

ORDINANCE NO. 12-14-06-05

AN ORDINANCE OF THE COUNTY OF GALLATIN, KENTUCKY, AMENDING THE CODE OF ORDINANCES IN ORDER TO ESTABLISH TIMES FOR THE SALE OF ALCOHOLIC BEVERAGES WHEN NEW YEARS' EVE FALLS ON A SUNDAY.

BE IT ORDAINED BY GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: Section 112.40 of Ordinance ____ of Gallatin County, Kentucky is hereby amended to read as follows:

Section 112.40 – **Prohibitions, Restrictions and Regulations**

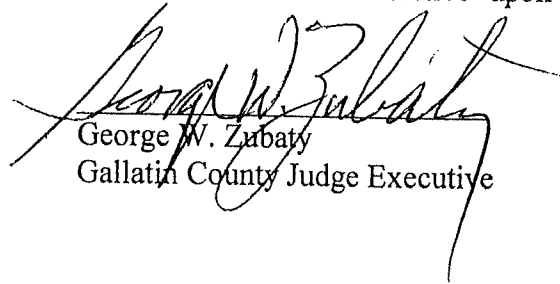
- (A) Retail Sale for Consumption on Licensed Premises. Premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink for consumption-on-premises, shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited* between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.; and any time when the polls are open for any election in the precinct in which the license is granted. However, if the licensee provides a separate area within his licensed premises capable of being locked and closed off within which is kept all stocks of alcoholic beverages and malt beverages and if the department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with his subsection.
- (B) Control of Premises During Closing Hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.
- (C) Wholesale Deliveries on Sundays Prohibited. There shall be no deliveries of alcoholic or malt beverages on Sunday.
- (D) Licensees authorized to sell package liquor at retail for off-premises consumption shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED

HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.

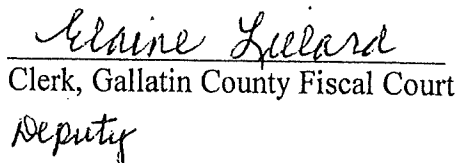
- (E) Licensees authorized to sell malt beverages at retail for on and off-premises consumption shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.

SECTION 2: All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

SECTION 3: The foregoing Ordinance was read, declared and an emergency and passed and adopted by the Fiscal Court of Gallatin County, Kentucky, meeting in Regular Session on the 14th day of December, 2006, and as such shall be effective upon publication.


George W. Zubaty
Gallatin County Judge Executive

ATTEST:


Clerk, Gallatin County Fiscal Court
Deputy

ORDINANCE NO. 7-13-05-01

AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC
BEVERAGES WITHIN GALLATIN COUNTY, KENTUCKY

Whereas, it is determined by the Gallatin County Fiscal Court, as evidenced hereby, that economic hardship exists within Gallatin County, Kentucky, as witnessed by the closing of a major manufacturing employer, failure of various retail businesses, loss of the federal tobacco program and stagnant unemployment rates, and

Whereas, it is the sense of said Fiscal Court that allowing the sale of alcoholic beverages by the drink could aid economic growth, and

Whereas, Gallatin County desires to establish the hours that distilled spirits and wine may be sold, including Sundays in compliance with KRS 244.290 and related statutory and case law

Whereas, the County may impose certain restrictions, regulations, and license fees upon such retail establishments that wish to sell alcoholic beverages.

Now Therefore, Be It Hereby Ordained by the Gallatin County Fiscal Court, Kentucky, as follows, to-wit:

Title XI, Chapter 112 of the Code of Ordinances of the Gallatin County Fiscal Court, Kentucky, shall read as follows:

ALCOHOLIC BEVERAGE CONTROL

TITLE XI: Business Regulations
Chapter 112: Alcoholic Beverage Control

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112.03 Incorporation of State Law
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- 112.44 Advertising Restrictions
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- 112.60 Regulatory License Fee
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- 112.71 Severability
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112.01 SHORT TITLE

This Chapter shall be known and may be cited as the Alcoholic Beverage Control Ordinance of Gallatin County, Kentucky.

