Hundred Dollars (\$500.00).

Each day a violation occurs shall constitute a separate offense.

Section 2. Severability.

Each word, phrase, sentence, section, and provision (each "portion") of this Ordinance is hereby declared to be independent and, notwithstanding any other evidence

of legislative intent, it is hereby declared to be the controlling legislative intent that if any portion of said Ordinance, the adoption thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining portions and the application of such portions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such portions would have been passed independently of such portion or portions so held to be invalid.

Section 3. Conflicting code provisions repealed.

Any provision(s) in the City of Mt. Sterling Code of Ordinances specifically in conflict with any provision in this Ordinance is hereby deemed inoperative and repealed. All prior ordinances or parts thereof, in conflict with the provisions of this ordinance, are to the extent of any such conflict, hereby repealed.

This ordinance shall become effective upon passage and publication.


GARY WILLIAMSON, MAYOR

ATTEST:


JOYCE STAKELIN, CITY CLERK

9-21-07
DATE

ORDINANCE NO. 340-99
1ST READING 3/16/99
2ND READING 6/15/99

BE IT ORDAINED by the City of Mt. Sterling, Kentucky, by and through its City Council, that Ordinance Number 168-90, Liquor by the Drink, is hereby amended to state as follows:

"Premises licensed under this chapter may remain open for business daily from 9:00 a.m. until midnight, prevailing time (original ordinance stated 2:00 a.m., prevailing time, and shall have their 'last call for drinks' at 1:30 a.m.), except that no sale of alcoholic beverages by the drink as called for herein may be made after midnight on Saturday (original ordinance stated 2:00 a.m. on Sunday) until 9:00 a.m. on Monday and said licensed premises shall be closed during the hours that election polls are open on election day."


MAYOR


ATTEST

June 16, 1999
DATE

ORDINANCE NO. 264-95
1ST. READING 5-16-95
2ND. READING 6-13-95

AN ORDINANCE RESTRICTING
PACKAGE LIQUOR LICENSE

BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF
MOUNT STERLING, KENTUCKY, that:

No retail package liquor license shall be issued for any premise unless the applicant certifies under oath that ninety (90) percent of the total projected gross receipts from sales made at the licensed premise during the twelve (12) month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages and no such license shall be renewed for any premise unless ninety (90) percent of its gross receipts from sales for the immediate past month and the immediate past twelve (12) months have been derived from the sale of alcoholic beverages.

BE IT FURTHER ORDAINED, that this ordinance does not apply to individuals or businesses that already have liquor license.

This ordinance was passed at the regular City Council meeting held June 13, 1995 and shall become effective upon its passage, approval and publication as required by law.

Alvin W. Baxa
ATTEST

Bert May
MAYOR

1st Reading 5-15-90

Ordinance No. 168-90

2nd Reading 6/19/90

AN ORDINANCE OF THE CITY OF MT. STERLING, KENTUCKY, CREATING A COMPREHENSIVE REGULATORY ORDINANCE FOR THE CONTROL, LICENSING, OPERATION, ADMINISTRATION AND ENFORCEMENT OF THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK, UNDER THE DIRECTIVES OF THIS ORDINANCE AND CREATING DUTIES AND RESPONSIBILITIES ASSOCIATED THEREWITH

WHEREAS, the Kentucky General Assembly, during its 1988 Regular Session adopted Legislation providing for the sale of alcoholic beverages by the drink under a special license; and

WHEREAS, we, the City Council, being the Legislative Body of the City of Mt. Sterling, have determined that an economic hardship exists within the City and that the sale of alcoholic beverages by the drink could aid economic growth; and,

WHEREAS, such legislation has been incorporated into Chapter 242 of the Kentucky Revised Statutes; and,

WHEREAS, the City of Mt. Sterling is a Fourth Class City in which prohibition is not in effect, and, therefore, the provisions of such legislation are related to said City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MT. STERLING, KENTUCKY, AS FOLLOWS:

A. GENERAL

SECTION 1. SHORT TITLE. This Ordinance shall be known and may be cited as the "Economic Development Special Alcoholic Beverages Ordinance" of the City of Mt. Sterling.

