

COMMONWEALTH OF KENTUCKY
WOODFORD COUNTY
FISCAL COURT

ORDINANCE NO. 2013-12

AN ORDINANCE AMENDING THE
WOODFORD COUNTY COMPREHENSIVE
REGULATORY ORDINANCE FOR THE
SALE AND DISTRIBUTION OF ALCOHOLIC
BEVERAGES WITHIN THE COUNTY OF WOODFORD,
TO APPLY ONLY TO THOSE AREAS IN WOODFORD COUNTY
OUTSIDE OF THE CORPORATE LIMITS OF THE CITIES
OF VERSAILLES AND MIDWAY, KENTUCKY

WHEREAS, the Woodford County Fiscal Court deems it necessary and appropriate to amend its Comprehensive Regulatory Ordinance for the Sale and Distribution of Alcoholic Beverages within the County of Woodford, last amended June 11, 2013, specifically to eliminate all county alcoholic beverage license fees and all sections and provisions relating thereto; and

WHEREAS, there remains a condition of economic hardship, pervasive and existing within Woodford County, and the sale of alcoholic beverages by the drink should continue to stimulate and aid economic growth in the county; and

WHEREAS, based upon documented experiences of other governmental units in the State of Kentucky, the Woodford County Fiscal Court has found it necessary to regulate the use of alcoholic beverages within Woodford County in order to protect the health, safety and welfare of the citizens of this county;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Woodford, Commonwealth of Kentucky, as follows:

The 2003 Woodford County Comprehensive Regulatory Ordinance for the Sale of Alcoholic Beverages in Woodford County, as last amended June 11, 2013, is further amended to eliminate all county alcoholic beverage license fees and all sections and provisions relating thereto, and the regulatory ordinance should be codified in one complete and newly and fully

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amended Ordinance, so as to replace and supersede that Ordinance, and to now read, in its entirety, as follows:

SECTION I

DEFINITIONS. The following words, terms and phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, unless the context of the provision requires otherwise; and, in addition to the definitions and rules of construction set out in this Section, the definitions contained in KRS 241.010 are adopted as the meaning of such words used in this chapter.

1) **ADMINISTRATOR, ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR, or COUNTY ADMINISTRATOR.** The County of Woodford's Alcoholic Beverage Control Administrator.

2) **ALCOHOLIC BEVERAGE.** Every liquid or solid, whether patented or not, containing alcohol in any amount in excess of more than one percent (1%) of alcohol by volume, which is capable of being consumed by human beings. It includes every beverage for which the Commonwealth of Kentucky requires a license under KRS Chapter 243.

3) **BOARD.** The State Alcoholic Beverage Control Board created by KRS 241.030.

4) **CONVICTED OR CONVICTION.** A finding of guilt resulting from a plea of guilty, an Alford plea, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

5) **COUNTY.** County of Woodford, Kentucky.

6) **DISTILLED SPIRITS.** Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

7) **LICENSE.** Any license issued pursuant to KRS 243.020 to 243.670.

8) LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670.

9) MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS Chapter 242.

10) PREMISES or LICENSED PREMISES. A building or structure and does not include any apartment structures, parking lots or areas outside the confines of such building or structure.

11) RESTAURANT or BONA FIDE RESTAURANT. A facility where the usual and customary business is the serving of meals to consumers and that has a bona fide kitchen facility which has been inspected, approved, and holds a valid certification by the Woodford County Health Department, and that derives at least seventy percent (70%) of its total gross receipts from the sale of food. The name of the establishment must also convey to members of the general public that the principle business of the facility is the sale of food.

12) RETAIL SALE. The sale for use or consumption and not for resale.

13) SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor or agent, servant or employee, of any alcoholic beverage. Sale further means to solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

14) STATE LICENSE. Any license issued pursuant to KRS Chapters 241 to 244.

15) WHOLESALE SALE. A sale to any person for the purpose of resale.

16) WINE. The product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes cider, hard cider, and perry cider and also includes preparations or mixtures

vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It includes ciders, perry, or sake.

SECTION II

ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR – OFFICE AND FUNCTIONS.

There is hereby created the office of Alcoholic Beverage Control Administrator. The Administrator shall be the Woodford County Judge/Executive. The duties of the Administrator are to carry out the provisions of this ordinance and all other state and local laws pertaining to the sale of alcoholic beverages in the County of Woodford. The Administrator shall make an annual written report of his office's activities to the Woodford County Fiscal Court.

SECTION III

A. LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale, or dispense, or have in his possession for sale, any alcoholic beverage within the county without having the appropriate state license provided for and required by state law, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and, shall not entitle the holder of the license to sell from any other premises within the county.

B. LICENSE CONDITIONS.

All state licenses issued shall be subject to the following conditions:

(1) A Quota Retail Package License shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written onto the license.

(2) A Non-Quota-2 (hereinafter "NQ-2") Retail Drink License for the sale of distilled spirits by the drink at restaurants, motels, hotels, and inns shall be issued only on the condition that hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities

for not less than one hundred (100) persons. A restaurant must be a bona fide restaurant establishment, open to the general public and having dining facilities for not less than one hundred (100) persons, and must derive at least seventy percent (70%) of their total gross receipts from the sale of food.

(3) A restaurant NQ-2 Retail Drink License may be issued to an owner or lessee of a bona fide restaurant for the sale of wine, distilled spirits, and malt beverages by the drink, or a Quota Retail Drink License may be issued to such an owner for the sale of distilled spirits and wine by the drink (unless previously restricted to wine only, in which case the licensee would be so restricted). Other conditions for such licensees shall be governed by KRS 243.032.

(4) Applicants shall obtain and present with the state application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department and an inspection and certification by the county fire chief that the premises of the applicant meet all fire, building and safety standards.