112.02 DEFINITIONS

As used in this chapter, unless the context clearly indicates or requires a different meaning, the words and terms defined in Kentucky Revised Statute 241.010 shall apply.

The term "County" shall refer to Gallatin County, Kentucky.

112.03 INCORPORATION OF STATE LAW

- (A) The provisions of the State Alcoholic Beverage laws contained in KRS Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the County, except as otherwise lawfully provided herein.
- (B) No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this chapter and all statutes and regulations of the state applicable thereto. Penalty, see 118.66.

112.04 SCOPE AND TERRITORY OF COVERAGE

- (A) This chapter shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such applications.
- (B) Nothing contained in this chapter shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises in the county, where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinances of the county or of any other statutes of the state relating to violations pertaining to alcoholic beverages.
- (C) This ordinance shall apply to and within all territory within the county wherein prohibition is not in effect, including, but not limited to, territory within incorporated cities; provided, however,

that in the event any Fourth Class city within the county should enact its own comprehensive ordinance regulating the sale of alcohol by the drink and hours of operation within its boundaries, then, in the event, the city's ordinance shall supercede and supplant this ordinance, and this ordinance shall not apply within that city unless and to the extent so provided in the city ordinance.

Administration and Control

112.10 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

Enforcement and implementation of this ordinance shall be performed by the County Alcoholic Beverage Administrator, as constituted pursuant to KRS 241.110, who, in the implementation and enforcement of this ordinance shall have all powers and duties conferred upon him by the Kentucky Revised Statutes, Chapters 241, 242, 243 and 244. Appeals from orders or actions of the local administrator shall be prosecuted in accordance with KRS 241.150, or any successor statute.

License and Taxes

112.20 LICENSE REQUIRED FOR SALE

(A) Under this Ordinance, a license shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.185 or other state statute. (B) Sunday sales of package liquor and/or malt beverages retail are permitted only by qualified licensees who obtain a license for same as part of the regular annual license fee for package liquor and/or malt beverages.

112.21 LIMITED RESTAURANT ALCOHOLIC BEVERAGE BY THE DRINK LICENSE; FEES

The County shall have the power and authority to issue licenses for the sale of alcoholic beverages by the drink at restaurants and dining facilities and motels, hotels and inns and other establishments which qualify under KRS 242.185 or other state statute. The fee for this license shall be \$500.00 or such other sum as may be authorized by state statute. *

112.22 DATE LICENSES EXPIRE; PRORATION

All license issued by the County shall be valid for a period of no more than one year. All licenses shall expire on June 30 of each year. Applications for renewal are to be filed with the County at least fifteen (15) days prior to expiration. When any person applies for a new license he shall be charged the full fee for the respective license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. In the event any license shall cease doing business for any reason, no refund of the County license fee shall be granted.

112.23 PERSONS WHO MAY NOT BE LICENSED

A person shall not become a licensee under this chapter for any of the reasons stated in KRS 243.100, or if otherwise disqualified under state statute.

112.24 PREMISES THAT MAY NOT BE LICENSED FOR SALES AT
RETAIL

No license for the sale of alcoholic beverages at retail shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease or a permit for a term of not less than the license period.

112.25 BUSINESSES AUTHORIZED BY RETAIL DRINK LICENSE

An alcoholic beverage by the drink license shall authorize the licensee to purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase alcoholic beverages only from licensed wholesalers. A licensee may purchase wine in containers not smaller than one hundred (100) milliliters if the wine does not exceed fourteen percent 14% alcohol by volume. A licensee may buy mixed drinks in containers of a capacity not smaller than three hundred fifty-five (355) milliliters if the mixed drinks contain a substantial proportion of carbonated water. A retail drink license shall not authorize the licensee to sell alcoholic beverages by the package.

112.26 PUBLIC NOTICE OF INTENTION TO APPLY FOR LICENSE

Any person, corporation, partnership, or any other entity, except an applicant for the same license for the same premises, or an applicant for a supplemental bar license shall before applying for a license advertise by publication of his or her intention to apply for a license as stipulated in KRS 243.360.

