

AN AMENDED ORDINANCE RELATING TO THE REGULATION OF THE SALE OF
DISTILLED SPIRITS AND WINE BY THE DRINK, SALE OF PACKAGED LIQUOR AND
MALT BEVERAGES WITHIN THE TERRITORIAL LIMITS OF NELSON COUNTY,
KENTUCKY.

WHEREAS, the County of Nelson has passed three ordinances relating to the regulation
of the sale of distilled spirits and wine by the drink and malt beverages, and

WHEREAS, the County of Nelson desires to repeal Ordinance Nos. 410.1, 410.2 and
410.201, and

WHEREAS, the Court after due advertisement held a first reading on February 1, 2011,
and a second reading and adoption on Feb. 15, 2011, after due consideration,
upon motion of Sam Hutchins and seconded by
Jeff Lear and a vote being had, the County Judge announcing
motion carried,

ORDINANCE NO. 920.376-2 as amended and adopted August 4, 2009, recorded in Book 34,
Page 265 is hereby Amended as follows:

NOW THEREFORE, by it ordained by the Fiscal Court of Nelson County,
Commonwealth of Kentucky:

SECTION 1: REPEAL PREVIOUS ORDINANCES.

That Ordinance Nos. 410.1, 410.2 and 410.201 are hereby repealed.

SECTION 2: AID TO ECONOMIC GROWTH.

The fiscal court, after due consideration, hereby determines that

- A. An economic hardship exists within the boundary confines of Nelson County; and
- B. That permitting the sale of distilled spirits and wine by the drink on certain premises
can aid the economic growth therein.

SECTION 3: DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, words, phrases and
terms shall be defined as provided in KRS 241.010.

SECTION 4: TERRITORY APPLICATION.

In as much as the incorporated cities in the County of Nelson have the ability to
adequately police the licensed premises in their respective areas, the establishments governed
under the provisions of this Ordinance herein, relating to the sale of distilled spirits and wine by
the drink or the sale of malt beverages in any restaurant or other similar establishment where
such is not allowed by Section 9(C) below, shall include only those unincorporated areas located
in the confines of Nelson County where the sale of distilled spirits and wine is not prohibited
otherwise by law or is not prohibited by KRS 242.230 relating to dry territories. Section 9(C)
below shall apply to all areas of Nelson County except those cities which have passed an
ordinance regulating the sale of alcohol on Sunday.

SECTION 5: LICENSES.

- A. A license issued by the County of Nelson shall be required before an establishment
can sell distilled spirits and wine by the drink.

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ALCOHOL
BEVERAGE CONTROL

A. License to sale distilled spirits and wine by the drink \$500.00 per year;

B. Sunday sale add-on license to sell distilled spirits and wine by the drink \$150.00 per year.

SECTION 9: HOURS OF OPERATION.

A. Except as provided in paragraph B and C below no establishment shall sell or give away any malt beverages or distilled spirits and wine by the drink between the hours of Midnight and 6:00 a.m. or anytime during the twenty four hours of Sunday or during the hours the polls are open on an Election Day.

B. Any establishment who has been issued a Sunday sales license add-on as provided in Section 7 above shall be allowed to sell distilled spirits and wine by the drink and malt beverages from the hours of 1:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt establishments from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky.

C. Convenience stores, grocery stores and packaged liquor stores which have been granted a Retail Beer License and/or a Distilled Spirits and Wine Retail Package License by the Commonwealth of Kentucky shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m. on Sunday.

SECTION 9: PENALTY.

Any person who by himself or acting through other divisions or individually violates any provision of this ordinance shall be subject to the penalty as prescribed by KRS 244.990, and/or other applicable statutes.

NELSON COUNTY FISCAL COURT

Ken Walts
County Judge Executive

ATTEST:

Phyllis D. Dittlinger
Nelson County Clerk

By: *Lauren A. ...*

Nelson Co.

PKg. Sunday hrs. 1pm-12Am
Drink Sunday hrs. - 12AM

June 2009

AN ORDINANCE RELATING TO THE REGULATION OF THE SALE OF DISTILLED SPIRITS AND WINE BY THE DRINK, SALE OF PACKAGED LIQUOR AND MALT BEVERAGES WITHIN THE TERRITORIAL LIMITS OF NELSON COUNTY, KENTUCKY.

