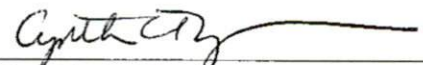


A SUMMARY OF CITY AUGUSTA ORDINANCE 2014-2

AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 2006-07 PURSUANT TO KENTUCKY SENATE BILL 13, AND PROVIDING FOR THE REGULATION OF TRAFFIC IN ALCOHOLIC AND MALT BEVERAGES AND REQUIRING LICENSES THEREFOR; FIXING THE AMOUNT OF THE LICENSE TAXES; IMPOSING REGULATIONS AND RESTRICTIONS AND FIXING PENALTIES FOR VIOLATIONS; AUTHORIZING THE ISSUANCE AND REVOCATION OF LICENSES; AND REPEALING ALL ORDINANCES IN CONFLICT HERewith. THE FULL TEXT OF THIS ORDINANCE MAY BE VIEWED AT AUGUSTA CITY HALL DURING REGULAR BUSINESS HOURS.

The "distilled spirits and wine license" is renamed the "wholesaler's license," the tax for which shall remain \$200.00 per annum; the "distilled spirits and wine retail package license" is renamed the "quota retail package license", the tax for which shall remain \$200.00 per annum; the "distilled spirits and wine retail drink license" is renamed the "quota retail drink license" the tax for which shall remain \$200.00 per annum; the "malt beverage distributor's license" is renamed the "distributor's license", the tax for which shall remain \$100.00 per annum; the "retail malt beverage license" (the tax for which was \$100.00 per annum) is eliminated, and is replaced with the following two separate licenses: the "NQ retail malt beverage drink license," the tax for which shall be \$50.00 per annum; and the "NQ retail malt beverage package license," the tax for which shall be \$50.00 per annum. The following three special temporary licenses are eliminated, namely: the "special temporary retail malt beverage license," the "special temporary wine license," and the "distilled spirit and wine special temporary liquor license." The "special temporary license" is added, the tax for which shall be \$50.00 per annum. The prohibition against retail sales of distilled spirits, wine or malt beverages during the times that the polls are open on any regular or primary election day is eliminated.

SUMMARY PREPARED BY:

  
Cynthia C. Thompson, Augusta City Attorney

CITY OF AUGUSTA  
ORDINANCE NO. 2014-2

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 2006-07 PURSUANT TO KENTUCKY SENATE BILL 13, AND PROVIDING FOR THE REGULATION OF TRAFFIC IN ALCOHOLIC AND MALT BEVERAGES AND REQUIRING LICENSES THEREFOR; FIXING THE AMOUNT OF THE LICENSE TAXES; IMPOSING REGULATIONS AND RESTRICTIONS AND FIXING PENALTIES FOR VIOLATIONS; AUTHORIZING THE ISSUANCE AND REVOCATION OF LICENSES; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY OF AUGUSTA, KENTUCKY THAT SECTION 2 AND SECTION 4, OF CITY OF AUGUSTA ORDINANCE NO. 2006-07 ARE HEREBY AMENDED AS FOLLOWS:

SECTION 2. KIND OF LICENSES AND AMOUNT OF LICENSE TAX.

All licenses issued under this ordinance shall expire on 6-30 of each year, except special event or temporary licenses which shall be subject to expiration as specifically stated therein. There shall be the following kinds of licenses, to wit:

- (A) Wholesaler's ~~[distilled spirits and wine]~~ license, the tax for which shall be \$200.00 per annum.
- (B) Quota ~~[Distilled spirits and wine]~~ retail package license, the tax for which shall be \$200.00 per annum.
- (C) Quota ~~[Distilled spirits and wine]~~ retail drink license, the tax for which shall be \$200.00 per annum.
- (D) ~~[Malt beverage]~~ Distributor's license, per annum, the tax for which shall be \$100.00 per annum.
- (E) ~~[Retail malt beverage license]~~ NQ Retail Malt Beverage Drink License, the tax for which shall be \$50.00 per annum.
- ~~[(F) — Special temporary retail malt beverage license, the tax for which shall be \$25.00 per event.]~~ NQ retail malt beverage package license, the tax for which shall be \$50 per annum.
- ~~[(G) — Special temporary wine license, the tax for which shall be \$50.00 per event.]~~

~~[(H) — Distilled spirits and wine special temporary liquor license, the tax for which shall be \$100.00, per event.]~~

(G) Special Temporary License, the tax for which shall be \$50.00 per event.