112.27 LOCAL ADMINISTRATOR TO APPROVE APPLICATION FIRST

An applicant for an alcoholic beverage license must have his county license approved by the County Alcoholic Beverage Control Administrator before they are eligible to apply for a state license.

112.28 APPLICATION FOR STATE LICENSE

All applicants for alcoholic beverage licenses must submit an application to the state as stipulated in KRS 243.380.

112.29 SUBMITTAL OF APPLICATION

An applicant for a license under this chapter shall file with the County Alcoholic Beverage Control Administrator a copy of his state license application containing the information required by KRS 243.380 and 243.390. The County application shall include the consent of the applicant permitting the County ABC Administrator to inspect and search the licensed premises at any reasonable time, to confiscate articles found on the premises in violation of any ordinance or statute, and to order an emergency temporary closure of the premises if the public health, safety, morals and welfare is threatened by one or more violations of any ordinance or statute involving disturbance of the peace or public disorder. The temporary closure shall remain in effect until review of the alleged violations by the County ABC Administrator within thirty-six (36) hours. The application shall also include documentation on the licensee's previous year's gross sales of both food and alcohol in a manner acceptable to the County ABC Administrator.

112.30 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE
SUSPENSION OR REVOCATION OF LICENSE

- (A) State Law References. Causes for refusal to issue or renew a license and for suspension or revocation of a county license shall be same as provided for state licenses according to KRS 243.450, 243.490, 243.500, 244.120 as well as violation of any county ordinance regarding beverage licensing, sales, or the administration of licenses.
- (B) Delinquent Taxes or Fees. No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the County at the time of issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the County. If a licensee becomes delinquent in the payment of any taxes or any fees due to the County at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension. The County ABC Administrator may, in his discretion, approve a license to sell after receiving from the County Court Clerk and County Treasurer, a written statement to the effect that the applicant for the license has paid or has made satisfactory arrangements with the County for taking care of the indebtedness represented by the unpaid and delinquent taxes or fees. This section shall apply only to taxes and fees, which are due and payable by the licensee.
- (C) Appeals. Appeals may be taken from decisions of the County ABC Administrator to the State Alcoholic Beverage Control Board according to the provisions of KRS 241.200 and 243.550.
- (D) A cause for refusal to issue or renew a license and for suspension or revocation of a county license shall occur if the license holder ceases to qualify for a retail drink license under KRS 242.185 or other state statute.

112.31 APPROVAL OR DENIAL OF APPLICATION

- (A) If upon review of the application, the County ABC Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Law, as well as all regulatory provisions of this chapter, that the location is one that can be approved, including but not limited to the requirements of KRS 243.220 and 242.185, that a license may be issued within the rules fixed by the State Alcoholic Beverage Control Board, and that there are no causes for denial of the license, the County ABC Administrator shall approve the application.
- (B) If the County ABC Administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, he may issue to the applicant a written order setting forth such violation and requiring the applicant to show cause why the requested license should be issued. The County ABC Administrator shall have the right to order and the applicant shall have the right to request, an evidentiary hearing to examine the violation set forth in the show cause order issued by the County ABC Administrator. Any decision by the County ABC Administrator on the application shall be subject to appeal as provided by law.

112.32 PAYMENT OF FEES, REFUND OF FEE

Upon approval of the application by the County ABC Administrator, the applicant shall pay the amount of the licensee fee provided in this chapter in the form of a certified check, money order or cash. Payment shall be held in deposit by the County pending state license approval and issuance of the County license by the County ABC Administrator. If the payment of a license fee was erroneously made or the licenses are not issued, the County shall authorize the payment of the refundable amount.

112.33 ISSUANCE OF COUNTY LICENSES

The County licenses shall be issued and the fees collected by the County Court Clerk. No license shall be issued by the clerk without the approval of the County ABC Administrator. The license shall be in form of a standard County Business License and a business license category shall hereby be established as "Limited Alcoholic Beverage by the Drink License". The fees shall be those established and not replace the standard general business license fees.

112.34 POSTING OF LICENSES

Each county license shall be posted at the licensed premises in the same manner prescribed by KRS 243.620 for state licenses. An exact duplicate or facsimile of each county license shall remain in the County Clerk's office as part of the public record.

