

**CITY OF UNION, KENTUCKY
ORDINANCE NO. 2017-14**

**AN ORDINANCE AMENDING ORDINANCE 2014-20 CODIFIED AS CHAPTER 40,
SPECIFICALLY SECTION 40.40 OF THE CITY OF UNION, KENTUCKY CODE OF
ORDINANCES**

***NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF UNION, KENTUCKY
CITY COMMISSION CHAPTER 40, §40.40 TITLED "HOURS" BE AMENDED AS
FOLLOWS:***

§ 40.40 HOURS

(A) The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license as follows:

a) Distilled spirits package licenses: During the period between 6:00 AM to 1:00 AM daily, except Sunday and from 11:00 AM to midnight on Sunday.

b) Distilled spirits drink licenses: During the period between 6:00 AM to 2:30 AM daily except Sunday and from [~~1:00 PM~~] 11:00 A.M. to midnight on Sunday.

c) Retail Malt Beverage drink licenses: During the period between the hours of 6:00 AM to 2:30 AM daily except Sunday and from 11:00 AM to midnight on Sunday.

(B) During the restricted hours set forth in division (A), 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 license holder within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (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 Alcoholic Beverage Control 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.

Effective Date of Ordinance: This Ordinance shall be effective when read, passed and published according to Law.

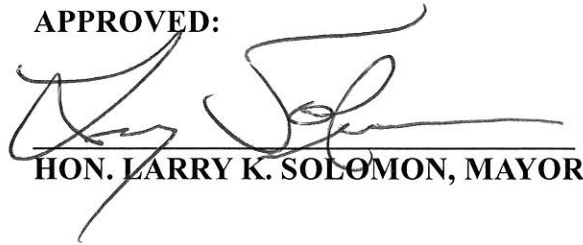
This Ordinance may be published by Summary

Enacted this the 11 day of OCTOBER, 2017.

FIRST READING: **October 2, 2017**

SECOND READING: **October 11, 2017**

APPROVED:



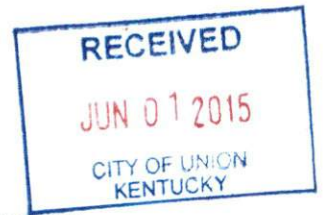
HON. LARRY K. SOLOMON, MAYOR

ATTEST:



DONNA WAHOFF CITY CLERK

CITY OF UNION, KENTUCKY
ORDINANCE NO. 2015- 12



AN ORDINANCE OF THE CITY OF UNION, KENTUCKY AMENDING
ORDINANCE NO. 2014-20 §40.20 (i)

BE IT ORDAINED by the City of Union, Boone County, Kentucky that Ordinance 2014-20 §40.20(i) titled "*Classification of Licenses; Fee Schedule*" be amended as follows:

LICENSES

§ 40.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE

(B) The license year shall be December 1 [~~July 1~~] of each year through November 30 [~~June 30~~] 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 the annual license fee. All licenses shall expire on November 30 [~~June 30~~] of each year, regardless of when the license was issued.


Effective Date of Ordinance: This Ordinance shall be effective when read, passed and published according to Law.

Enacted this the 1st day of June, 2015

FIRST READING: **June 1, 2015**


SECOND READING: **July 6, 2015**

APPROVED:



HON. LARRY K. SOLOMON MAYOR

ATTEST:



KATHY PORTER
CITY CLERK/TREASURER

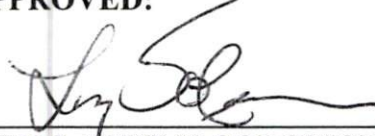
FIRST READING:

April 6, 2015

SECOND READING:

May 4, 2015

APPROVED:



HON. LARRY K. SOLOMON MAYOR

ATTEST:



KATHY PORTER
CITY CLERK/TREASURER

CITY OF UNION, KENTUCKY
ORDINANCE NO. 2015- 09

AN ORDINANCE OF THE CITY OF UNION, KENTUCKY AMENDING
ORDINANCE NO. 2014-20 §40.20 (i)

BE IT ORDAINED by the City of Union, Boone County, Kentucky that Ordinance 2014-20 §40.20(i) titled "*Classification of Licenses; Fee Schedule*" be amended as follows:

LICENSES

§ 40.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE

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

<u>LICENSE TYPES AND FEES</u>	<u>FEES</u>
a. Quota Retail Package License (QP)	\$800.50
b. Quota Retail Drink License (QD)	\$800.50
c. Non-Quota (NQ) Retail Malt Beverage Package License (New Applicants) *	\$400.50
d. Non-Quota Type 4 (NQ4) Retail Malt Beverage Drink License (New Applicants)*	\$400.50
e. Non-Quota (NQ) or Non-Quota Type 4 (NQ4) Retail Drink License (Renewal)	\$150.50
f. Non-Quota Type 2 (NQ2) Retail License (includes distilled spirits, wine and malt beverages	\$995.50
g. Non_Quota Type 3 (NQ3) Retail Drink License includes distilled spirits wine, and malt beverages	\$210.50
h. Special temporary License – per event	\$133.83
i Special Sunday retail drink license	\$ 300.50
j. Limited restaurant license (includes distilled spirits, wine & malt beverages	\$1,200.50
k. Limited golf course license (includes distilled spirits, wine & malt beverages	\$1,200.50

Effective Date of Ordinance: This Ordinance shall be effective when read, passed and published according to Law.

Enacted this the 4th day of May, 2015

#2
ORD. 2015-12

CITY OF UNION, KENTUCKY
ORDINANCE NO. 2014- 020

AN ORDINANCE OF THE UNION CITY COMMISSION CREATING CHAPTER 40
REGARDING THE LICENSING, SALE, ADMINISTRATION AND ENFORCEMENT OF
ALCOHOLIC BEVERAGES

WHEREAS, the City of Union, Kentucky is required by K.R.S. 243 to create an Ordinance regarding the Licensing, Sale, Administration and Enforcement of Alcoholic Beverages;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF UNION, KENTUCKY AS FOLLOWS:

The Union City Commission adopts a new chapter of the City of Union, Kentucky Code of Ordinances, to read as follows:

40.01 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 243.015 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**" - The City of Union, Kentucky
 - (3) "**CITY ADMINISTRATOR**" - The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to § 40.60.
 - (4) "**CITY LICENSE**" - A license established and authorized pursuant to the terms hereof.
 - (5) "**CITY LICENSEE**" - A person who has been issued a city license pursuant to the terms hereof.
 - (6) "**KRS**" - Kentucky Revised Statutes
 - (7) "**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.
 - (8) "**PREMISES**" - The premises described in the city license issued pursuant to the terms hereof and the application therefor.
 - (9) "**STATE**" - The Commonwealth of Kentucky.
 - (10) "**STATE LICENSE**" - A license authorized by KRS Chapters 241 to 244.
 - (11) "**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

§ 40.20 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, and the expiration dates thereof, shall be 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 as indicated in the following schedule.

(B) The license year shall be July 1 of each year through June 30 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 the annual license fee. All licenses shall expire on June 30 of each year, regardless of when the license was issued.

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

<u>LICENSE TYPES AND FEES</u>	<u>FEES</u>
a. Quota Retail Package License (QP)	\$800.50
b. Quota Retail Drink License (QD)	\$800.50
c. Non-Quota (NQ) Retail Malt Beverage Package License (New Applicants) *	\$400.50
d. Non-Quota Type 4 (NQ4) Retail Malt Beverage Drink License (New Applicants)*	\$400.50
e. Non-Quota (NQ) or Non-Quota Type 4 (NQ4) Retail Drink License (Renewal)	\$150.50
f. Non-Quota Type 2 (NQ2) Retail License (includes distilled spirits, wine and malt beverages)	\$995.50
g. Non-Quota Type 3 (NQ3) Retail Drink License includes distilled spirits wine, and malt beverages	\$210.50
h. Special temporary License – per event	\$133.83
i. Special Sunday retail drink license	
j. Limited restaurant license (includes distilled spirits, wine & malt beverages)	\$1,200.50
k. Limited golf course license (includes distilled spirits, wine & malt beverages)	\$1,200.50

(D) The holder of a non-quota retail malt beverage package license may obtain a Non-quota Type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Non-quota Type 4 malt beverage drink license may obtain a non-quota retail malt beverage package license for a fee of fifty dollars (\$50).

(E) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises. Penalty, see §40.99

§ 40.21 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.

§ 40.22 APPLICATION; ISSUANCE

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk and renewed by the City Clerk 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.

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

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

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

§ 40.23 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.

§ 40.24 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.

§ 40.25 TRANSFER OF LICENSE

A city license 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 ten dollars (\$10) shall be paid to the city for the transfer of the city license.