(5) All alcoholic beverages must be consumed in accordance with the alcohol beverage license requirement.

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

(7) All licensees shall conduct alcohol awareness training annually for all employees and the certificate for same must be available to the Administrator.

(8) No license for the sale of alcoholic beverages at retail shall be used 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.

(9) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or

screen from the public view. No violation of this provision occurs if the window screening becomes necessary due to bright sun conditions.

(10) A licensee which holds a NQ-2 License for hotels, motels, inns and restaurants may not hold for the same premises a Quota Retain Package License.

(11) No gaming device of any kind other than Commonwealth of Kentucky sanctioned lottery sales shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.

(12) Live entertainment shall be permitted upon any licensed premises, but not beyond one (1) hour past the mandated close time for alcohol sales.

SECTION IV

A. HOURS OF SALES PROHIBITED.

(1) No premises for which there has been granted an alcoholic beverage license referenced within this ordinance or within KRS Chapter 243 shall remain open for any purpose between the hours of 12:00 midnight and 6:00 a.m. on Monday through Saturday. No premises for which there has been granted an alcoholic beverage license referenced within this ordinance or within KRS Chapter 243 shall remain open for any purpose on Sunday except between the hours of 1:00 p.m. and 10:00 p.m. when the licensees are authorized to operate in accordance with their licenses.

(2) For the purposes of this section, the phrase "No premises for which there has been granted an alcoholic beverage license referenced within this ordinance or within KRS Chapter 243 shall remain open" shall mean no alcohol beverage containers open or closed shall remain within the area available for customers, and doors to the premises closed and locked, and parking lot cleared of all customers. The hours defined in this section for prohibited use or sale of alcoholic beverages are applicable to owners, agents, and employees of the premise, as well as customers. However, if a licensee provides a separate department within the licensed

premises capable of being locked and closed off, within which is kept all stocks of malt beverages, distilled spirits, and wine, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section.

B. ALCOHOLIC BEVERAGES – PREMISES.

(1) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if said alcoholic beverage is in any opened container.

(2) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of said alcoholic beverages on any parking lot which is adjacent, connected with or used by the patrons of such business establishment which is under the direct control of the license.

(3) No person shall drink any alcoholic beverage on or in any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(4) No person shall consume or be in possession of any alcoholic beverage on licensed premises other than alcoholic beverages sold and dispensed by the licensee. The licensee or his agent shall have the authority to order the immediate removal of any alcoholic beverage carried onto licensed premises in violation of this section.

(5) Exemption for Outdoor Festivals -- there is exempted from this section any person or licensee which holds a Special Temporary License, which license permits the operation of an outdoor festival, if said festival is conducted no more than three (3) consecutive days annually.

(6) Advertising Alcoholic Beverages Near a School or Church Prohibited -- no licensee shall advertise alcoholic beverages by a trade name, trade-mark, or in any other manner within two hundred (200) feet of the property line of any school, school playground, day care, nursery, or church. The distance shall be by straight line.

C. RETAIL PREMISES NOT TO BE DISORDERLY.

(1) A retail licensee, a patron, or the licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed premises to be disorderly.

(2) Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance, or alarm, or create a risk through:

- (a) Engaging in fighting or in violent, tumultuous, or threatening behavior;
- (b) Making unreasonable noise;
- (c) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency;
- (d) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;
- (e) Creating a public nuisance;
- (f) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or
- (g) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or a local government, or by state administrative regulations, for the licensed premises.

D. CONDUCTING BUSINESS WITH A MINOR.

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

- (a) The possession or consumption of any alcoholic beverages by any person under twenty-one (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 twenty-one (21) years of age for the purpose of obtaining alcoholic beverages.

E. AIDING OR ASSISTING PERSONS UNDERAGE.

It shall be unlawful for any person to aid or assist any person under the age of twenty-one (21) years in purchasing, delivering, serving, or in any way procuring directly or indirectly any alcoholic beverages.

F. POSTING OF SIGNS – DISPLAY OF LICENSE.

In accordance with KRS 244.083 and this ordinance, every retail licensee shall cause to be displayed in a conspicuous, prominent place on the license 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 18 inches by 11 inches in size with the following message printed on 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:

- 1. **Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or**

2. Possess, purchase or attempt to purchase any alcoholic beverages;
or
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(b) All valid state licenses issued therefore. 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.

G. TEMPORARY SUSPENSION OF SALE.

The Administrator shall have the right to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire county, or any portion thereof whenever said Administrator considers such action necessary by reason of a serious public emergency such as a riot, insurrection, pestilence, epidemic, or any catastrophe of such proportions as would effect the general welfare, public health, safety and morals of all the citizens of the city in general. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken.

SECTION V

SCOPE OF COVERAGE.

This ordinance shall apply to all areas of Woodford County outside of the corporate city limits of the cities of Versailles and Midway, each of which has its own regulatory ordinances in regard hereto.

SECTION VI

GENDER NEUTRALITY.

The terms he, his or any other masculine description utilized in this ordinance shall be interchangeable with the terms she, her or any other feminine description and vice versa.

SECTION VII

SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION VIII

PENALTY.

(1) Any person, firm, or corporation who shall violate any provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

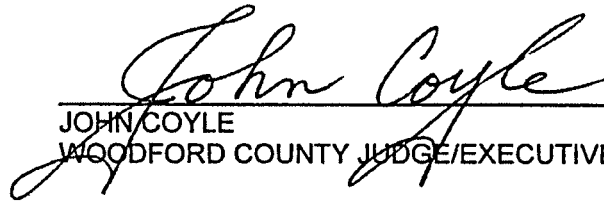
- a. If for a violation of any state statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.
- b. If for a violation of any provision of this ordinance by a fine of not more than two hundred and fifty dollars (\$250.00), or by imprisonment in jail for not more than ninety (90) days, or both, in the discretion of the criminal court (a Class B misdemeanor).