112.35 TRANSFER, ASSIGN, OR ACQUIRE EXISTING LICENSE

The transfer, assigning or acquisition of a county license shall be the same as provided for in state licenses in KRS 243.630, 243.650, and 243.660.

112.36 APPLICANT TO PAY OF OWN LICENSE

The license fee for a county license shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued under these sections.

112.37 DEPOSIT OF FEES

All monies derived from license fees or from fines as provided in this chapter less County Clerks commissions, shall be paid to the treasury of the County and become a part of the general funds of the County.

112.38 LICENSE TO BECOME VOID IF BUSINESS DORMANT; LICENSE RENEWAL

- (A) Surrender of license and exceptions. Any license under which no business is transacted during a period of ninety (90) days shall become a null and void. At the expiration of the ninety (90) days period the license shall be surrendered to the County ABC Administrator, except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to 804 KAR 4: 1110, as amended from time to time, to continue such license in dormancy. In the event a period of dormancy is applied for or granted by the ABC Administrator to the licensee, the licensee shall immediately notify the County ABC Administrator. Upon resumption of business or transfer or assignment of the license, the license shall notify the County ABC Administrator and a fee shall be due and payable to the County ABC Administrator for the period the license was in dormancy in the same amount due had the license remained active for the same period.
- (B) Applications based on pending construction of development applications approved by the County ABC Administrator and based on pending construction or development on the premises shall be null and void after ninety (90) days of the commitment to issue a license if the applicant fails to proceed in an orderly fashion to initiate construction or development on the premises involved. The ABC Administrator may grant extensions as he deems appropriate in exercise of his sound discretion based on facts and circumstances surrounding each request.
- (C) Renewals time for filing. All renewal of licenses and payment of license fees must be on file with the County ABC Administrator fifteen (15) days

before the expiration of the license for the preceding license period or the license shall be cancelled, except that the licensee may file a written, verified statement fifteen (15) days prior to the expiration date of the license, settling for the facts justifying an extension. The ABC Administrator may then extend the time for filing of a renewal of the license for a reasonable length of time within the exercise of his sound discretion. The licensee shall pay the licensee fee from the expiration date of the former license or licenses and payments shall be refunded to the licensee in the event that the license or licenses are not renewed at or before the end of the extension period.

Prohibitions, Restrictions and Regulations

112.40 HOURS OF SALE

- (A) Retail Sale for Consumption on Licensed Premises. Premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink for consumption on-premises, shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited* between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m.; and any time when the polls are open for any election in the precinct in which the license is granted. However, if the licensee provides a separate area within his licensed premises capable of being locked and closed off within which is kept all stocks of alcoholic beverages and malt beverages and if the department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with his subsection.
- (B) Control of Premises During Closing Hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.
- (C) Wholesale Deliveries on Sundays Prohibited. There shall be no deliveries of alcoholic or malt beverages on Sunday.
- (D) Licensees authorized to sell package liquor and/or malt beverages at retail for off-premises consumption may sell same on Sundays except during the time between 12:00 a.m. midnight and 1:00 p.m. *
- (E) Sunday sales of package liquor and/or malt beverages retail are permitted only by qualified licensees who obtain a license for same as part of the regular annual license fee for package liquor and/or malt beverages.

112.41 HOURS OF SALE; EXCEPTIONS; REQUIREMENTS

The licensee shall be allowed to remain open during hours when the sale of alcoholic beverages is prohibited for the sole purpose of providing food services to the public. However, all stocks of alcoholic beverages shall be locked and closed off from the public during said time period.

112.42 FOOD SERVICE REQUIREMENT

All license holders of an alcoholic beverage by the drink license qualified to hold such by virtue of being a restaurant or dining facility shall be required to maintain food service during all hours that alcohol is served.