WHEREAS, the County of Nelson has passed three ordinances relating to the regulation of the sale of distilled spirits and wine by the drink and malt beverages, and

WHEREAS, the County of Nelson desires to repeal Ordinance Nos. 410.1, 410.2 and 410.201, and

WHEREAS, the Court after due advertisement held a first reading on May 19, 2009, and a second reading and adoption on June 2, 2009, after due consideration, upon motion of MAYNARD WIMSETT and seconded by JERRY HAHN and a vote being had, the County Judge announcing motion carried,

NOW THEREFORE, by it ordained by the Fiscal Court of Nelson County, Commonwealth of Kentucky:

SECTION 1: REPEAL PREVIOUS ORDINANCES.

That Ordinance Nos. 410.1, 410.2 and 410.201 are hereby repealed.

SECTION 2: AID TO ECONOMIC GROWTH.

The fiscal court, after due consideration, hereby determines that

- A. An economic hardship exists within the boundary confines of Nelson County; and
- B. That permitting the sale of distilled spirits and win by the drink on certain premises can aid the economic growth therein.

SECTION 3: DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, words, phrases and terms shall be defined as provided in KRS 241.010.

SECTION 4: TERRITORY APPLICATION.

In as much as the incorporated cities in the County of Nelson have the ability to adequately police the licensed premises in their respective areas, the establishments governed under the provisions of this Ordinance herein, relating to the sale of distilled spirits and wine by the drink or the sale of malt beverages in any restaurant or other similar establishment where such is not allowed by Section 9(C) below, shall include

Co. atty John Kelly - 502 - 348-1858

only those unincorporated areas located in the confines of Nelson County where the sale of distilled spirits and wine is not prohibited otherwise by law or is not prohibited by KRS 242.230 relating to dry territories. Section 9(C) below shall apply to all areas of Nelson County except those cities which have passed an ordinance regulating the sale of alcohol on Sunday.

SECTION 5: LICENSES.

A. A license issued by the County of Nelson shall be required before an establishment can sell distilled spirits and wine by the drink.

B. No additional County license shall be necessary for any convenience store, grocery store and/or packaged liquor store to sell alcohol on Sunday as provided herein; provided such stores meet the requirements of all other laws governing the sale of alcohol.

SECTION 6: REQUIREMENT FOR THE ISSUANCE OF A DISTILLED SPIRITS AND WINE LICENSE BY THE DRINK LICENSE.

A. The license to sell distilled sprits and wine by the drink for consumption on premises shall only be issued to hotels, motels or inns containing not less than fifty (50) sleeping units and having a dining facility 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.

B. In no event shall a license be issued for any qualified restaurant or any dining facility in a hotel, motel or inn, unless the applicant can demonstrate to the county alcohol administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period.

SECTION 7: SUNDAY SALES LICENSE.

An establishment may obtain a license to sell distilled sprits and wine by the drink provided it meets all the following criteria:

A. It meets all the criteria for the issuance of a distilled spirits and wine by the drink license provided in Section 6 above, and

B. It has been licensed to sell distilled spirits and wine by the drink, and

C. It has paid the license fee provided below.

SECTION 8: LICENSE REGULATORY FEES.

The following fees are established for the following licenses:

SECTION 6: REQUIREMENT FOR THE ISSUANCE OF A DISTILLED SPIRITS AND WINE LICENSE BY THE DRINK LICENSE.

A. The license to sell distilled sprits and wine by the drink for consumption on premises shall only be issued to hotels, motels or inns containing not less than fifty (50) sleeping units and having a dining facility 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.

B. In no event shall a license be issued for any qualified restaurant or any dining facility in a hotel, motel or inn, unless the applicant can demonstrate to the county alcohol administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period.

SECTION 7: SUNDAY SALES LICENSE.

An establishment may obtain a license to sell distilled spirits and wine by the drink on Sunday provided it meets all the following criteria:

- A. It meets all the criteria for the issuance of a distilled spirits and wine by the drink license provided in Section 6 above, and
- B. It has been licensed to sell distilled spirits and wine by the drink, and
- C. It has paid the license fee provided below.

SECTION 8. MALT BEVERAGE ONLY RETAILERS AND WINERIES.

Any business licensed to sale only malt beverages or a licensed winery selling only wine shall be allowed to serve such beverages on Sunday pursuant to the Hours of Operation section of this Ordinance.

SECTION 9: LICENSE REGULATORY FEES.

The following fees are established for the following licenses:

- A. License to sale distilled spirits and wine by the drink \$500.00 per year;
- B. Sunday sale add-on license to sell distilled spirits and wine by the drink \$150.00 per year.

SECTION 10: HOURS OF OPERATION.