#### SECTION 4. CLOSING HOURS: HOURS FOR SALES AND CONSUMPTION

No premises for which there has been granted a license for the sale of distilled spirits or wine and malt beverages at retail shall be permitted to remain open for any purpose at any time during the twenty-four hours of a Sunday (except as otherwise specifically authorized herein) ~~[or during the times that the polls are open on any regular or primary election day,]~~ unless the licensee provides a separate locked department in which all stocks of distilled spirits and wines are kept during those times, or if a malt beverage licensee, the malt beverage licensee provides a separate department within his premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his business or such licenses, and said department is kept covered or closed during those times. The sale of alcoholic beverages at all places offering same for sale shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours:

Monday through Saturday and following mornings: 1:00 a.m.

Provided, however, that hotels, motels and inns containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons may sell distilled spirits and wine and malt beverages by the drink on Sundays from 1:00 p.m. to 10:30 p.m. , and on every December 31st occurring on a Sunday, from 1:00 p.m. to 1:00 a.m. the next morning, and retailers shall be permitted to sell package distilled spirits, wine and malt

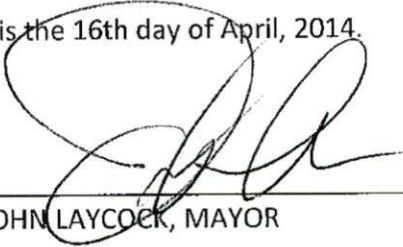


beverages on Sundays from 1:00 p.m. to 7:00 p.m., and on every December 31st occurring on a Sunday, from 1:00 p.m. to 1:00 a.m. the next morning.

Consumption of alcoholic beverages on licensed premises may not continue for more than thirty minutes after the respective hours above for sales thereof to stop.

This ordinance shall be in full force and effect upon its adoption, recordation and publication as required by law.

Adopted by the City Council of the City of Augusta, this the 16th day of April, 2014.

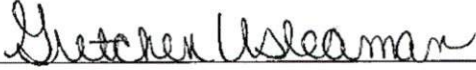


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JOHN LAYCOCK, MAYOR

Passed on First Reading: March 19, 2014  
Adopted on Second Reading: April 16, 2014  
Signed by Mayor: April 17, 2014  
Recorded by Clerk: April 17, 2014  
Published: May 1, 2014

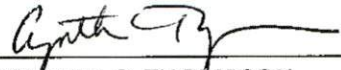
ATTEST:



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AUGUSTA CITY CLERK

PREPARED BY:



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CYNTHIA C. THOMPSON  
ATTORNEY AT LAW  
202 EAST RIVERSIDE DRIVE  
AUGUSTA, KY 41002

TITLE XI: BUSINESS REGULATIONS

## CHAPTER 113: ALCOHOLIC BEVERAGES

**HAPTER 113: ALCOHOLIC BEVERAGE**

ection

113.01 Creation of office of City Alcoholic Beverage Control Administrator 113.02 Trafficking alcohol113.03 Kind of licenses and amount of license tax113.04 Applications and issuance for licenses113.05 Closing hours; hours for sales and consumption113.06 No refund of license tax113.07 Duty of Police Department113.08 License tax113.09 Continuing evaluation

113.99 Penalty

**113.01 CREATION OF OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

Any prior ordinances, resolutions, orders or other acts taken by the Augusta City Council or Mayor of Augusta in creation of and appointment to the Office of City Alcoholic Beverage Control Administrator are hereby ratified and confirmed; and in the apparent absence of a prior ordinance creating such office, the Office of City Alcoholic Beverage is hereby created.