112.43 CONFISCATION AUTHORIZED IF VIOLATIONS OCCUR

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

112.44 ADVERTISING RESTRICTIONS

- (A) Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign not over two (2) square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on, nor shall it be visible from the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the windows of the licensed premises business price cards not larger than two and one-half (2 ½) inches in size, setting forth the price at which he offers alcoholic beverages for sale.
- (B) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.
- (C) It shall be unlawful for a license under this chapter to distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.
- (D) It shall be unlawful for any person, holding a license under this chapter to sell alcoholic beverages of any kind, to give away or offer to give away

anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

- (E) Any advertising by any licensee under this chapter shall be in compliance with applicable state statutes.

112.45 "TREATING" PROHIBITED

No license holder shall give away any alcoholic beverage in any quantity for less than a full monetary consideration.

112.46 LICENSEE TO PURCHASE FROM AND SELL ONLY TO PERSONS AUTHORIZED TO SELL OR PURCHASE

- (A) No licensee shall purchase or agree to purchase any alcoholic beverages from any person within or without this state, who is not licensed to sell the beverages to the particular purchaser at the time of the agreement to sell, nor give any order for any alcoholic beverages to any person who is not a holder of a special agent's or solicitor's license if such a license is required.
- (B) No licensee shall sell or agree to sell any alcoholic beverage to any person, within or without this state who is not legally authorized to buy and receive the beverages at the time of the agreement to sell, nor secure any order for the sale of any alcoholic beverages through any person who is not the holder of a special agent's or solicitor's license.

112.47 RETAIL SALES TO CERTAIN PERSONS PROHIBITED

No retail licensee shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

- (A) A minor, except that in any prosecution for selling alcoholic beverages to a minor it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his age could not have been ascertained by any other means and the purchaser's appearance and character indicated strongly that he was of legal age to purchase alcoholic beverages. The evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.
- (B) A person actually or apparently under the influence of alcoholic beverages.
- (C) A habitual drunkard or any person convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period.

112.48 SALE TO PERSON NOT PROVIDING FOR HIS FAMILY
PROHIBITED

No license shall sell or agree to sell any alcoholic beverages or cause or permit any alcoholic beverage to be sold to any person who has been reported to the licensee by any court or by any officer acting at the direction of a court as having failed to make proper provision for his family.

112.49 LICENSEE TO DISPLAY NOTICE AS TO SALE TO MINORS;
WARNING OF DANGERS OF DRINKING DURING PREGNANCY
TO BE POSTED

- (A) Every retail licensee shall display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or larger type, substantially as follows:
 - Persons under the age of twenty-one (21) are subject to a fine up to One Hundred Dollars (\$100.00) if they:
 - (1) Enter Licensed premises to buy, or have served to them, alcoholic beverage
 - (2) Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
 - (3) Misrepresent their age for purpose of purchasing or obtaining alcoholic beverages.
- (B) All licensed retail vendors of alcoholic beverages shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

112.50 MINORS NOT TO POSSESS OR PURCHASE LIQUOR NOR TO
MISREPRESENT AGE-USE OF FRAUDULENT IDENTIFICATION

- (A) As used in KRS 244.083 and this section; "Premises" has the meaning it is given in KRS 241.010 and also means that the place of business of a person licensed to sell alcoholic beverages.
- (B) A person under 21 years of age shall not enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.
- (C) A person under 21 years of age shall not possess for his or own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

- (D) A person under 21 years of age shall not misrepresent his or her age for the purpose of inducing any license, or the licensee, or the licensee's agent, servant, or employee, to sell or serve any alcoholic beverages to the underage person.
- (E) A person under 21 years of age shall not use, or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

112.51 PERSONS WHOM LICENSEES MAY NOT EMPLOY

- (A) A person holding any city license shall not knowingly employ in connection with his or her business any person who:
 - (1) Has been convicted of any felony within the last two (2) years,
 - (2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years.
 - (3) Is under the age of twenty (20) years, unless the person is employed in a capacity that does not involve the sale or serving alcoholic beverages.
 - (4) Within two (2) years prior to the date of his employment, has any license issued under KRS 243.020 to 243.670 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation or alcoholic beverages revoked for cause.
- (B) The provisions of paragraph (1) and (2) of subsection (A) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.
- (C) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

112.52 RETAIL PREMISES NOT TO BE DISORDERLY

(A) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

(B) Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

- (1) Engaging in fighting or in violent, tumultuous or threatening behavior; or
- (2) Making unreasonable noise; or
- (3) Refusing to obey any official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency; or
- (4) Creating to hazardous or physically offensive condition by an act that serves no legitimate purpose; or

- (5) Conducting promotional efforts that are not customary or usual for a restaurant operation (e.g. wet t-shirt contest).