Penalty, see § 40.99

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

(A) As prohibited in KRS 243.280, no NQ retail malt beverage package license shall be issued within or upon any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and the related products valued at cost.

(B) A prohibited in KRS 243.230 no quota retail package license or quota retail drink license shall be issued to sell distilled spirits or wine 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

§ 40.40 HOURS

(A) The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license as follows:

a) Distilled spirits package licenses: During the period between 6:00 AM to 1:00 AM daily, except Sunday and from 11:00 AM to midnight on Sunday.

b) Distilled spirits drink licenses: During the period between 6:00 AM to 2:30 AM daily except Sunday and from 1:00 PM to midnight on Sunday.

c) Retail Malt Beverage drink licenses: During the period between the hours of 6:00 AM to 2:30 AM daily except Sunday and from 11:00 AM to midnight on Sunday.

(B) During the restricted hours set forth in division (A), 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 license holder within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (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 Alcoholic Beverage Control 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.

§ 40.41 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 § 40.99

§ 40.42 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 § 40.99

§ 40.43 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 One Hundred (\$100.00) 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 § 40.99.

§ 40.44 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 § 40.99.

§ 40.45 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 beverage 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 § 40.99

§ 40.46 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 § 40.99

§ 40.47 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

§ 40.60 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

(A) Creation; powers and duties. There is hereby created the office of City Alcoholic Beverage Control Administrator pursuant to the authority of KRS 241.160. The powers and duties of the City Alcoholic Beverage Control Administrator shall be the same with respect to city liquor licenses and regulations as the State Alcoholic Beverage Control Board 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. No regulation of the Alcoholic Beverage Control Administrator shall become effective until it is approved by the State Board. (KRS 241.190)

(B) Oath. The City Alcoholic Beverage Control Administrator before entering upon his duties, shall take the oath prescribed in Section 228 of the state constitution. (KRS 241.180 (1))

(C) Bond. The City Alcoholic Beverage Control Administrator shall before entering upon his duties execute a bond with a good corporate surety in the penal sum of not less than \$1,000. The cost of this bond shall be borne by the city. (KRS 241.180(1), (3))

(D) Compensation. The annual compensation of the City Alcoholic Beverage Control Administrator shall be that which is set forth by the City Commission from time to time.

(E) Appointment. In accordance with KRS 241.170(2), the City Alcoholic Beverage Control Administrator shall be appointed by the city manager and if there is no city manager then the City Administrator shall be appointed by the Mayor.

§ 40.61 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.

§ 40.62 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 license 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, wineries, and brewers: \$1,000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$400 per day; retail licensees authorized to sell distilled spirits, wine, and beer by the package or drink: \$50 per day; and all remaining licensees: \$50 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City ABC 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.

§ 40.99 PENALTY

(A) Any person who violates any of the provisions of this chapter, upon conviction thereof in a court of competent jurisdiction, shall be guilty of a misdemeanor and sentenced to pay a fine for each offense of no more than \$500, or sentenced to imprisonment for no more than 30 days, or any combination of such fines and imprisonment.

(B) Any person who violates the distillers license fee provision of § 40.20 shall be, upon conviction and in accordance with KRS 243.990 (2), guilty of a Class B misdemeanor and 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 guilty of a Class A misdemeanor and 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 guilty of a Class D felony and 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 § 40.20 other than as discussed in division (B) above, or any provision of §§ 40.21 through 40.26, 40.40 through , 40.42, or 40.45(A), upon conviction and in accordance with KRS 243.990(1) and 244.990(1), shall be guilty of a misdemeanor and 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 § 40.43, upon conviction and in accordance with KRS 244.990(5), shall be guilty of a Class A misdemeanor and be fined not less than \$10 nor more than \$100.

(E) Any person who violates any provision of § 40.45(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 guilty of a misdemeanor and be fined not less than \$50 nor more than \$500.

ORDINANCES IN CONFLICT

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

INVALIDITY OF PROVISIONS

The invalidity of any provision of this Ordinance shall not affect the validity of any other provision.

FULL FORCE AND EFFECT

This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

PUBLICATION BY SUMMARY

This Ordinance shall be published by Summary.

FIRST READING: December 1, 2015

SECOND READING: January 5, 2015

APPROVED:

HON. LARRY K. SOLOMON, MAYOR

ATTEST:

KATHY PORTER
CITY CLERK/TREASURER