(Ord. 2002-3, passed 7-17-02)

**113.02 TRAFFICKING ALCOHOL.**

On or after the date this chapter is published, it shall be unlawful for any person, firm, corporation, or other entity to engage in the business of trafficking in alcoholic and malt beverages within the corporate limits of the city, without first having obtained the license or licenses as required by this chapter. o

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99**§ 113.03 KIND OF LICENSES AND AMOUNT OF LICENSE TAX.**

All licenses issued under this chapter shall expire on June 30 of each year, except special event or temporary licenses which shall be subject to expiration as specifically stated therein. There shall be the following kinds of licenses, to wit:

- (A) Wholesaler's distilled spirits and wine license, the tax for which shall be two hundred dollars (\$200) per annum.
- (B) Distilled spirits and wine retail package license, the tax for which shall be two hundred dollars (\$200) per annum.
- (C) Distilled spirits and wine retail drink license, the tax for which shall be two hundred dollars (\$200) per annum.
- (D) Malt beverage distributor's license, per annum, the tax for which shall be one hundred dollars (\$100) per annum.
- (E) Retail malt beverage license, the tax for which shall be one hundred dollars (\$100) per annum.
- (F) Special temporary retail malt beverage license, the tax for which shall be twenty-five dollars (\$25), per event.
- (G) Special temporary wine license, the tax for which shall be fifty dollars (\$50), per event.
- (H) Distilled spirits and wine special temporary liquor license, the tax for which shall be one hundred dollars (\$100), per event.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

#### **§ 113.04 APPLICATIONS AND ISSUANCE FOR LICENSES.**

(A) Applications for licenses shall be made to the City Clerk in writing, on forms furnished by the City Clerk setting forth in detail, such information concerning the applicant and the premises sought to be licensed, and required by the Kentucky Alcoholic Beverage Control Law of 1938, as amended. Each application shall be accompanied by a certified check, cash or money order, in the amount required by this chapter for a license of the kinds or class applied for. The City Clerk shall immediately forward the application to the City Administrator for review. No license shall be issued by the City Clerk without the approval of the City Administrator.

(B) Any license authorized to be issued under this chapter must be refused if the applicant therefor, or the premises for which same is sought, does not comply fully with the rules and regulations of the Kentucky Alcoholic Control Board, or City Administrator, or if the applicant shall have done any act for which a revocation of license would be authorized under the Statutes of Kentucky, or if the applicant has made any false statement in his or her application. The license may also be refused by the City Administrator, for any reason which the Administrator, in the exercise of his or her sound discretion, deems sufficient. Among those factors that the Administrator shall consider in the exercise of his or her discretion are:

- (1) Public sentiment in the area;
- (2) Number of licensed outlets in the area;



- (3) Potential for future growth;
- (4) Type of area involved;
- (5) Type of transportation available; and
- (6) Financial potential of the area.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

### **§ 113.05 CLOSING HOURS; HOURS FOR SALES AND CONSUMPTION.**

(A) No premises for which there has been granted a license for the sale of distilled spirits or wine and malt beverages at retail shall be permitted to remain open for any purpose at any time during the twenty-four (24) hours of a Sunday (except as otherwise specifically authorized herein) or during the times that the polls are open on any regular or primary election day, unless the licensee provides a separate locked department in which all stocks of distilled spirits and wines are kept during those times, or if a malt beverage licensee, the malt beverage licensee provides a separate department within his or her premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his or her business or such licenses, and said department is kept covered or closed during those times. The sale of alcoholic beverages at all places offering same for sale shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours: Monday through Saturday and following mornings: 1:00 a.m.

(B) Provided however, that hotels, motels and inns containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons may sell distilled spirits and wine and malt beverages by the drink on Sundays from 1:00 p.m. to 10:30 p.m., and on every December 31 occurring on a Sunday, from 1:00 p.m. to 1:00 a.m. the next morning, and retailers shall be permitted to sell package distilled spirits, wine and malt beverages on Sundays from 1:00 p.m. to 7:00 p.m., and on every December 31 occurring on a Sunday, from 1:00 p.m. to 1:00 a.m. the next morning.