Regulatory License Fee

112.60 REGULATORY LICENSE FEE IMPOSED

- (A) A regulatory license fee is imposed on the gross receipts from retail sales of alcoholic beverages by the drink for the purpose of insuring full reimbursement to the County for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the County. The Fiscal Court shall adopt, at the budget adoption for the fiscal year, an annual rate for the regulatory license fee as shall be reasonably estimated to insure full reimbursement to the County for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages by the drink in the County. The regulatory license or fees imposed under the provisions of this chapter.

112.61 PAYMENT

Payment of such fee shall accompany forms approved for use by the ABC Administrator and shall include a tabulation of both gross food sales and alcohol sales for the preceding quarter. The forms and payment shall be submitted to the County Treasurer by the end of each month following the calendar quarter for the preceding quarter's sales. One-fourth (1/4) of the license fee required under the provisions of this chapter shall be deducted each quarter as a credit.

112.62 FAILURE TO PAY; INTEREST ON LATE PAYMENT

Failure to pay the quarterly remittance within ten (10) days after the due date shall constitute a violation of this chapter. Interest shall be assessed upon any past due payments at the rate of twelve (12) percent per annum.

112.63 PENALTY FOR NONPAYMENT

If the holder of any license shall fail to pay the regulatory license fee imposed by this Section within ten (10) days of the due date, an automatic penalty of Fifty and 00/100 Dollars (\$50.00) shall be assessed for the first offense. An automatic penalty of One Hundred and 00/100 Dollars (\$100.00) shall be assessed on the second offense, and an automatic penalty of Two Hundred 00/100 Dollars (\$200.00) shall be assessed on the third offense. In addition to the monetary penalty, the County Alcoholic Beverage Control Administrator shall hold a hearing for a second and third offense requiring the licensee to show cause why the license should not be suspended or revoked with full authority to do so upon appropriate findings. The calculation of the number of offenses for the purpose of invoking the above penalties shall be done on a twelve (12) month

basis, with the number of offenses being reduced to zero at the beginning of each new license period.

112.64 ADEQUATE RECORD KEEPING

Every licensee shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the State Alcoholic Beverage Control Board, or such rules and regulations as may be from time to time promulgated by the County Alcoholic Beverage Control Administrator and approved by a majority of quorum of the County Commission. Where the sales of alcoholic beverages as they relate to other sales are determinative of the licensee's eligibility to retain a license, the licensee shall maintain adequate records to show that relationship. The books and records shall be available at all reasonable times for inspection by the County Alcoholic Beverage Control Administrator or any authorized representative.

112.65 AUDIT REQUIREMENTS

The County Alcoholic Beverage Control Administrator may at his discretion require that a licensee make his records available to the County for the purpose of conducting an audit to verify compliance with this ordinance and applicable state statutes.

112.70 PENALTIES

(A) Any person who violates any provision of this chapter for which no specific penalty is provided shall be guilty of a misdemeanor and shall, in addition to other penalties provided by law, be subject to the following penalties:

- (1) For the first offense a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00);
- (2) For any subsequent offense a fine not to exceed Five Hundred and 00/100 Dollars (\$500.00) or confinement in jail of not more than six (6) months, or both.

(B) Any proceeding for the revocation of any license issued hereunder shall be governed in accordance with the provisions of KRS 243.480.

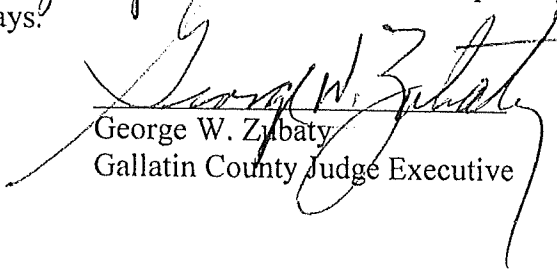
112.71 SEVERABILITY

If any portion of this Ordinance is declared null and void, the remaining provisions will remain in full force and effect.