A. Except as provided in paragraph B and C below no establishment shall sell or give away any malt beverages or distilled spirits and wine by the drink between the hours of Midnight and 6:00 a.m. or anytime during the twenty four hours of Sunday or during the hours the polls are open on an Election Day.

B. Any establishment who has been issued a Sunday sales license add-on as provided in Section 7 above shall be allowed to sell distilled spirits and wine by the drink and malt beverages from the hours of 1:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt establishments from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky.

C. Convenience stores, grocery stores, restaurants, wineries and packaged liquor stores which have been granted a Restaurant Wine License, Small Farm Winery License, Retail Beer License and/or a Distilled Spirits and Wine Retail Package License by the Commonwealth of Kentucky shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m. on Sunday.

SECTION 11: PENALTY.

Any person who by himself or acting through other divisions or individually violates any

Nelson County

KOC NUMBER 410.202

Week Day hours = 6AM - 12AM - 2004

Sunday hrs = 2pm - 12AM - 2004 see new hours to 12AM Book 30, Pp 537-38

No Sunday PKG.
No Mandate Training

See up voted
Sunday Hours
June 2009

AN ORDINANCE RELATING TO THE COMPREHENSIVE REGULATION OF THE SALE OF DISTILLED SPIRITS AND WINE BY THE DRINK AND MALT BEVERAGES WITHIN THE TERRITORIAL LIMITS OF NELSON COUNTY, KENTUCKY.

WHEREAS, the County of Nelson has passed three ordinances relating to the regulation of the sale of distilled spirits and wine by the drink and malt beverages, and

WHEREAS, the County of Nelson desires to repeal Ordinance Nos. 410.1, 410.2 and 410.201, and

WHEREAS, the Court after due advertisement held a first reading on June 1, 2004, 2004 and a second reading and adoption on June 29, 2004, 2004, after due consideration, upon motion of Raymond Greer and seconded by Bernard Ice and a vote being had, the County Judge announcing motion carried,

NOW THEREFORE, by it ordained by the Fiscal Court of Nelson County, Commonwealth of Kentucky:

SECTION 1: REPEAL PREVIOUS ORDINANCES.

That Ordinance Nos. 410.1, 410.2 and 410.201 are hereby repealed.

SECTION 2: AID TO ECONOMIC GROWTH.

The fiscal court, after due consideration, hereby determines that

- A. An economic hardship exists within the boundary confines of Nelson County; and
- B. That permitting the sale of distilled spirits and win by the drink on certain premises can aid the economic growth therein.

SECTION 3: DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, words, phrases and terms shall be defined as provided in KRS 241.010.

SECTION 4: TERRITORY APPLICATION.

In as much as the incorporated cities in the County of Nelson have the ability to adequately police the licensed premises in their respective areas, the establishments governed under this Ordinance herein shall include only those unincorporated areas located in the confines of Nelson County where the sale of distilled spirits and wine is not prohibited otherwise by law or is not prohibited by KRS 242.230 relating to dry territories.

SECTION 5: LICENSES.

A license issued by the County of Nelson shall be required before an establishment can sell distilled spirits and wine by the drink and/or sale any alcoholic beverage on Sunday.

SECTION 6: REQUIREMENT FOR THE ISSUANCE OF A DISTILLED SPIRITS AND WINE LICENSE BY THE DRINK LICENSE.

SECTION 7: SUNDAY SALES LICENSE.

An establishment may obtain a license to sell distilled sprits and wine by the drink and malt beverages provided it meets all the following criteria:

- A. It meets all the criteria for the issuance of a distilled spirits and wine by the drink license provided in Section 6 above, and
- B. It has been licensed to sell distilled spirits and wine by the drink, and
- C. It has paid the license fee provided below.

SECTION 8: LICENSE REGULATORY FEES.

The following fees are established for the following licenses:

- A. License to sale distilled spirits and wine by the drink \$500.00 per year;
- B. Sunday sale license add-on \$150.00 per year.

SECTION 9: HOURS OF OPERATION.

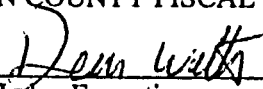
A. Except as provided in paragraph B below no establishment shall sell or give away any malt beverages or distilled spirits and wine by the drink between the hours of Midnight and 6:00 a.m. or anytime during the twenty four hours of Sunday or during the hours the polls are open on an Election Day.

B. Any establishment who has been issued a Sunday sales license add-on as provided in Section 7 above shall be allowed to sell distilled spirits and wine by the drink and malt beverages from the hours of 2:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt establishments from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky.