(C) Consumption of alcoholic beverages on licensed premises may not continue for more than thirty (30) minutes after the respective hours above for sales thereof to stop.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

### **§ 113.06 NO REFUND OF LICENSE TAX.**

No refund of any license tax authorized under this chapter shall be made after any license shall have been granted in any case; including but not limited to those cases where a license is revoked during the license year by state or local authorities for a violation of this chapter or other law and including but not limited to those cases where a license is revoked during a license year by operation of law through the modification of this chapter.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

### **§ 113.07 DUTY OF POLICE DEPARTMENT.**

(A) It shall be the duty of the Police Department to keep all premises licensed under this chapter under surveillance and each member of the force shall thoroughly acquaint himself or herself with the prohibitions, restrictions, and regulations of this chapter.

(B) All provisions of this chapter shall be strictly enforced. Any Police Officer who knowingly shall permit any infraction of this chapter shall be subject to removal from the force and subject to the other penalties provided for herein.

(C) The Police Department shall provide written notice of an alleged violation of this chapter to the person appearing to be in charge of the licensed premises upon which a violation is alleged at the time of the alleged violation, and the written notice of the alleged violation shall also be copied to the licensee. Such notice shall indicate which portion of this chapter has allegedly been violated.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

### **§ 113.08 LICENSE TAX.**

All licenses, fees and taxes collected under this chapter shall be paid into the General Fund of the city and used as other monies in the fund.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

### **§ 113.09 CONTINUING EVALUATION.**

The City Council shall continue its evaluation and updating of this chapter as necessary through methods including but not limited to:

(A) Within three (3) months and the again within six (6) months after the implementation of this chapter, the Chief of Police shall provide the City Council with a report concerning the effect of this chapter on the neighborhoods and areas surrounding the establishments licensed under such chapter; and any such other information as Council may request.

(B) The City Council shall evaluate the necessity and effect of the chapter within six (6) months after its adoption, and in so doing, shall consider any reports received under division (A) and any statements and opinions offered by city citizens.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06) Penalty, see § 113.99

### **§ 113.99 PENALTY.**

Any person who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by fine not to exceed five hundred dollars (\$500) or by imprisonment for a term not to exceed six (6) months, or by both such fine and imprisonment.

(Ord. 2005-07, passed 8-17-05; Am. Ord. 2006-07, passed 12-20-06)

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**CITY OF AUGUSTA**  
**ORDINANCE NO. 2005-02**

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-14 TO ALLOW FOR  
THE PACKAGE SALE OF DISTILLED SPIRITS, WINE AND MALT  
BEVERAGES ON SUNDAYS FROM SUNDAYS AT 1:00 P.M. TO SUNDAYS  
AT 7:00 P.M. AND PROVIDING FOR THE REGULATION OF TRAFFIC IN  
ALCOHOLIC AND MALT BEVERAGES AND  
REQUIRING LICENSES THEREFOR;  
FIXING THE AMOUNT OF THE LICENSE TAXES;  
IMPOSING REGULATIONS AND RESTRICTIONS  
AND FIXING PENALTIES FOR VIOLATIONS;  
AUTHORIZING THE ISSUANCE AND REVOCATION OF LICENSES;  
AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.**

BE IT ORDAINED BY THE CITY OF AUGUSTA, KENTUCKY as follows:

SECTION 1.

On or after the date this ordinance is published, it shall be unlawful for any person, firm, corporation, or other entity to engage in the business of trafficking in alcoholic and malt beverages within the corporate limits of the City of Augusta, Kentucky, without first having obtained the license or licenses as required in this ordinance.

SECTION 2. Kind of Licenses and Amount of License Tax.

All licenses issued under this ordinance shall expire on 11-1 of each year. There shall be the following kinds of licenses, to wit:

- (A) Wholesaler's distilled spirits and wine license, the tax for which shall be \$200.00 per annum.
- (B) Distilled spirits and wine retail package license, the tax for which shall be \$200.00 per annum.
- (C) Distilled spirits and wine retail drink license, the tax for which shall be \$200.00 per annum.
- (D) Malt beverage distributor's license, per annum, the tax for which shall be

outlets in the area; potential for future growth; type of area involved; type of transportation available, and financial potential of the area.