SECTION 2. DEFINITIONS. Words used through this Ordinance, unless the context requires otherwise, shall have the same definitions as set out in the Kentucky Alcoholic Beverage Control Law (Chapters 241, 242, 243, and 244 of the Kentucky Revised Statutes) of the Commonwealth of Kentucky, and all amendments and supplements thereto, unless specifically defined herein.

license shall be issued until the matter becomes less final and non-appealable. Said appeal to the Montgomery Circuit Court shall be filed within thirty (30) days after the action of the City Council. Any other applicant for the issuance of a license pursuant to this Section to be issued to a hotel, motel or inn, which shall be eligible if it is found by the City ABC Administrator that said hotel, motel or inn contains not less than fifty (50) sleeping units and has dining facilities for not less than one hundred (100) persons or bona-fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons as defined herein, and upon application, the City ABC Administrator shall immediately inspect personally the premises and file his report with the City Council that said inspection revealed that the applicant in fact had the requisite number of sleeping units and dining facilities and the City Council may thereafter approve the issuance of said license. Any party aggrieved by the action of the City Council in respect to the issuance of said license to a hotel, motel or inn, shall, within thirty (30) days from the action of the Council, file an appeal in the Montgomery Circuit Court; however, since the issuance is based upon the actual on-sight inspection of the City ABC Administrator, the license may issue upon approval by the Council, the appeal notwithstanding.

Nothing contained herein shall be in any way interpreted to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a substantial part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a bonafide restaurant" as defined herein.

It shall be permissible for a licensee, who under K.R.S. 244.330 is permitted to operate one bar, counter or similar contrivance in said licensed premise under said retail drink license, due to modern business practices and the enhancement of economic development and opportunities, particularly associated with meeting or convention business, and the larger interior areas of some licensees, and the recreational facilities directly associated therewith, that it may be necessary to provide for more than one bar with said hotel/motel/inn licensed premises under this Ordinance to effectively serve the patrons at such premises. A supplemental bar shall be allowed to said hotel/motel/inn licensee if such licensee can show the City ABC Administrator the need for such supplemental bar. A supplemental bar license may be issued to a hotel/motel/inn retail drink licensee upon a showing to the City ABC Administrator of good cause and need for the supplemental license, and the license may only be issued for the use on the premises directly associated with the applicant's existing retail drink license as part of the entire business of said license facility.

Section 3. SCOPE. Irrespective of title or headings, the sections of this ordinance shall be construed to apply to the sale of alcoholic beverages by the drink for consumption on premises lying within the boundaries of the City and shall apply to malt beverages, distilled spirits and wine where the context permits such application.

Nothing in this Ordinance shall excuse or relieve a licensee or the agent or employee of any licensee in the City, from the restrictions, requirements and penalties of any other Ordinance or Ordinances of the City or of any Statutes of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages.

SECTION 4. ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.

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

SECTION 5. LICENSES. As used in this section "license" means any premises licensed by the City to sell alcoholic beverages by the drink for consumption on the premises, and relates where applicable to the sale of distilled spirits, wines and/or malt beverages, or any combination thereof.

As used in this section "bonafide restaurant" means a premise which can demonstrate to the City ABC Administrator that the gross sales of the restaurant for the twelve (12) months prior to the applying for said license from the sale of food for consumption on the premises is found to be not less than 50% of the total gross sale of the applicant restaurant. The City ABC Administrator shall review all records which the applicant restaurant must submit as part of its application for a license under this Section, and the City ABC Administrator shall determine if said restaurant meets the criteria contained herein. The applicant shall publish in the local newspaper, having the largest circulation, at least twice within a thirty (30) day period, the intentions of the applicant to apply for said license, and the applicant shall be responsible for the publication fee. Any resident of the City of Mt. Sterling may file with the City ABC Administrator exceptions of the applicant's request and the City ABC Administrator shall conduct a hearing upon said exceptions. The City ABC Administrator shall thereafter reduce his findings and recommendations which shall be presented to the City Council for acceptance, in whole or in part, or rejection in whole or in part. Any party aggrieved by the final action of the City Council may file an appeal with the Montgomery Circuit Court, and no

SECTION 8. APPLICATION.

(a) The City ABC Administrator shall receive and take any action on any application for an original license to sell alcoholic beverages by the drink at any time after August 1, 1990.

(b) Such application shall be subject to the applicant having caused to be published Notice of its application in a newspaper meeting the requirements of KRS Chapter 424.