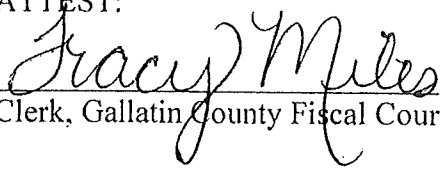
112.72 REPEAL OF CONFLICTING ORDINANCES

All ordinances of Gallatin County in conflict herewith are hereby supercede, and/or repealed by implication, to the extent of the conflict herewith. This ordinance shall be controlled as to all matters addressed herein.

After a reading in full on the 14th day of July, 2005, followed by a second reading in full on the 8th day of September, 2005, and on motion made by Jim Campbell seconded by George W. Zubaty, the ordinance was adopted by a vote of 3 - ayes and 2 nays.


George W. Zubaty
Gallatin County Judge Executive

ATTEST:


Clerk, Gallatin County Fiscal Court

ORDINANCE NO. 12-19-06 05

AN ORDINANCE OF THE COUNTY OF GALLATIN, KENTUCKY, AMENDING THE CODE OF ORDINANCES IN ORDER TO ESTABLISH TIMES FOR THE SALE OF ALCOHOLIC BEVERAGES WHEN NEW YEARS' EVE FALLS ON A SUNDAY.

BE IT ORDAINED BY GALLATIN COUNTY, KENTUCKY, AS FOLLOWS:

SECTION 1: Section 112.40 of Ordinance ____ of Gallatin County, Kentucky is hereby amended to read as follows:

Section 112.40 – **Prohibitions, Restrictions and Regulations**

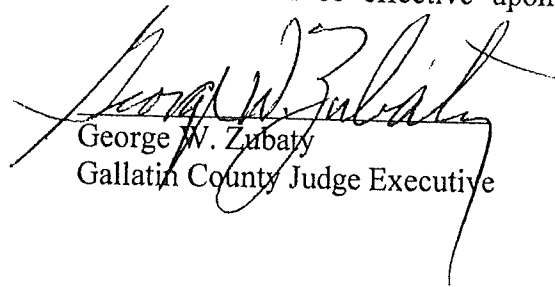
- (A) Retail Sale for Consumption on Licensed Premises. Premises for which there has been granted a license for the retail sales of alcoholic beverages by the drink for consumption on-premises, shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited* between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.; and any time when the polls are open for any election in the precinct in which the license is granted. However, if the licensee provides a separate area within his licensed premises capable of being locked and closed off within which is kept all stocks of alcoholic beverages and malt beverages and if the department is kept locked during the foregoing time he is not permitted to remain open to sell alcoholic beverages, he shall be deemed to have complied with his subsection.
- (B) Control of Premises During Closing Hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.
- (C) Wholesale Deliveries on Sundays Prohibited. There shall be no deliveries of alcoholic or malt beverages on Sunday.
- (D) Licensees authorized to sell package liquor at retail for off-premises consumption shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED

HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.

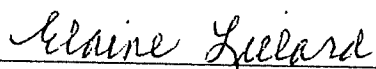
- (E) Licensees authorized to sell malt beverages at retail for on and off-premises consumption shall be permitted to remain open at all times except for the period commencing at 1:00 a.m. and ending at 6:00 a.m. each day except Sunday when sales are prohibited between the hours of 1:00 a.m. to 1:00 p.m. and Monday 12:01 a.m. midnight until 6:00 a.m. PROVIDED HOWEVER, IN YEARS ON WHICH NEW YEAR'S EVE FALLS ON A SUNDAY, LICENSEES MAY REMAIN OPEN AND ALCOHOLIC BEVERAGES MAY BE SOLD UNTIL 1:00 A.M. ON MONDAY JANUARY 1.

SECTION 2: All Ordinances or parts of any Ordinances in conflict herewith to the extent of such conflict, if any, are hereby repealed.