SECTION 4. Closing Hours; Hours for Sales and Consumption.

No premises for which there has been granted a license for the sale of distilled spirits or wine and malt beverages at retail shall be permitted to remain open for any purpose at any time during the twenty-four hours of a Sunday (except as otherwise specifically authorized herein) or during the times that the polls are open on any regular or primary election day, unless the licensee provides a separate locked department in which all stocks of distilled spirits and wines are kept during those times, or if a malt beverage licensee, the malt beverage licensee provides a separate department within his premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his business or such licenses, and said department is kept covered or closed during those times. The sale of alcoholic beverages at all places offering same for sale shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours:

Monday through Saturday and  
following mornings 1:00 a.m.

Provided, however, that hotels, motels and inns containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons may sell distilled spirits and wine and malt beverages by the drink on Sundays from 1:00 p.m. to 7:00 p.m. and retailers shall be permitted to sell package distilled spirits, wine and malt beverages on Sundays from 1:00 p.m. to 7:00 p.m.



Consumption of alcoholic beverages on licensed premises may not continue for more than thirty minutes after the respective hours above for sales thereof to stop.

SECTION 5. No refund of License Tax

No refund of any license tax authorized under this Ordinance shall be made after any license shall have been granted in any case; including but not limited to those cases where a license is revoked during the license year by state or local authorities for a violation of this ordinance or other law and including but not limited to those cases where a license is revoked during a license year by operation of law through the modification of this ordinance.

SECTION 6. Duty of Police Department

It shall be the duty of the Police Department to keep all premises licensed under this Ordinance under surveillance and each member of the force shall thoroughly acquaint himself or herself with the prohibitions, restrictions, and regulations of this Ordinance. . All provisions of this Ordinance shall be strictly enforced. Any Police Officer who knowingly shall permit any infraction of this Ordinance shall be subject to removal from the force and subject to the other penalties provided for herein.

The Police Department shall provide written notice of an alleged violation of this Ordinance to the person appearing to be in charge of the licensed premises upon which a violation is alleged at the time of the alleged violation, and the written notice of the alleged violation shall also be copied to the licensee. Such notice shall indicate which portion of this ordinance has allegedly been violated.

SECTION 7. License Tax

All licenses, fees and taxes collected under this Ordinance shall be paid into the General Fund of the City and used as other monies in the fund.

SECTION 8. Penalties

Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or by both such fine and imprisonment.

SECTION 9. Repealer

All ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict.

SECTION 10. Severability

The invalidation of any part of this ordinance shall not affect the validity of any other part hereof.

SECTION 11. Continuing Evaluation.

The City Council shall continue its evaluation and updating of this Ordinance as necessary through methods including but not limited to:

(a) Within three months and then again within six months after the implementation of this Ordinance, the Chief of Police shall provide the City Council with a report concerning the effect of this Ordinance on the neighborhoods and areas surrounding the establishments licensed under such ordinance; and any such other information as Council may request.

(b) The City Council shall evaluate the necessity and effect of the Ordinance

within six months after its adoption, and in so doing, shall consider any reports received under Section 11(a) and any statements and opinions offered by Augusta Citizens.

SECTION 12. Effective Date

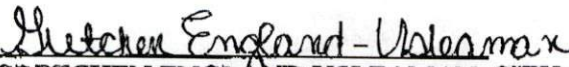
This ordinance shall be in full force and effect upon its adoption, recordation and publication as required by law.

Adopted by the City Council of the City of Augusta, this the 16<sup>th</sup> day of February, 2005.