SECTION IX

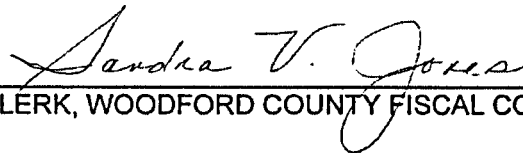
PASSAGE.

Introduced and given first reading at a regular meeting of the Woodford County Fiscal Court on October 22, 2013, and fully adopted after the second reading at the regular session of Woodford County Fiscal Court on November 12, 2013. This ordinance shall take effect and be in full force when passed, published and recorded according to law.

DATED: 11-12-2013



JOHN COYLE
WOODFORD COUNTY JUDGE/EXECUTIVE

ATTEST: 

CLERK, WOODFORD COUNTY FISCAL COURT

FIRST READING	<u>10-22-13</u>
PUBLICATION	<u>10-29-13</u>
SECOND READING	<u>11-12-13</u>
FINAL PUBLICATION	<u>11-21-13</u>

COMMONWEALTH OF KENTUCKY
WOODFORD COUNTY FISCAL COURT

ORDINANCE NO. 2009- 03

**AN ORDINANCE AMENDING THE
WOODFORD COUNTY COMPREHENSIVE
REGULATORY ORDINANCE FOR THE
SALE AND DISTRIBUTION OF ALCOHOLIC
BEVERAGES WITHIN THE COUNTY OF WOODFORD,
TO APPLY ONLY TO THOSE AREAS IN WOODFORD COUNTY
OUTSIDE OF THE CORPORATE LIMITS OF THE
CITY OF VERSAILLES, KENTUCKY, AND TO
SPECIFICALLY INCLUDE MIDWAY, KENTUCKY**

WHEREAS, the Woodford County Fiscal Court deems it necessary and appropriate to amend its Comprehensive Regulatory Ordinance for the Sale and Distribution of Alcoholic Beverages within the County of Woodford, finally adopted September 23, 2003, specifically to exclude the entirety of the incorporated area of Versailles, Kentucky, but to include the entirety of the incorporated area of Midway, Kentucky, so as to permit the sale of distilled spirits, wine, and malt beverages by the drink at qualifying restaurants on Sundays,

And to also permit Sunday sales of distilled spirits, wine, and malt beverages at qualifying retail package liquor stores, which action would also permit those persons possessing a retail malt beverage license to sell malt beverages on Sundays,

And to also permit Sunday sales of wine, both package and by the drink, at qualifying small farm wineries licensed under KRS 243.030; and

WHEREAS, KRS 244.290 specifies that the Woodford County Fiscal Court may, by ordinance, authorize and permit the sale of distilled spirits and wine by the

drink and by the package on Sundays, and KRS 244.480 specifies that the Woodford County Fiscal Court may, by ordinance, effectively authorize and permit the sale of malt beverages by the drink and by the package on Sundays; and

WHEREAS, KRS 243.060(1)(g) permits a fiscal court to impose a county license fee for the privilege of Sunday sales of distilled spirits and wine by the drink, not to exceed \$300 per annum; and

WHEREAS, the Woodford County Fiscal Court has, by majority vote, determined that economic and other concerns warrant and justify Sunday sales of alcoholic beverages in Woodford County, Kentucky;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Woodford, Commonwealth of Kentucky, as follows:

The 2003 Woodford County Comprehensive Regulatory Ordinance for the Sale of Alcoholic Beverages in Woodford County is hereby amended in two parts, as follows:

FIRST AMENDED PROVISION

SECTION IV, B. LICENSE FEE SCHEDULE is amended to include the following new and additional subsection:

(1) (f) Distilled spirits and wine special Sunday drink license

. \$300.00 per year.

AND

SECOND AMENDED PROVISION**SECTION V, A. HOURS OF SALES PROHIBITED**

(1) No premises for which there has been granted any license for the sale of malt beverages, distilled spirits, or wine shall remain open for any purpose between the hours of 12:00 midnight and 6:00 a.m. on Monday through Saturday, or during the hours the polls are open for any regular, primary, or local option election. Qualifying restaurant licensees may be open and utilize their distilled spirits and wine special Sunday license on Sundays between the hours of 1:00 p.m. and 10:00 p.m. for the sale of distilled spirits and wine by the drink; as may small farm winery licensees utilize this ordinance for the Sunday sale of wine by the package and by the drink; as may distilled spirits and wine retail package licensees utilize this ordinance for the Sunday package sale of distilled spirits and wine; and as may malt beverage retailer licensees utilize this ordinance for the sales of malt beverages by the drink or by the package on Sundays, all also between the hours of 1:00 p.m. and 10:00 p.m. on Sundays.

All other aspects of the Woodford County Comprehensive Regulatory Ordinance for the Sale and Distribution of Alcoholic Beverages in Woodford County shall remain in full force and effect.

