

GRAVES COUNTY FISCAL COURT

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING REGULATORY DIRECTIVES
AND LICENSING REQUIREMENTS FOR ESTABLISHING AND
OPERATING A SMALL FARM WINERY

WHEREAS, Graves County Kentucky (hereinafter "County") permits the presence of a Small Farm Winery which produces and sells wines within the territorial limits so long as such is done in accordance with all state and federal laws and local ordinances; and

WHEREAS, the Graves County Fiscal Court now desires to adjust the County's regulations and requirements related to the manufacture, sale, and distribution from Small Farm Wineries in order to comply with the licensing and regulatory requirements pursuant to KRS Chapter 241 through Chapter 244; and

WHEREAS, this ordinance will repeal and supersede any previous ordinance that has reference, refers, or relates to the Small Farm Wineries or their manufacture, distribution and selling of wine from a Small Farm Winery.

NOW THEREFORE, be it ordained by the Fiscal Court of the County of Graves, Commonwealth of Kentucky, as follows:

ARTICLE I. DEFINITIONS AND GENERAL PROVISIONS

- (1) All words and phrases in this Ordinance shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control laws (KRS Chapter 241 through 244) and all amendments and supplements thereto, unless the context indicates the contrary.
- (2) This Ordinance shall be construed to apply to the manufacture and trafficking in wine. ~~Nothing in this Ordinance shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises wine is sold, from the restrictions, requirements and penalties of any other ordinance or statutes of the Commonwealth relating to violations pertaining to wine.~~
- (3) Pursuant to this Ordinance, licensees shall be permitted to sell only such type of alcoholic beverage for which the licensee holds a license.

ARTICLE II. TERM AND ISSUANCE OF LICENSE

Section 1. License Required.

No person shall sell or disperse at retail or have in his possession for sale any wine or manufacture the same in the County unless he shall first procure and have issued to him a license under the provision of this Ordinance.

Section 2. Application

Any person wanting to obtain a license required by this Ordinance shall make application to the Graves County Clerk or his designee (Hereinafter "County Clerk"). The application shall include the name and residence of the applicant, the physical address within the County where the wine is to be sold or dispensed. In addition, a copy of the current pertinent federal and state issued license for that Small Farm Winery shall be submitted to the County and licensing fees shall be collected at the time at which the County license is approved. Fee amount to be determined and approved through the Graves County Fiscal Court.

Section 3. Operation

Hours of Operation

Establishments located within Graves County which are considered and licensed as a Small Farm Winery, and have by means of limited local option election, are within the boundaries of a wet precinct, may operate that business between the hours of 8:00 a.m. thru 9:00 p.m. Monday thru Thursday; 8:00 a.m. thru 12:00 a.m. Friday and Saturday; and 1:00 p.m. thru 7:00 p.m. on Sunday, and open until 12:00 a.m. on New Years Eve, unless that day falls on a Sunday, then standard Sunday times prevail.. All times being Central Standard Time.

Graves County Fiscal Court is exercising the option to allow any Small Farm Winery to operate on election days after 6:00 p.m.

Section 4. Regulatory Fees

Pursuant to KRS 243.075, Graves County Fiscal Court shall enforce a Regulatory License Fee to reimburse for the estimated cost of policies, regulations and administrative expenses related to sale of alcoholic beverages in Graves County.

The fee shall be set at six (6) percent of the gross receipts of the sale of alcoholic beverages of each establishment located in Graves County and licensed to sell distilled spirits, wine or malt beverages by the package or by the drink for consumption on the premises in moist territories.

The fee shall be estimated, and adjusted if needed, in the first year of enactment, in order to generate revenue for the total estimated reasonable expenses incurred by the Graves County Fiscal Court. Then after, the fee shall be adjusted and established at yearly rate to generate revenue that does not exceed the reasonable expenses actually incurred by the Graves County Fiscal Court.

ARTICLE III. PROCEDURAL MATTERS

Section 1. Severability.

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be effected.

Upon the publication and effective date of this Ordinance, Graves County shall adopt this Ordinance, establishing regulatory directives and licensing requirement to establish and operate a Small Farm Winery.

Section 2. Procedure

All licensee's alcoholic beverage sellers and servers shall attend and complete the Kentucky Alcohol Beverage Control Seller/Server Training Program prior to assuming duties as a seller or server.

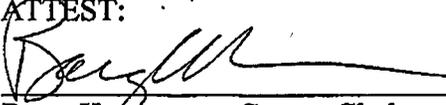
Given the first reading of this Ordinance at a regular meeting of the Graves County Fiscal Court on this the 12th day of October, 2015.

Given second reading voted on and passed at a regular meeting of the Graves County Fiscal Court and effective on this 26 day of October, 2015.

Graves County Fiscal Court



Jesse Perry
Graves County Judge Executive

ATTEST:


Barry Kennemore, County Clerk