  
JOHN LAYCOCK, MAYOR

Passed on first reading:	<u>1-19-05</u>
Adopted on second reading:	<u>2-16-05</u>
Signed by Mayor:	<u>2-17-05</u>
Recorded by Clerk:	<u>2-17-05</u>
Published:	<u>2-24-05</u>

ATTEST:

  
GRETCHEN ENGLAND USLEAMAN, CITY CLERK

PREPARED BY:

Cynthia C. Thompson  
Attorney at Law  
202 East Riverside Drive  
Augusta, KY 41002



**CITY OF AUGUSTA**  
**ORDINANCE NO. 14**

**AN ORDINANCE AMENDING ORDINANCE NO. 2003-2 TO ALLOW FOR THE SALE OF DISTILLED SPIRITS, WINE AND MALT BEVERAGES BY THE DRINK ON SUNDAYS FROM SUNDAYS AT 1:00 P.M. TO SUNDAYS AT 9:00 P.M. AT FACILITIES MEETING CERTAIN CRITERIA AND PROVIDING FOR THE REGULATION OF TRAFFIC IN ALCOHOLIC AND MALT BEVERAGES AND REQUIRING LICENSES THEREFOR;  
FIXING THE AMOUNT OF THE LICENSE TAXES;  
IMPOSING REGULATIONS AND RESTRICTIONS AND FIXING PENALTIES FOR VIOLATIONS;  
AUTHORIZING THE ISSUANCE AND REVOCATION OF LICENSES;  
REPEALING AUGUSTA CITY ORDINANCE 80-12,  
AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.**

BE IT ORDAINED BY THE CITY OF AUGUSTA, KENTUCKY as follows:

SECTION 1.

On or after the date this ordinance is published, it shall be unlawful for any person, firm, corporation, or other entity to engage in the business of trafficking in alcoholic and malt beverages within the corporate limits of the City of Augusta, Kentucky, without first having obtained the license or licenses as required in this ordinance.

SECTION 2. Kind of Licenses and Amount of License Tax.

All licenses issued under this ordinance shall expire on 11-1 of each year. There shall be the following kinds of licenses, to wit:

- (A) Wholesaler's distilled spirits and wine license, the tax for which shall be \$200.00 per annum.
- (B) Distilled spirits and wine retail package license, the tax for which shall be \$200.00 per annum.
- (C) Distilled spirits and wine retail drink license, the tax for which shall be \$200.00 per annum.

- (D) Malt beverage distributor's license, per annum, the tax for which shall be \$100.00 per annum.
- (E) Retail malt beverage license, the tax for which shall be \$100.00 per annum.
- (F) Special temporary retail malt beverage license, per event \$25.00.

SECTION 3. Applications for Licenses, issuance of same.

Applications for licenses shall be made to the City Clerk in writing, on forms furnished by the City Clerk setting forth in detail, such information concerning the applicant and the premises sought to be licensed, and required by the Kentucky Alcoholic Beverage Control Law of 1938, as amended. Each application shall be accompanied by a certified check, cash or money order, in the amount required by this Ordinance for a license of the kinds or class applied for. The City Clerk shall immediately forward the application to the City Administrator for review. No license shall be issued by the City Clerk without the approval of the City Administrator.

Any license authorized to be issued under this Ordinance must be refused if the applicant therefor, or the premises for which same is sought, does not comply fully with the rules and regulations of the Kentucky Alcoholic Control Board, or City Administrator, or, if the applicant shall have done any act for which a revocation of license would be authorized under the Statutes of Kentucky, or if the applicant has made any false statement in his or her application. The license may also be refused by the City Administrator, for any reason which the Administrator, in the exercise of his or her sound discretion, deems sufficient. Among those factors that the Administrator shall consider in the exercise of his or her discretion are: public sentiment in the area; number of licensed



outlets in the area; potential for future growth; type of area involved; type of transportation available, and financial potential of the area.

SECTION 4. Closing Hours; Hours for Sales and Consumption.

No premises for which there has been granted a license for the sale of distilled spirits or wine and malt beverages at retail shall be permitted to remain open for any purpose at any time during the twenty-four hours of a Sunday (except as otherwise specifically authorized herein) or during the times that the polls are open on any regular or primary election day, unless the licensee provides a separate locked department in which all stocks of distilled spirits and wines are kept during those times, or if a malt beverage licensee, the malt beverage licensee provides a separate department within his premises capable of being covered or closed off, within which is kept all stocks of malt beverages and all fixtures and apparatus connected with his business or such licenses, and said department is kept covered or closed during those times. The sale of alcoholic beverages at all places offering same for sale shall not commence on any day prior to 8:00 a.m. and may not continue after the following hours:

Monday through Saturday and  
following mornings 1:00 a.m.