Introduced and given first reading at a regular meeting of the Woodford County Fiscal Court on March 24, 2009, and fully adopted after the second reading at the regular meeting of Woodford County Fiscal Court on April 14,

2009. This Ordinance shall take effect and be in full force when passed, published and recorded according to law.

DATED: April 14, 2009

John Coyle
JOHN COYLE
WOODFORD COUNTY JUDGE/EXECUTIVE

ATTEST: Sandra V. Jones
CLERK, WOODFORD COUNTY FISCAL COURT

FIRST READING	<u>3-24-09</u>
PUBLICATION	<u>4-2-09</u>
SECOND READING	<u>4-14-09</u>
FINAL PUBLICATION	<u>4-23-09</u>

COMMONWEALTH OF KENTUCKY
WOODFORD COUNTY FISCAL COURT

ORDINANCE NO. 2008-13

AN ORDINANCE AUTHORIZING
THE SALE OF SOUVENIR PACKAGES
AT ANY LICENSED KENTUCKY DISTILLERY ON SUNDAYS

WHEREAS, Sunday liquor sales are currently prohibited in Woodford County; and,

WHEREAS, KRS 244.290(3)(b) authorizes a fiscal court to allow for Sunday sales of distilled spirits at licensed premises; and

WHEREAS, fiscal courts in Kentucky are authorized to enact legislation to promote and support the local tourism industry; and

WHEREAS, the local tourism industry, and thereby Woodford County, would benefit if limited Sunday sales of souvenir packaged distilled spirits were to be authorized at licensed distillers;

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Woodford, Commonwealth of Kentucky, as follows:

(1) Any licensed Kentucky distiller in Woodford County that has a gift shop on its premises may sell souvenir packages of distilled spirits at retail to distillery visitors of legal drinking age, in quantities not to exceed an aggregate of three (3) liters per visitor per day, with the exception of a purchase by a partnership, limited liability partnership, corporation, limited liability company, or other business entity holding an event on the premises of the distillery, in which case the limitation shall be one (1) liter per visitor attending the event.

(2) The sales referenced in provision one (1) above shall be permitted only through the gift shop on the distiller's premise, and only if the distillery is located in wet territory in Woodford County.

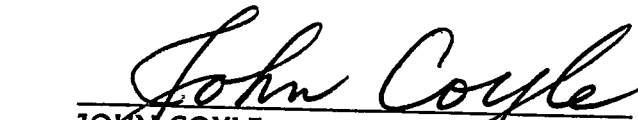
(3) Pursuant to state law and previous Woodford County Ordinance enactment, the sales referenced in provision one (1) above are currently already permitted during the hours


between 6:00 a.m. and 12:00 midnight, Monday through Saturday. As an exception to the aforesaid regulation, the sales referenced in provision one (1) above shall also be permitted between 12:00 noon and 6:00 p.m. on Sundays. Such souvenir packages sold on Sundays shall be distinctively labeled and bagged so as to reflect a Sunday sale. This Sunday sales allowance is a specific exemption to the current law prohibiting Sunday liquor sales in Woodford County.

(4) Souvenir packages sold pursuant to this ordinance shall not be sold for consumption on the premises of the distillery, and bottle or package seals may not be broken until the purchaser is off of the distillery premises.

Introduced and given first reading at a regular meeting of the Woodford County Fiscal Court on May 13, 2008, and fully adopted after the second reading at the regular meeting of Woodford County Fiscal Court on June 10, 2008 This Ordinance shall take effect and be in full force when passed, published and recorded according to law.

DATED: 6-10-08


JOHN COYLE
WOODFORD COUNTY JUDGE/EXECUTIVE

ATTEST: 
CLERK, WOODFORD COUNTY FISCAL COURT

FIRST READING
PUBLICATION
SECOND READING
FINAL PUBLICATION

5-13-08
5-29-08
6-10-08
6-19-08

WOODFORD COUNTY, KENTUCKY

CODE OF ORDINANCES

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ALCOHOLIC
BEVERAGE CONTROL

AMERICAN LEGAL PUBLISHING CORPORATION

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CHAPTER 112: ALCOHOLIC BEVERAGES**Section*****General Provisions***

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- 112.02 Scope of coverage
- 112.03 Definitions

License

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- 112.99 Penalty

definitions and rules of construction set out in this section, the definitions contained in KRS 241.010 are adopted as the meaning of those words used in this chapter.

ALCOHOLIC BEVERAGE. Every liquid or solid, whether patented or not, containing alcohol in any amount in excess of more than 1% of alcohol by volume, which is capable of being consumed by human beings. It includes every beverage for which the Commonwealth of Kentucky requires a license under KRS Chapter 243.

BOARD. The State Alcoholic Beverage Control Board created by KRS 241.030.

CONVICTED or CONVICTION. A finding of guilt resulting from a plea of guilty, an Alford plea, the decision of a court or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

COUNTY. County of Woodford, Kentucky.

COUNTY ADMINISTRATOR, ADMINISTRATOR or ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR. The County of Woodford's Alcoholic Beverage Control Administrator.

DISTILLED SPIRITS. Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider and malt beverages.

LICENSE. Any license issued pursuant to KRS 243.020 to 243.670, and any license issued by the Alcoholic Beverage Control Administrator.

LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670, or by the Alcoholic Beverage Control Administrator.

MALT BEVERAGE. Any fermented, undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS Chapter 242.

PREMISES or LICENSED PREMISES. A building or structure and does not include any apartment structures, parking lots or areas outside the confines of the building or structure.

RESTAURANT or BONA FIDE RESTAURANT. A facility where the usual and customary business is the serving of meals to consumers and that has a bona fide kitchen facility which has been inspected, approved and holds a valid certification by the Woodford County Health Department, and that derives at least 70% of its total gross receipts from the sale of food. The name of the establishment must also convey to members of the general public that the principal business of the facility is the sale of food.

RETAIL SALE. The sale for use or consumption and not for resale.

(b) A consent by the applicant to the inspection of the licensed premises, by the Administrator, where alcoholic beverages are sold, stored or otherwise trafficked in, without first obtaining a search warrant. Additionally, the Administrator may confiscate any contraband property or items;

(c) Documentary evidence of an application for a state license, which corresponds to the county license for which the application is being made; and

(d) Original applications for any alcoholic beverage license must be accompanied by a copy of notice of the applicant's intention to make application, published once before the application is filed, in the regular edition of the official newspaper of the county, which shall be *The Woodford Sun*.

