

ORDINANCE 04.16
CITY OF WHITESVILLE ALCOHOLIC BEVERAGE LICENSES.

(A) Effective date of the license. The effective date of all City alcoholic beverage licenses shall coincide with the effective date of the state licenses for the specified alcoholic beverage.

(B) Prohibited activities without a license. No person shall engage in any of the following businesses or activities within the corporate city limits of the City of Whitesville, unless he or she obtains the required license from the city:

- (1) Retail sale of malt beverages by the package or drink;
- (2) Sale of wine at a restaurant facility with a minimum seating capacity of 50 or more people at tables and which receive 50% or more of its gross annual income from its dining facilities from the sale of food;
- (3) Retail sale of wine or distilled spirits by the package or drink;
- (4) Activities requiring a special temporary license;
- (5) Private clubs which traffic in distilled spirits, wine, or malt beverages for consumption on the premises;
- (6) Retail sale of distilled spirits, wine, or malt beverages by a caterers, defined in KRS 243.033, and the Kentucky Administrative Regulations;
- (7) Retail sale of distilled spirits, wine, or malt beverages from more than one bar, counter, or similar location under a single retail drink license;
- (8) Any other business or activity involving the sale of alcoholic beverages requiring a license under the Kentucky Revised Statutes.

(C) Annual City fees.

(1) Effective upon publication, the City of Whitesville sets the following annual city fees for properly qualified applicants for the following alcoholic beverage licenses.

License Classification	License fee
Caterer's license, per annum	\$800
Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum	\$1200
Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum	\$1200
Non-quota retail malt beverage package license, per annum	\$200
Non-quota retail malt beverage package license to holder of a non-quota type4 malt beverage drink license	\$50
Non-quota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$2000
Non-quota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$1000
Non-quota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300
Non-quota type 4 malt beverage drink license to holder of a non-quota retail malt beverage package license	\$200
Non-quota type 4 retail malt beverage drink license, per annum	\$200
Quota retail drink license, per annum	\$1000
Quota retail package license, per annum	\$1000
Special temporary license, per event (for profit)	\$166.66
Special temporary license, per event (nonprofit)	\$166.66

(2) The fee for each of the first five supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.

(D) Application requirements.

(1) The person applying for the license issued under this section shall pay for the license. The City shall issue the license only in the applicant's name, and no other person shall pay for any license issued under this section. In addition to all other penalties provided in this section, a violation of this division (D) shall revoke the license of the applicant and of the person paying for another's license.

(2) Applicants shall pay the license fees provided in division (C)(1) above when tendering their application. If the City or the Alcoholic Beverage Officer revokes, cancels, or suspends any license for any reason, the licensee shall forfeit all claims to a refund of any portion of the license fee paid by licensee.

(3) Applicants for a new license provided under division (C)(1) above shall pay the full license fee if six months or more remain in the license period. Applicants for a new license shall pay one-half the scheduled fee if less than six months remain in the license period.

(4) The city may refund a pro rata portion of the licensee's fees for any year a licensee, authorized under this section, cannot conduct business for the full term of the license period because the commonwealth changed the law, permitting the licensee to conduct business under a license provided in division (C) above.

(5) All fees from licenses issued under this section shall be collected by the City Clerk and deposited in the City's General Fund.

(E) Sales of alcoholic beverages.

(1) General sales. All premises for which a license has been granted by the commonwealth and the City to sell distilled spirits, wine, and/or malt beverages may remain open for business on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, from 6:00 a.m. until 2:00 a.m. the following day (prevailing time).

(2) Prohibiting Sunday sales. The sale of distilled spirits and wine by the drink and malt beverages by individual container or package, shall be prohibited on Sundays

(F) Nudity in establishments licensed to sell alcohol.

1. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL BEVERAGE CONTROL ADMINISTRATOR. The duly-appointed Alcoholic Beverage Control Administrator of the city.

BUSINESS ESTABLISHMENT. A business within the city limits of Whitesville, where liquor, beer, and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or retail malt beverage liquor license that has been issued by the City.

LICENSE. A retail drink liquor license or a retail malt beverage liquor issued by the city.

LICENSEE. Any person to whom a retail drink liquor license or retail malt beverage liquor license has been issued by the city, including the officers and agents of the licensee.

PERSON. A human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority.

PREMISES. The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

RETAIL LICENSEE. Any licensee, including its officers, employees, and/or agents, who sell at retail, any alcoholic beverage for the sale of which an occupational license is required.

(G) Prohibition of nude or nearly nude activities.

(1) It shall be unlawful for, and a person guilty of, performing nude or nearly nude activities when that person appears on a business establishment's premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when any female appears on a business

establishment's premises in such manner or attire as to expose to view the portion of the breast below a horizontal line across the top of the areola at its highest point or simulation thereof.

(2) This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

(H) Licensees prohibited from permitting nude or nearly nude activities. A licensee or retail licensee is guilty of permitting nude or nearly nude activities when, having control of the business establishment's premises, said licensee knowingly organizes, supervises, promotes, permits, acquiesces, or fails to make a reasonable and timely effort to halt or abate any nude or nearly nude activities as defined and prohibited in division (G) above on said premises.

(I) Hearing; revocation of liquor license.

(1) In the event that a violation of divisions (G1) or (G2) above occurs, the Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520, in conjunction with KRS 241.160 and 241.190, to determine whether the liquor licensee, at whose business establishment the activity prohibited by this section occurred, shall have his or her liquor license suspended or revoked.

(2) In the event that three or more violations of divisions (G1) or (G2) above occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink liquor license or retail malt beverage liquor license or both.

(J) Effective date. This section shall be signed by the Mayor, attested by the City Clerk, recorded, published, and effective upon publication, according to law.

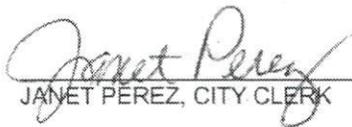
INTRODUCED AND PUBLICLY READ at first reading this 4th day of August, 2016

PUBLICLY READ AND ADOPTED at second reading this 10th day of August, 2016



GREG BEYKE, MAYOR

ATTEST:



JANET PEREZ, CITY CLERK