Provided, however, that hotels, motels and inns containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons may sell distilled spirits and wine and malt beverages by the drink on Sundays from 1:00 p.m. to 9:00 p.m.

Consumption of alcoholic beverages on licensed premises may not continue for more than thirty minutes after the respective hours above for sales thereof to stop.



#### SECTION 5. No refund of License Tax

No refund of any license tax authorized under this Ordinance shall be made after any license shall have been granted in any case; including but not limited to those cases where a license is revoked during the license year by state or local authorities for a violation of this ordinance or other law and including but not limited to those cases where a license is revoked during a license year by operation of law through the modification of this ordinance.

#### SECTION 6. Duty of Police Department

It shall be the duty of the Police Department to keep all premises licensed under this Ordinance under surveillance and each member of the force shall thoroughly acquaint himself or herself with the prohibitions, restrictions, and regulations of this Ordinance.

All provisions of this Ordinance shall be strictly enforced. Any Police Officer who knowingly shall permit any infraction of this Ordinance shall be subject to removal from the force and subject to the other penalties provided for herein.

The Police Department shall provide written notice of an alleged violation of this Ordinance to the person appearing to be in charge of the licensed premises upon which a violation is alleged at the time of the alleged violation, and the written notice of the alleged violation shall also be copied to the licensee. Such notice shall indicate which portion of this ordinance has allegedly been violated.

#### SECTION 7. License Tax

All licenses, fees and taxes collected under this Ordinance shall be paid into the General Fund of the City and used as other monies in the fund.

#### SECTION 8. Penalties

Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by fine not to exceed \$500.00 or by imprisonment for a term not to exceed six months, or by both such fine and imprisonment.

SECTION 9. Repealer

All ordinances or parts thereof in conflict herewith are repealed to the extent of such conflict.

SECTION 10. Severability

The invalidation of any part of this ordinance shall not affect the validity of any other part hereof.

SECTION 11. Continuing Evaluation.

The City Council shall continue its evaluation and updating of this Ordinance as necessary through methods including but not limited to:


(a) Within three months and then again within six months after the implementation of this Ordinance, the Chief of Police shall provide the City Council with a report concerning the effect of this Ordinance on the neighborhoods and areas surrounding the establishments licensed under such ordinance; and any such other information as Council may request.

(b) The City Council shall evaluate the necessity and effect of the Ordinance within six months after its adoption, and in so doing, shall consider any reports received under Section 11(a) and any statements and opinions offered by Augusta Citizens.

SECTION 12. Effective Date

This ordinance shall be in full force and effect upon its adoption, recordation and publication as required by law.

Adopted by the City Council of the City of Augusta, this the 19<sup>th</sup> day of November, 2003.

  
\_\_\_\_\_  
JOHN LAYCOCK, MAYOR

Passed on first reading:	<u>10-15-03</u>
Adopted on second reading:	<u>11-19-03</u>
Signed by Mayor:	<u>11-20-03</u>
Recorded by Clerk:	<u>11-20-03</u>
Published:	<u>11-26-03</u>

ATTEST:

Gretchen England-Usleaman  
GRETCHEN ENGLAND USLEAMAN, CITY CLERK

PREPARED BY:

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202 East Riverside Drive  
Augusta, KY 41002



CHAPTER 113: ALCOHOLIC BEVERAGES

Section

- 113.01 License required
- 113.02 Kinds of licenses; amount of tax
- 113.03 Application for and issuance of license
- 113.04 Disposition of funds
- 113.05 Closing hours and times
- 113.06 Enforcement by Police Department
  
- 113.99 Penalty

Statutory reference:

Authority to license alcoholic beverage sales or manufacture,  
see KRS 243.070

§ 113.01 LICENSE REQUIRED.