(B) All applicants, all officers of any application corporation, all persons holding 5% or more of the stock in an applicant corporation, or owners or partners of an applicant partnership shall each submit fingerprints and a current color photograph of themselves with all other documents as required in the application process or during any subsequent renewal, if not previously provided or otherwise deemed necessary by the Administrator.

(Ord. 14-03, passed 9-23-2003)

§ 112.17 DENIAL OF APPLICATION.

No license provided for in this chapter shall be issued if there is cause for refusal as specified in KRS 243.450, and the Administrator shall not approve any application for a county 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 county license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant or employee thereof had a state license or county license which was revoked within 2 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 county license revoked during that time;

(D) The applicant, his or her agent or manager has been convicted of a felony;

(E) An applicant who, at the time of application for renewal of any license issued hereunder, would not be eligible for the license upon a first application;

(F) A partnership, unless all the members of the partnership shall be qualified to obtain the license;

(1) Distilled spirits, wine, and retail package license: \$600 per year. Retail package sale of distilled spirits and wine in sealed containers, but not for consumption on the licensed premises.

(2) Retail malt beverage license: \$200 per year. Malt beverage retailer's license.

(3) Restaurant wine license:

(a) New applicants: \$600 per year.

(b) Applicants for renewal: \$400 per year. Retail sale of wine for consumption on the licensed premises of a bona fide restaurant where distilled spirits for consumption on the premises are not available, or a license has not been issued.

(4) Limited retail restaurant, motel, hotel or inn drink license: \$600 per year. Retail sale of distilled spirits and wine by the drink for consumption on the licensed premises.

(5) Special temporary malt beverage license: \$25 per event. Retail sale of malt beverages, available only to religious, charitable, fraternal or other not-for-profit organizations, for periods not in excess of 3 consecutive days, 1 time per fiscal year (July 1 through June 30).

(B) No license shall be issued hereunder until the same has been approved as required by law and by the State Alcoholic Beverage Control Board and by the Administrator. Licenses which have been approved according to law shall then be issued by the Woodford County Court Clerk, or Woodford County Fiscal Court Clerk, as to be determined by the Administrator.

(C) Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than $\frac{1}{2}$ the full annual license fee.

(D) Any license issued to any person for any licensed premises shall not be transferable or assignable to any other person, to any other premises or to any other part of the building containing the licensed premises.

(E) All licenses shall expire on June 30 of each year.
(Ord. 14-03, passed 9-23-2003)

§ 112.20 CONDITIONS.

All licenses issued hereunder shall be subject to the following conditions:

(M) Pursuant to KRS 243.100, no applicant shall become a licensee who has been convicted of any felony, or of a misdemeanor directly or indirectly attributable to the use of alcoholic beverages within 2 years preceding the application; is under the age of 21 years; is not a citizen of the United States and has not had an actual bona fide residence in the state for at least 1 year before the date on which his or her application for a license is made; is a partnership or corporation, unless each member of the partnership or each of the directors, principal officers, managers and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is 21 years of age or more and is a citizen of the United States; has had any license issued under state law relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute, until the expiration of 2 years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of 2 years from the date of revocation or conviction. Prior to the issuance of any license, the Woodford County Police Department or the Woodford County Sheriff's Office, at the request and directive of the Administrator, shall investigate all applicants pertaining to the above requirements;

(N) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States census;

(O) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but the sales shall be conducted openly and without any attempt to hide it or screen from the public view. No violation of this provision occurs if the window screening becomes necessary due to bright sun conditions;

(P) A licensee which holds a restaurant wine license or limited retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license;

(Q) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon the licensed premises; and

(R) No live entertainment shall be permitted upon any licensed premises which has more than 2 members who comprise the act, show or production. No live entertainment shall be permitted past the hour of 10:00 p.m.

(Ord. 14-03, passed 9-23-2003) Penalty, see § 112.99

(E) There is exempted from this section any person or licensee who holds a temporary malt beverage license, which license permits the operation of an outdoor festival, if the festival is conducted no more than 3 consecutive days annually.

(F) No licensee shall advertise alcoholic beverages by a trade name, trademark or in any other manner within 200 feet of the property line of any school, school playground, day care, nursery or church. The distance shall be by straight line.

(Ord. 14-03, passed 9-23-2003) Penalty, see § 112.99

§ 112.37 CONDUCT OF PATRONS.

(A) Any person or licensee who owns, operates or controls any business establishment where alcoholic beverages are served or provided shall monitor the conduct of the patrons to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in such conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, creating excessive noise or trespassing upon private property in the immediate area, or operating a motor vehicle while under the influence of alcohol. Licensee shall conduct his or her business in a decent, orderly manner and shall not encourage a disorderly place of business, nor permit or engage in disorderly conduct.

(B) A 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 governmental agency having jurisdiction thereof or any office or agency thereof.

(Ord. 14-03, passed 9-23-2003) Penalty, see § 112.99

§ 112.38 CONDUCTING BUSINESS WITH A MINOR.

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

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

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

(Ord. 14-03, passed 9-23-2003) Penalty, see § 112.99

§ 112.42 SUSPENSION, REVOCATION OF LICENSE.

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

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

(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, county licenses must be revoked by the Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a county license corresponds. Further, with the approval of the Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the amount of \$50 per day, as set forth in KRS 243.480.
(Ord. 14-03, passed 9-23-2003)

§ 112.99 PENALTY.

Any person, firm, or corporation who shall violate any provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

(A) If for a violation of any state statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.

(B) If for a violation of any provision of this chapter by a fine of not more than \$250, or by imprisonment in jail for not more than 90 days, or both, in the discretion of the criminal court (a Class B misdemeanor).

(C) If a restaurant licensee holding a limited retail drink license fails to file the bi-annual report required under this chapter, or files a false, fraudulent or forged report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee, in addition to any other criminal penalty provided for by state law or by division (B) herein.