The advertisement shall state the name and addresses of the members of partnership if the applicant is a partnership, as well as the name of the business and its address, or, if the applicant is a corporation, the names and addresses of the principal offices and directors of the corporation, as well as the name and addresses of the corporation itself, the location of the premises for which the license is sought.

(c) Applications for the issuance of licenses, as set out herein, shall be in writing and upon the forms provided by the ABC Board as amended and supplemented from time to time or if such forms are unavailable, the applicant may provide the information as set out herein in the form of a verified affidavit, which shall serve as an application.

The applicant shall provide a copy of the application or affidavit to the ABC Board in Frankfort, and each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee as set out herein, which shall promptly be given to the City Clerk.

SECTION 9. HEARINGS. Should a request for a hearing be desired, the City ABC Administrator is to hold said hearing, pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(a) Definitions. All words are used as defined in the Alcoholic Beverage Control Law of Kentucky (KRS Chapters 241, 242, 243 and 244), unless otherwise specified.

(b) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the board.

(c) Briefs. Briefs may be filed at the option of the applicant or licensee.

(d) Rules of Evidence. The rules of evidence governing civil proceedings in Courts in the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator;

provided however, that the hearing officer may relax such rules in any case where, in his judgment, the ends of justice will be better served by so doing.

(e) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at request of applicant made with names and addresses of those desired issue with subpoenas.

(f) Transcript. Upon request and at the cost of the applicant or licensee the hearing may be transcribed.

(g) Decisions. All decisions shall be written and based upon the evidence developed at the hearing.

SECTION 10. FORM OF LICENSES. All licenses issued hereto shall contain the following information:

(a) The name and address of the licensee;

(b) The number of the license;

(c) The type of the license;

(d) A description by street and number, or otherwise, of the licensed premises;

(e) The name and address of the owner of the building in which the licensed premises are located;

(f) The expiration date of the license;

(g) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

SECTION 11. EXPIRATION DATE; DATE FEES DUE; FRACTIONAL FEES. All licenses issued pursuant to this Ordinance, shall expire on June the 30th of the year following the year in which said license was issued. Application for renewal of licenses shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 8 above.

SECTION 12. PAYMENT OF LICENSE FEES. The fee for said license as set out in this Ordinance shall be \$ 250.00.

SECTION 13. LOST OR DESTROYED LICENSES. When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the City Clerk after the City ABC Administrator is satisfied as to the facts, provided, however, that the person applying for said duplicate license shall pay a fee of Ten Dollars (\$10.00) for

issuing said duplicate to City Clerk.

SECTION 14. REVOCATION OR SUSPENSION. Any license may be revoked by the City ABC Administrator if the licensee shall have violated any provisions of this Ordinance or Kentucky Revised Statutes 241, 242, 243 or 244 or any rule or regulation promulgated by the ABC Board or by Ordinance by the City Council.

SECTION 15. TRANSFER OR ASSIGNMENT. No license as issued hereunder shall be transferred or assigned either as to a licensee or location except with prior recommendation by the City ABC Administrator and approval of the City Council and not then until a payment of One Hundred Dollars (\$100.00) shall be made to the City Clerk.

SECTION 16. POLICE INSPECTION. Police officers of the Mt. Sterling Police Department shall concurrently have the jurisdiction coextensive with the state alcoholic beverage control administrator and the City ABC Administrator to inspect any premise licensed under this Ordinance. They shall have the power to confiscate any contraband property.

SECTION 17. HOURS FOR THE SALE. Premises licensed under this Ordinance may remain open for business daily from 9:00 a.m. until 2:00 a.m., prevailing time, and shall have thier "last call for drinks" at 1:30 a.m., except that no sale of alcoholic beverages by the drink as called for herein may be made after 2:00 a.m. on Sunday until 9:00 a.m. on Monday and said licensed premises shall be closed during the hours that election polls are open on election.

SECTION 18. CONDITIONS, PROHIBITIONS AND RESTRICTIONS. All licenses granted under this Ordinance shall be subject to the following conditions, prohibitions, and/or restrictions and all other provisions of K.R.S. 241, 242, 243 and 244 other Ordinances and regulations of the City applicable thereto:

(a) Every licensee hotel/motel/inn shall be entitled to serve such beverages as said licensee is entitled to serve under this Ordinance and in such room or rooms at banquets, dinners or where meals are served; however, no hotel/motel/inn shall maintain or operate or permit to be operated more than one bar or room where alcoholic beverages are sold which is open to the general public without first obtaining a separate license for each bar or room which is open to the general public in accordance with this Ordinance.