It shall be unlawful for any person, firm, or corporation to engage in the business of manufacturing or selling alcoholic and malt beverages within the corporate limits of the city without first having obtained the license or licenses as required in this chapter. (Ord. 80-12, passed 10-20-80) Penalty, see § 113.99

§ 113.02 KINDS OF LICENSES; AMOUNT OF TAX.

(A) All licenses issued under this chapter shall expire on June 30 of each year, in accordance with KRS 243.090.

(B) Licenses issued under this chapter shall be divided into the following classes with the following fees:

(1) Distilled Spirits and Wine Licenses:

<u>License</u>	<u>Fee</u>
(a) Distiller's license (per year)	\$ 500.00
(b) Rectifier's license (per year)	3,000.00
(c) Blender's license (per year)	3,000.00
(d) Wholesaler's license (per year)	3,000.00
(e) Retail package license (per year)	300.00
(f) Retail drink license (per year)	300.00
(g) Special temporary license (per month or part of month)	333.34
(h) Special private club license (per year)	300.00
(i) Special Sunday retail drink license	300.00

<u>License</u>	<u>Fee</u>
(j) Nonresident, special agent or solicitor's license (per year)	\$ 40.00

(2) Malt Beverage Licenses:

<u>License</u>	<u>Fee</u>
(a) Brewer's license (per year)	\$ 500.00
(b) Distributor's license (per year)	400.00
(c) Retailer's license (per year)	
New applicants	200.00
Renewals	150.00
(d) Special temporary license (per month or part of month)	25.00
(e) Microbrewery license (per year)	500.00
(KRS 243.030, 243.040, 243.070) ('77 Code, § 4-140)	

§ 113.03 APPLICATION FOR AND ISSUANCE OF LICENSE.

(A) Applications for licenses shall be made to the City Clerk/Treasurer in writing, on forms furnished by the City Clerk/Treasurer, and setting forth in detail such information concerning the applicant and the premises sought to be licensed, as required by state law. Each application shall be accompanied by a certified check, cash, or money order, in the amount of money required by § 113.02 for a license of the kind or class applied for. Any license authorized to be issued under this chapter must be refused if the applicant therefor, or the premises for which same is sought, do not comply fully with applicable state laws or the rules and regulations of the Kentucky Alcoholic Beverage Control Board, or, if the applicant shall have done any act for which revocation of an alcoholic beverage license would be authorized under state law.

(B) No refund of any license tax authorized under this chapter shall be made after a license has been granted.  
(Ord. 80-12, passed 10-20-80)

§ 113.04 DISPOSITION OF FUNDS.

All licenses, fees, and taxes collected under this chapter shall be paid into the General Fund of the city and used as other monies in the Fund.  
(Ord. 80-12, passed 10-20-80)



§ 113.05 CLOSING HOURS AND TIMES.

No premises for which there has been granted a license for the sale of distilled spirits or wine and malt beverages at retail shall be permitted to remain open for any purpose between midnight and 8:00 a.m. or at any time during the 24 hours of a Sunday or of an election day. If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wines, and all fixtures and apparatus connected therewith and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

(Ord. 80-12, passed 10-20-80) Penalty, see § 113.99

Statutory reference:

Authority to establish closing hours, see KRS 244.290 and 244.480

§ 113.06 ENFORCEMENT BY POLICE DEPARTMENT.

It shall be the duty of the Police Department to keep all premises licensed under this chapter under surveillance and to thoroughly acquaint themselves with the prohibitions, restrictions, and regulations of this chapter. Any police officer who knowingly shall permit any infraction of this chapter may be removed from the force and be subject to the penalties set forth in § 113.99.

(Ord. 80-12, passed 10-20-80) Penalty, see § 113.99

§ 113.99 PENALTY.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be punished for a first offense by a fine of not less than \$100 nor more than \$500, imprisonment for not more than six months, or both. Second and subsequent offenses shall be punishable by a fine of not less than \$200 nor more than \$500, imprisonment for not more than six months, or both.

Statutory reference:

Similar statutory penalty, see KRS 243.990 (1) and 244.990 (1)