COMMONWEALTH OF KENTUCKY
WOODFORD COUNTY
FISCAL COURT

ORDINANCE NO. 14-03

A COMPREHENSIVE REGULATORY ORDINANCE FOR THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE COUNTY OF WOODFORD, KENTUCKY, BASED UPON A FINDING OF ECONOMIC HARDSHIP, DEFINING SAID REGULATIONS, SETTING FORTH A LICENSE PROCEDURE, SETTING FEES FOR SAID LICENSE AND SETTING PENALTIES FOR VIOLATIONS.

WHEREAS, there is a condition of economic hardship, pervasive and existing within Woodford County, and the sale of alcoholic beverages by the drink could stimulate and aid economic growth in the county; and,

WHEREAS, based upon documented experiences of other governmental units in the State of Kentucky, the Woodford County Fiscal Court finds it necessary to regulate the use of alcoholic beverages within Woodford County in order to protect the health, safety and welfare of the citizens of this county; and

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court of the County of Woodford, Commonwealth of Kentucky, as follows:

SECTION I

DEFINITIONS. The following words, terms and phrases, when used in this Ordinance shall have the meaning ascribed to them in this section, and unless the context of the provision requires otherwise, and in addition to the definitions and rules of construction set out in this Section, the definitions contained in KRS 241.010 are adopted as the meaning of such words used in this chapter.

1) **ALCOHOLIC BEVERAGE.** Every liquid or solid, whether patented or not, containing alcohol in any amount in excess of more than one percent (1%) of alcohol by volume, which is capable of being consumed by human beings. It includes every beverage for which the Commonwealth of Kentucky requires a license under KRS Chapter 243.

2) **BOARD.** The State Alcoholic Beverage Control Board created by KRS 241.030.

3) **COUNTY.** County of Woodford, Kentucky.

4) **COUNTY ADMINISTRATOR, ADMINISTRATOR or ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.** The County of Woodford's Alcoholic Beverage Control Administrator.

5) **CONVICTED OR CONVICTION.** A finding of guilt resulting from a plea of guilty, an Alford plea, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

6) **DISTILLED SPIRITS.** Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages.

7) **LICENSE.** Any license issued pursuant to KRS 243.020 to 243.670, and any license issued by the County Alcoholic Beverage Control Administrator.

8) **LICENSEE.** Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670, or by the County of Woodford Alcoholic Beverage Control Administrator.

9) **MALT BEVERAGE.** Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS Chapter 242.

10) PREMISES or LICENSED PREMISES. A building or structure and does not include any apartment structures, parking lots or areas outside the confines of such building or structure.

11) RESTAURANT or BONA FIDE RESTAURANT. A facility where the usual and customary business is the serving of meals to consumers and that has a bona fide kitchen facility which has been inspected, approved, and holds a valid certification by the Woodford County Health Department, and that derives at least seventy percent (70%) of its total gross receipts from the sale of food. The name of the establishment must also convey to members of the general public that the principle business of the facility is the sale of food.

12) RETAIL SALE. The sale for use or consumption and not for resale.

13) SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor or agent, servant or employee, of any alcoholic beverage. Sale further means to solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

14) STATE LICENSE. A license authorized by KRS 242.030 to 243.680.

15) WHOLESALE SALE. A sale to any person for the purpose of resale.

16) WINE. The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharin and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

SECTION II

ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR – OFFICE AND FUNCTIONS.

(1) There is hereby created the office of Alcoholic Beverage Control Administrator (hereinafter, "the Administrator"). The Administrator shall be the Woodford County Judge/Executive. The duties of the Administrator are to carry out the provisions of this ordinance and all other state and local laws pertaining to the sale of alcoholic beverages in the County of Woodford.

(2) Any person desiring to obtain a license to sell or dispense wholesale or retail distilled spirits or malt beverages shall make application to the Administrator on appropriate forms provided by the Administrator. If, in the judgment of the Administrator, the applicant has complied with all requirements of the state and local alcoholic beverage control law, an appropriate license shall be issued.

(3) The Administrator shall, in the exercise of sound discretion, refuse to issue or renew an alcoholic beverage license to any person who has not conducted his business in a decent, orderly manner, or who is known to conduct or encourage a disorderly place of business or who permits or engages in disorderly conduct, or who has been convicted of any violation of any criminal or penal law, except minor traffic violations, during the two (2) years immediately preceding his application. It is hereby deemed and declared to be in the best interest of public health, welfare and safety that the Administrator shall have discretion to issue such licenses as he deems will stimulate the local economy and promote the general welfare of the County of Woodford.

(4) All revenue derived from license fees or fines herein provided shall be paid to the Woodford County Treasurer for the benefit of the County of Woodford, and said revenue shall become a part of the general funds of the county.

(5) The Administrator shall make an annual written report of his office to the Fiscal Court.

SECTION III

A. LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale, or dispense, or have in his possession for sale, any alcoholic beverage within the county without having the appropriate license hereinafter provided for, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and, shall not entitle the holder of the license to sell from any other premises within the county.

B. APPLICATION FOR LICENSE.

(1) Applications for licenses shall be made to the Administrator, in writing signed by the applicant if an individual, or by a duly authorized agent thereof if a corporation. Such applications shall be made on forms supplied by the Administrator, and no license shall be issued until completed in full and the appropriate fee therefore has been paid.

A written application must be made 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 Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

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

(b) A consent by the applicant to the inspection of the licensed premises, by the Administrator, where alcoholic beverages are sold, stored or otherwise trafficked in, without first obtaining a search warrant. Additionally, the Administrator may confiscate any contraband property or items.

(c) Documentary evidence of an application for a state license, which corresponds to the county license for which the application is being made.