SECTION 3: The foregoing Ordinance was read, declared an emergency and passed and adopted by the Fiscal Court of Gallatin County, Kentucky, meeting in Regular Session on the 14th day of December, 2006, and as such shall be effective upon publication.


George W. Zubaty
Gallatin County Judge Executive

ATTEST:


Clerk, Gallatin County Fiscal Court
Deputy

GALLATIN COUNTY CODE OF ORDINANCES
TITLE XI
CHAPTER 13
ORDINANCE NO. 11-09-00

AN ORDINANCE RELATED TO ENACTMENT OF A FRANCHISE TAX ON FINANCIAL INSTITUTIONS

BE IT ORDAINED by the Gallatin County Fiscal Court, as follows:

SECTION 113.01 DEFINITIONS

As used in this Ordinance the term "Financial Institution" shall be defined as set forth in KRS 136.500 (10) or any successor statute, and the term "Deposits" shall be defined as set forth in KRS 136.575 (1), or any successor statute.

SECTION 113.02 IMPOSITION OF FRANCHISE TAX

There is hereby imposed, effective January 1, 2001, an annual franchise tax on all financial institutions maintaining or operating depository facilities within Gallatin County, Kentucky, now or hereafter, measured by the amount of deposits located within Gallatin County, as determined in accordance with the provisions of KRS 136.575 (2), or any successor statute.

SECTION 113.03 RATE OF TAX

The rate of tax shall be twenty-five thousandths of one per cent (0.025%) of the deposit amount.

SECTION 113.04 BILLING AND PAYMENT

(A) All Financial institutions subject hereto shall comply with the reporting requirements set forth in KRS 136.575 (3), or any successor statute.

(B) The Gallatin County Clerk, or other appropriate county official, shall issue bills to the subject taxpayer financial institutions by December 1 of each year.

AN ORDINANCE IMPOSING OCCUPATIONAL LICENSE FEES UPON THE BUSINESS OF TRAFFICKING IN DISTILLED SPIRITS BY THE DRINK AND ALCOHOLIC BEVERAGES ON SUNDAY.

Be it ordained by the Fiscal Court of Gallatin County, as follows:

Section One: No person, company, firm, partnership, association, corporation, limited liability company or any other entity shall for commercial purposes engage in the traffic of distilled spirits by the drink nor traffic in any alcohol beverage on Sunday without having first obtained a license to do so from the county alcoholic beverage administrator.

Section Two: The county alcoholic beverage administrator shall issue the required license to any applicant otherwise qualified to engage in the intended activity by applicable state, county and local laws, rules, regulations and ordinances upon full payment of the following license fees:

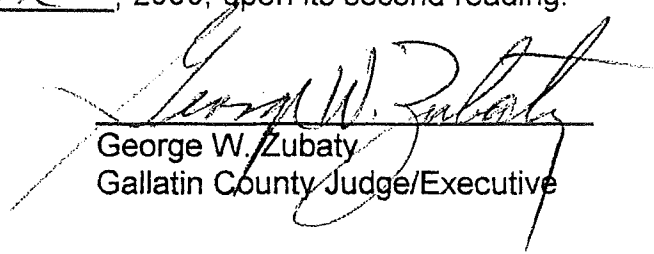
- (a) traffic in distilled spirits by the drink - Six Hundred Dollars (\$600.00)
- (b) traffic in any alcoholic beverage on Sunday - Three Hundred Dollars (\$300.00)

Section Three: Said licenses shall extend for the period commencing July 1 of each year and expiring June 30 of the following year, and shall be renewable annually. No pro-ration shall be allowed for licenses issued after July 1.

Section Four: A violation of this Ordinance shall be punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or confinement in jail for a term not to exceed sixty (60) days, or both. Each day of violation shall constitute a separate offense.

Section Five: Violation of this Ordinance shall constitute a public nuisance per se, and in addition to the provisions contained in Section Four above, the Fiscal Court may seek any and all recourse afforded by law or equity for the abatement of nuisance, including, but not limited to, injunctive relief.

Enacted this 8 day of June, 2000, upon its second reading.


George W. Zubaty
Gallatin County Judge/Executive

A True Copy: ATTEST


Clerk, Gallatin County Fiscal Court