(b) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted or maintained thereon.

(c) No gambling or game of chance shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(d) It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the Mt. Sterling City Police Radio Station as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City Administrator shall have the authority to confiscate any and all such radio receiving apparatus.

(e) It shall be unlawful for any licensee under this Ordinance to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this Ordinance for the violation of this section, the City ABC Administrator shall also have the authority to revoke the license issued to said premises.

(f) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(g) No license shall be issued to any person, firm or corporation for the sale at retail of any alcoholic beverage at any store or other place of business where the majority of its business consists of the selling of school books, school supplies, food, lunches or drinks for such minors irrespective of the distance of such store or other place of business from a church, school or hospital.

(h) It shall be unlawful for any licensee under this Ordinance to give away or offer to give away anything tangible of value as a premium or prize in connection with the sale of alcoholic beverages.

(i) No licensee or agent or employee of a licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(j) No licensee or agent or employee shall permit any

person or persons, other than employees of the licensee, to open any bottle of distilled spirits, wine or malt beverages, and no container of distilled spirits, wine or malt beverage shall be opened nor its contents consumed on the licensed premises unless the licensee holds a retail drink license.

(k) No person under twenty-one (21) years of age, shall enter any premises that is licensed for the sale of alcoholic beverages by the drink for the purpose of purchasing or receiving any alcoholic beverages. No person under twenty-one (21) years of age shall possess for his or her own use, or purchase or attempt to purchase or have another purchase for him or her, any alcoholic beverages by the drink, no person shall aid or assist any person under twenty-one (21) years of age in purchasing or having delivered or served to him or her any alcoholic beverages by the drink, no person under twenty-one (21) years of age shall misrepresent his or her age for the purpose of inducing any licensee or other employee of any licensee, to sell or serve any alcoholic beverages to such person. No person under twenty-one (21) years of age shall use or attempt to use any false, fraudulent or altered identification card or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(l) It shall be the duty of every licensee hereunder to display at all times, in a prominent place, a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or larger type, substantially as follows:

WARNING TO MINORS

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

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

(m) No retail license shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(n) The issuance of said licenses as provided herein, shall be those permitted by K.R.S. 243.070, and shall conform to the requirements of K.R.S. 241.190, and Chapter 242 of the Kentucky Revised Statutes.

SECTION 19. ENFORCEMENT. City police officers are authorized to enforce this Ordinance for alleged violations.

SECTION 20. PENALTIES. The following penalties shall be in addition to any criminal prosecution instituted in Montgomery District Circuit Court against an alleged violator and fines hereunder shall be payable to the City ABC Administrator.

(a) Any person, firm or corporation who violates any of the provisions of this ordinance, which no other penalty is hereby provided, shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both and for the second and each subsequent violation, he shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for not more than six (6) months, or both. The penalties provided for in this subsection shall be in addition to the revocation of the offenders license. If the offender is a corporation, joint stock company, association fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

(b) Any person, firm or corporation who violates any of the provisions of section 18 (i) of this Ordinance shall be fined not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00) or imprisoned not less than five (5) days nor more than thirty (30) days, or both.

SECTION 21. SEVERABILITY. Action by a Court of competent jurisdiction declaring any section, subsection, phrase or word of this Ordinance to be invalid, unconstitutional and/or void shall not affect the remainder of this Ordinance which shall remain in full force and effect.

SECTION 22. FORCE AND EFFECT. This Ordinance shall be in full force and effect from and after its adoption and publication, as required by law.

SECTION 23. All Ordinances or any parts in conflict with the provisions herein are expressly repealed to the extent of such conflict.

2007 JUN 22 A 11:12

PASSED by the City Council of the City of Mt. Sterling,
Kentucky, at its regular meeting of JUNE 19,
1990.

Bert May
Mayor

ATTEST:

Loris W. Baxter
Clerk

REC'D
2001 JAN 22 A 11:12
MOUNTAIN
COUNTY
CLERK'S OFFICE