(d) Original applications for any alcoholic beverage license must be accompanied by a copy of notice of the applicant's intention to make application, published once before such application is filed, in the regular edition of the official newspaper of the county, which shall be "The Woodford Sun."

(2) All applicants, all officers of any application corporation, all persons holding 5% or more of the stock in an applicant corporation or owners or partners of an applicant partnership shall each submit fingerprints and a current color photograph of themselves with all other documents as required in the application process or during any subsequent renewal if not previously provided or otherwise deemed necessary by the Administrator.

C. DENIAL OF APPLICATION.

No license provided for in this ordinance shall be issued if there is cause for refusal as specified in KRS 243.450, and the Administrator shall not approve any application for a county license if:

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

(2) 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 county license is authorized;

(3) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or county 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 county license revoked during such time;

(4) The applicant, his agent, or manager has been convicted of a felony;

(5) An applicant who at the time of application for renewal of any license issued hereunder would not be eligible for such license issued hereunder would not be eligible for such license upon a first application.

(6) A partnership, unless all the members of the partnership shall be qualified to obtain such a license.

(7) An applicant premise is located in the downtown business area of the City of Midway, unless the applicant premises is a bona fide restaurant.

(8) An applicant premise is located in the County of Woodford not zoned for commercial use under the zoning laws of the County of Woodford. This section shall not preclude the issuance of a license on premises for which a proper zoning change has been granted by the Planning Commission and Fiscal Court of Woodford County.

(9) Any statement or representation in the application is false.

(10) In the exercise of sound discretion, the Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objectives of this Ordinance and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the Administrator shall consider in the exercise of his discretion are: public sentiment in the area; number of license outlets in the area; potential for future growth; traffic flow and parking availability; type of area involved; type of transportation involved; safety

issues; financial potential of the area, and the intended name of the applicant premises. No alcoholic beverage license shall be issued to a restaurant intending to use the words, "Saloon, Bar, Joint or Roadhouse," nor shall any other term be used that would likely bring disrepute upon the neighborhood in which it would be located, or the County of Woodford.

SECTION IV

A. CLASSIFICATION OF LICENSES.

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

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

B. LICENSE FEE SCHEDULE.

(1) The licenses authorized under this subchapter shall be divided into the following categories and the applicant shall, at the time of his application, pay to the County of Woodford the appropriate fee for each license applied for:

- (a) Distilled spirits, wine, and retail package license \$600.00 per year.
Retail package sale of distilled spirits and wine in sealed containers, but not for consumption on the licensed premises.

- (b) Retail malt beverage license\$200.00 per year.
Malt beverage retailer's license.
- (c) Restaurant wine license
 - (a) New applicants\$600.00 per year.
 - (b) Applicants for renewal\$400.00 per year.
 Retail sale of wine for consumption on the licensed premises of a bona fide restaurant where distilled spirits for consumption on the premises is not available, or a license has not been issued.
- (d) Limited retail restaurant, motel, hotel, or inn drink license.....\$600.00 per year.
Retail sale of distilled spirits and wine by the drink for consumption on the licensed premises.
- (e) Special temporary malt beverage license.....\$25.00 per event.
Retail sale of malt beverages. Available only to religious, charitable, fraternal, or other not-for-profit organizations, for periods not in excess of three consecutive days, one time per fiscal year (July 1 through June 30).

(2) No license shall be issued hereunder until the same has been approved as required by law and by the State Alcoholic Beverage Control Board and by the Administrator. Licenses which have been approved according to law shall then be issued by the Woodford County Court Clerk, or Woodford County Fiscal Court Clerk, as to be determined by the Administrator.

(3) Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than one-half the full annual license fee.

(4) Any license issued to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises.

(5) All licenses shall expire on June 30 of each year.

C. LICENSE CONDITIONS.

All licenses issued hereunder shall be subject to the following conditions:

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written onto the license.

(2) A limited retail drink license for the sale of distilled spirits by the drink at restaurants, motels, hotels, and inns shall be issued only on the following conditions:

(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred (100) persons. A restaurant must be a bona fide restaurant establishment, open to the general public and having dining facilities for not less than one hundred (100) persons, and must derive at least seventy percent (70%) of their total gross receipts from the sale of food.

(3) A restaurant wine license may be issued to an applicant who is an owner or lessee of a bona fide restaurant. Other conditions for a restaurant wine license shall be governed by KRS 243.032.

(4) Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department and an inspection and certification by the city fire chief that the premises of the applicant meet all fire, building and safety standards.

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

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

(7) All licensees shall conduct alcohol awareness training annually for all employees and the certificate for same must be available to the Administrator.

(8) Each restaurant licensee shall file with the Woodford County Treasurer and the Administrator every six (6) months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages. The report shall be notarized and sworn to by the person filing the report. In addition, the licensee agrees to provide tax returns, receipts, or any other business record which the Administrator may request in order to verify the information contained in the report.

(9) No license for the sale of alcoholic beverages at retail shall be used 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.

(10) No county license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(11) A license that might be issued shall be refused for the same causes set forth in state law for the refusal of state licenses.

(12) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state licenses.

(13) Pursuant to KRS 243.100, no applicant shall become a licensee who has been convicted of any felony, or of a misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two (2) years preceding the application; is under the age of twenty one (21) years; is not a citizen of the United States and has not had an actual bona fide residence in the state for at least one (1) year before the date on which his application for a license is made; is a partnership or corporation unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is twenty-one (21)

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CLERK OF CIRCUIT COURT

years of age or more and is a citizen of the United States; has had any license issued under state law relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any statute, until the expiration of two (2) years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two (2) years from the date of revocation or conviction. Prior to the issuance of any license, the Woodford County Police Department or the Woodford County Sheriff's Office, at the request and directive of the Administrator, shall investigate all applicants pertaining to the above requirements.