SECTION 9: PENALTY.

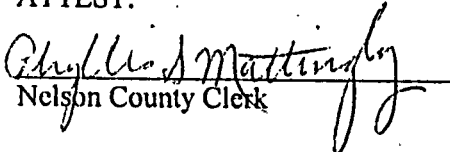
Any person who by himself or acting through other divisions or individually violates any provision of this ordinance shall be subject to the penalty as prescribed by KRS 244.990, and/or other applicable statutes.

NELSON COUNTY FISCAL COURT



County Judge Executive

ATTEST:



Nelson County Clerk

ADOPTED: 06-29-04

EFFECTIVE: 07-2-04

*Nelson
County*

AN ORDINANCE PERMITTING LIMITED SALE OF DISTILLED SPIRITS & WINE BY THE DRINK, FIXING TIME AND DAYS OF SALE THEREOF, ESTABLISHING ADMINISTRATIVE REGULATIONS, ISSUANCE OF LICENSE, APPLICATION AND REGULATORY FEE.

WHEREAS, the Court after due advertisement held a first reading on August 6, 1991, and a second reading and adoption on September 3, 1991, and after due consideration,

UPON MOTION OF Jerry Ballard, SECONDED BY Joe Evans, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED,

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY:

SECTION I: AID TO ECONOMIC GROWTH.

The fiscal court, after due consideration, hereby determines that

A. An economic hardship exists within the boundary confines of Nelson County; and

B. That permitting the sale of distilled spirits and wine by the drink on certain premises can aid the economic growth therein.

SECTION II: DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, words, phrases and terms shall be defined as provided in KRS 241.010.

SECTION III: PREMISES TO BE LICENSED-LIMITATIONS.

A. Sale of alcohol beverage by the drink.

The license to sell distilled spirits and wine by the drink for consumption on premises only shall be issued to hotels, motels or inns containing not less than fifty (50) sleeping units and having a dining facility 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.

B. Licensing restrictions.

In no event shall a license be issued for any qualified restaurant or any dining facility in a hotel, motel or inn,

1. unless the applicant can demonstrate to the administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period, and

2. unless the applicant obtains the prior approval for the issuance of such license from the legislative body of such ~~incorporated areas; such approval and recommendation shall be certified to the Fiscal Court, who may then authorize the~~ issuance of such license,

SECTION IV: TERRITORY LIMITS.

A. Inasmuch as the incorporated areas have the ability to adequately police the licensed premises in their respective areas, the license issuance herein permitted shall include only those incorporated areas located in the confines of Nelson County where the sale of distilled spirits and wine is not prohibited otherwise by law, or areas of prohibition as provided by KRS 242-230 or prohibited by the legislative body of any incorporated area located therein.

SECTION V: LICENSE FOR CONSUMPTION ON PREMISES.

A. Any license issued as authorized under this ordinance shall be limited to those qualifying establishments for sale of alcohol beverages by the drink for consumption on premises only.

SECTION VI: REGULATORY FEE.

A. An annual license fee of 1/2 of 1% be and is hereby imposed upon the gross receipts of each establishment licensed pursuant to this ordinance conditioned that such fee shall not be more or less than the sum of \$75.00 annually; It be deemed that the sums so raised are essential and necessary to fully reimburse the county for the reasonably estimated expenses of additional policing, regulatory and administrative related to costs. Such fee shall be in addition to any other taxes, fees or licenses permitted by law.

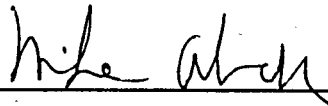
SECTION VII: PENALTY.

Any person who by himself or acting through other divisions or individually violates provision of this ordinance shall be subject to penalty as prescribed by KRS 244.990, and/or other applicable statutes.

SECTION VII: CONFLICT.

In the event that the within ordinance is in conflict with any provisions of Kentucky Law, then the parts or portions of this ordinance be and are repealed to the extent of such conflict.

NELSON COUNTY FISCAL COURT



ATTEST:


NELSON COUNTY COURT CLERK

AN ORDINANCE PERMITTING LIMITED SALE OF DISTILLED SPIRITS & WINE BY THE DRINK, FIXING TIME AND DAYS OF SALE THEREOF, ESTABLISHING ADMINISTRATIVE REGULATIONS, ISSUANCE OF LICENSE, APPLICATION AND REGULATORY FEE.