(14) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(15) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen from the public view. No violation of this provision occurs if the window screening becomes necessary due to bright sun conditions.

(16) A licensee which holds a restaurant-wine license or limited retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.

(17) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.

(18) No live entertainment shall be permitted upon any licensed premises which has more than two (2) members who comprise the act, show, or production. No live entertainment shall be permitted past the hour of 10:00 p.m.

SECTION V

A. HOURS OF SALES PROHIBITED.

(1) No premises for which there has been granted any license for the sale of malt beverages, distilled spirits, or wine shall remain open for any purpose between the hours of 12:00 midnight and 6:00 a.m., or any time during the 24 hours on a Sunday, or during the hours the polls are open for any regular, primary, school, or special election.

(2) For the purposes of this section, the phrase "no premises shall remain open" shall mean no alcohol beverage containers open or closed shall remain within the area available for customers, and doors to the premises closed and locked, and parking lot cleared of all customers. The hours defined in this section for prohibited use or sale of alcoholic beverages are applicable to owners, agents, and employees of the premise, as well as customers. However, if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of malt beverages, distilled spirits, and wine, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section.

B. ALCOHOLIC BEVERAGES – PREMISES.

(1) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if said alcoholic beverage is in any opened container.

(2) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of said alcoholic beverages on any parking lot which is adjacent, connected with or used by the patrons of such business establishment which is under the direct control of the license.

(3) No person shall drink any alcoholic beverage on or in any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(4) No person shall consume or be in possession of any alcoholic beverage on licensed premises other than alcoholic beverages sold and dispensed by the licensee. The license or his agent shall have the authority to order the immediate removal of any alcoholic beverage carried onto licensed premises in violation of this section.

(5) Exemption for Outdoor Festivals. There is exempted from this section any person or licensee which holds a temporary malt beverage license, which license permits the operation of an outdoor festival, if said festival is conducted no more than three consecutive days annually.

(6) Advertising Alcoholic Beverages Near a School or Church Prohibited. No licensee shall advertise alcoholic beverages by a trade name, trade-mark, or in any other manner within two hundred (200) feet of the property line of any school, school playground, day care, nursery, or church. The distance shall be by straight line.

C. CONDUCT OF PATRONS.

(1) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall monitor the conduct of their patrons to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in such conduct as urinating in the street, fighting, drinking at the curb or

directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, creating excessive noise or trespassing upon private property in the immediate area, or operating a motor vehicle while under the influence of alcohol. Licensee shall conduct his business in a decent orderly manner, and shall not encourage a disorderly place of business, nor permit or engage in disorderly conduct.

(2) A 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 governmental agency having jurisdiction thereof or any office or agency thereof.

D. CONDUCTING BUSINESS WITH A MINOR.

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

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

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

E. AIDING OR ASSISTING PERSONS UNDERAGE.

It shall be unlawful for any person to aid or assist any person under the age of 21 years in purchasing, delivering, serving, or in any way procuring directly or indirectly any alcoholic beverages.

F. POSTING OF SIGNS – DISPLAY OF LICENSE.

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, prominent place on the license 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 18 inches by 11 inches in size with the following message printed on 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:

1. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or
2. Possess, purchase or attempt to purchase any alcoholic beverages; or
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(b) All valid city licenses issued therefore and the state license 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.

G. TEMPORARY SUSPENSION OF SALE.

The Administrator shall have the right to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire county, or any portion thereof whenever said

Administrator considers such action necessary by reason of a serious public emergency such as a riot, insurrection, pestilence, epidemic, or any catastrophe of such proportions as would effect the general welfare, public health, safety and morals of all the citizens of the city in general. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken.

H. SUSPENSION, REVOCATION OF LICENSE.

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

- (a) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the county;
- (b) 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;
- (c) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(2) However, county licenses must be revoked by the Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a county license corresponds. Further, with the approval of the Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the amount of \$50.00 per day, as set forth in KRS 243.480.

SECTION VI

SCOPE OF COVERAGE.

This ordinance shall apply to all areas of Woodford County outside of the corporate city limits of the city of Versailles, which has its own regulatory ordinance in regard hereto.

SECTION VII

GENDER NEUTRALITY.

The terms he, his or any other masculine description utilized in this ordinance shall be interchangeable with the terms she, her or any other feminine description and vice versa.

SECTION VIII

SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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SECTION IX

PENALTY.

(1) Any person, firm, or corporation who shall violate any provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

- (a) If for a violation of any state statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.

- (b) If for a violation of any provision of this ordinance by a fine of not more than two hundred and fifty dollars (\$250.00), or by imprisonment in jail for not more than ninety (90) days, or both, in the discretion of the criminal court (a Class B misdemeanor).
- (c) If a restaurant licensee holding a limited retail drink license fails to file the bi-annual report required under this ordinance, or files a false, fraudulent, or forged report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee in addition to any other criminal penalty provided for by state law or by section (b) herein.
- (d) If a restaurant licensee is deemed ineligible for a limited retail drink license based upon the bi-annual report required under this ordinance, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.

SECTION X

PASSAGE.

Introduced and given first reading at a regular meeting of the Woodford County Fiscal Court on August 26, 2003, and fully adopted after the second reading at the regular session of Woodford County Fiscal Court on September 23, 2003. This ordinance shall take effect and be in full force when passed, published and recorded according to law.

DATED: 10-9-03



JOE D. GORMLEY
WOODFORD COUNTY JUDGE/EXECUTIVE

ATTEST: Mary Lee Gellis

CLERK, WOODFORD COUNTY FISCAL COURT

FIRST READING	<u>8-26-03</u>
PUBLICATION	<u>9-4-03</u>
SECOND READING	<u>9-23-03</u>
FINAL PUBLICATION	<u>10-2-03</u>