WHEREAS, the Court after due advertisement held a first reading on August 6, 1991, and a second reading and adoption on September 3, 1991, and after due consideration, UPON MOTION OF Jerry Ballard, SECONDED BY Joe Evans, AND A VOTE BEING HAD AND THE COUNTY JUDGE ANNOUNCING THAT THE MOTION CARRIED, NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY:

SECTION I: AID TO ECONOMIC GROWTH.

The fiscal court, after due consideration, hereby determines that

A. An economic hardship exists within the boundary confines of Nelson County; and

B. That permitting the sale of distilled spirits and wine by the drink on certain premises can aid the economic growth therein.

SECTION II: DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, words, phrases and terms shall be defined as provided in KRS 241.010.

SECTION III: PREMISES TO BE LICENSED-LIMITATIONS.

A. Sale of alcohol beverage by the drink.

The license to sell distilled spirits and wine by the drink for consumption on premises only shall be issued to hotels, motels or inns containing not less than fifty (50) sleeping units and having a dining facility 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.

B. Licensing restrictions.

In no event shall a license be issued for any qualified restaurant or any dining facility in a hotel, motel or inn,

1. unless the applicant can demonstrate to the administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period, and

2. unless the applicant obtains the prior approval for the issuance of such license from the legislative body of such incorporated areas; such approval and recommendation shall be certified to the Fiscal Court, who may then authorize the issuance of such license.

SECTION IV: TERRITORY LIMITS.

A. Inasmuch as the incorporated areas have the ability to adequately police the licensed premises in their respective areas, the license issuance herein permitted shall include only those incorporated areas located in the confines of Nelson County where the sale of distilled spirits and wine is not prohibited otherwise by law, or areas of prohibition as provided by KRS 242-230 or prohibited by the legislative body of any incorporated area located therein.

SECTION V: LICENSE FOR CONSUMPTION ON PREMISES.

A. Any license issued as authorized under this ordinance shall be limited to those qualifying establishments for sale of alcohol beverages by the drink for consumption on premises only.

SECTION VI: REGULATORY FEE.

A. An annual license fee of 1/2 of 1% be and is hereby imposed upon the gross receipts of each establishment licensed pursuant to this ordinance conditioned that such fee shall not be more or less than the sum of \$75.00 annually; It be deemed that the sums so raised are essential and necessary to fully reimburse the county for the reasonably estimated expenses of additional policing, regulatory and administrative related to costs. Such fee shall be in addition to any other taxes, fees or licenses permitted by law.

SECTION VII: PENALTY.

Any person who by himself or acting through other divisions or individually violates provision of this ordinance shall be subject to penalty as prescribed by KRS 244.990, and/or other applicable statutes.


SECTION VII: CONFLICT.

In the event that the within ordinance is in conflict with any provisions of Kentucky Law, then the parts or portions of this ordinance be and are repealed to the extent of such conflict.

NELSON COUNTY FISCAL COURT



ATTEST:


NELSON COUNTY COURT CLERK

AN ORDINANCE RELATING TO THE ESTABLISHMENT AND REGULATION OF HOURS OF SALE BY RETAIL OF ANY MALT BEVERAGE WITHIN THE TERRITORIAL LIMITS OF NELSON COUNTY, KENTUCKY, AND IMPOSING PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the Court held a first reading on the proposed Ordinance on the 20th day of November, 1984, and ordered the same to be advertised for a second reading. At the meeting held on the 4th day of December, 1984, and after due consideration, and upon motion made by Esq. Joe Masterson and seconded by Esq. Harry Hurst

NOW THEREFORE BE IT ORDAINED BY THE FISCAL COURT OF NELSON COUNTY, COMMONWEALTH OF KENTUCKY:

SECTION ONE: It is hereby ordained that all establishments and premises wherein malt beverage can otherwise be legally sold and are located in that portion of Nelson County which lies without the corporate limits of any incorporated city be and are hereby prohibited from the sell, giveaway or delivery of any such malt beverage on any day between the hours of midnight to six o'clock a. m., or at anytime during the twenty-four hours of Sunday, or during the hours the polls are open on an election day.

SECTION TWO: Penalties - In addition to any provisions that may be provided by law, any person who violates any of the provisions of KRS 244.480 to 244.600 shall be fined not less than fifty nor more than five hundred dollars. Each day shall be considered a separate offense.

SECTION THREE: This ordinance shall become effective when adopted and published as required by law.

Adopted this 4 day of December, 1984, by a vote of 4 ayes and 2 nays.

NELSON COUNTY FISCAL COURT

BY: Neil Allen
County Judge Executive