

City of Bardstown, Kentucky

CHAPTER 114: ALCOHOLIC BEVERAGES

Section

General Provisions

- 114.01 Definitions
- 114.02 State law adopted

Licenses

- 114.20 Classification of licenses; fee schedule
- 114.21 Form, content of city license
- 114.22 Application; issuance
- 114.23 Approval of application
- 114.24 Denial of application
- 114.25 Transfer of license
- 114.26 Premises selling groceries, gasoline, and the like prohibited from obtaining license
- 114.27 "Treating" prohibited; exceptions; sampling

Sale of Alcoholic Beverages

- 114.40 Hours of sale
- 114.41 Compliance with regulations and prohibitions
- 114.42 Maintenance of state license
- 114.43 Display of required licenses and certain signs
- 114.44 Criminal conduct on premises prohibited
- 114.45 Conducting business with minor
- 114.46 Business to be conducted continuously; exceptions

Administration and Enforcement

- 114.47 Alcoholic beverage control vested in the Mayor
- 114.48 Right of entry; search and seizure
- 114.49 Suspension, revocation of license
  
- 114.99 Penalty

GENERAL PROVISIONS

RECEIVED  
2011 FEB 10 PM 2 40  
ALCOHOLIC  
BEVERAGE CONTROL

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

"CATERER (MALT BEVERAGE, DISTILLED SPIRITS AND WINE)." A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (malt beverage, distilled spirits and wine) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests.

"CITY LICENSE." A license established and authorized pursuant to the terms hereof and issued by the city.

"CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof by the city, including the officers and agents of the licensee.

"KRS." Kentucky Revised Statutes.

"PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, and servants, and employees thereof.

"PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

"SOUVENIR PACKAGE SUNDAY SALES." Pursuant to KRS 244.290(3)(b), a souvenir retail liquor license for Sunday sales may be issued to any licensed Kentucky distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory and has a souvenir retail package license.

"SOUVENIR RETAIL PACKAGE LICENSE." Any licensed Kentucky distiller that is located in wet territory and that has a gift shop or other retail outlet on its premises may conduct the activities permitted under this section as a part of its distiller's license..

"NQ-3 RETAIL DRINK LICENSE." A license issued to any nonprofit social, fraternal, military, or political organization, club or entity which for more than two years prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded.

"SPECIAL SUNDAY RETAIL DRINK LICENSE." A license for holders of a Quota Retail Drink License or a NQ2 Retail Drink License that are restaurants with at least 100 seating for dining and receive at least 50% of its gross annual income from the sale of food; or holders of a NQ3 Retail Drink License which: (a) Have dining facilities with a minimum seating capacity of 100 people at tables; (b) Are non-profit, eleemosynary organizations with a membership of at least 200; and (c) Have been in existence for a period of at least two (2) years.

"SPECIAL TEMPORARY LICENSE." A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorize the licensee to exercise the privileges of a distilled spirits, wine and malt beverage Quota retail drink license at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions apply.

"STATE." The Commonwealth of Kentucky.

"STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

"TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.



§ 114.02 STATE LAW ADOPTED.

The provisions of KRS Chapters 241 through 244 and all amendments thereto, relating to the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous, or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes are adopted as a portion of this chapter as far as applicable, except as otherwise lawfully provided by city ordinances.

LICENSES

§ 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

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

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

DISTILLED SPIRITS AND WINE LICENSES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Distillers	243.030(1) 243.070	243.120 243.130	June 30	\$140.00
Distillers + Souvenir Retail Package	243.030(1) 243.070	243.120 243.130	June 30	\$290.00
Rectifier	243.030(2)	243.120 243.130	June 30	\$140.00
Wholesalers	243.030 (5)	243.160 243.170	June 30	\$410.00
Quota Retail Package	243.030(6)	243.240	June 30	\$210.00
NQ-2 Retail Drink	243.250 Includes beer		June 30	\$490.00
Quota Retail Drink	243.030 (7)	243.250	June 30	\$420.00
NQ-3 Retail Drink	243.030 (28) Includes beer	243.260	June 30	\$300.00
Caterer (Distilled Spirits, Wine and Malt Beverage)	243.030 (14)	243.033	June 30	\$150.00
**Special Sunday Retail Drink (attach proof of 50% food sales)	243.030 (13)	244.290	June 30	\$180.00
***Special Temporary (Special Event)	243.030 (16)	243.260	June 30	\$ 50.00 distilled spirits and wine \$25.00 beer (Per Event)
Special Temporary Distilled Spirits and Wine Auction	243.030(15)	243.036	June 30	\$25.00
Souvenir Retail Package Sunday Sales	Ordinance No.B2007-07		June 30	No Charge
*****Retail Package Sunday Sales	Ordinance No. B2009-03		June 30	No Charge

MALT BEVERAGE LICENSES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Brewers	243.040 (1) 243.070	243.150	June 30	\$140.00
Distributors	243.040 (3)	243.150	June 30	\$140.00
NQ Retail Package NQ-4 Retail Drink	243.040 (4), 243.070, 243.040 (10)	243.280	June 30	\$ 70.00 \$ 70.00
NQ-4 Retail Drink + NQ Retail Package	243.040 (11)	243.088		\$120.00
*****Retailers Sunday Sales (Convenience Stores and Grocery Stores)	Ordinance No.B2009-03		June 30	No Charge

\*\* Special Sunday Retail Drink (Hours of operation shall be 1:00 pm–12:00 midnight) – Available to holders of a Quota Retail Drink License or a NQ2 Retail Drink License that are restaurants with at least 100 seating for dining and receive at least 50 % of its gross annual income from the sale of food; or holders of a NQ3 Retail Drink License which: (a) Have dining facilities with a minimum seating capacity of 100 people at tables; (b) Are non-profit, eleemosynary organizations with a membership of at least 200; and (c) Have been in existence for a period of at least two (2) years.

\*\*\* Available to holders of Special Temporary (Special Event) licenses –Special Sunday Retail Drink sales (hours of operation shall be 1:00 p.m. – 12:00 midnight.)

\*\*\*\*\* Quota Retail Package and NQ Retail Package license holders. (Hours of operation shall be 1:00 pm – 12:00 midnight on Sundays). (Liquor Stores, Convenience Stores and Grocery Stores).

§ 114.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the Alcoholic Beverage Control Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

(1) Comply with all of the provisions for state licenses required by KRS 243.440; and

(2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

§ 114.22 APPLICATION; ISSUANCE

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the Alcoholic Beverage Control Administrator and renewed by him upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the Alcoholic Beverage Control Administrator; however, provision for the following information, statements, and representations shall and must be included therein:



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

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names and addresses of the applicant and all shareholders.

(B) The approval of the applicant, the application, and the premises described therein by the Alcoholic Beverage Control Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

§ 114.23 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original city license and 15 days of the date of an application for renewal of a city license, the Alcoholic Beverage Control Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

§ 114.24 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

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

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein where the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false; or

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

§ 114.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the Alcoholic Beverage Control Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.



§ 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS 243.088, KRS 243.230 and KRS 243.280, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold for from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

SALE OF ALCOHOLIC BEVERAGES

§ 114.40 HOURS OF SALE.

(A) Except as provided in division (D), no premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00a.m., or at any time during the 23 hours of a Sunday after 1:00 a.m., or during the hours the polls are open on any regular or primary, school, or special election day. However, 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 wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. (KRS 244.290)

(B) Except as provided in division (D), no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 12:00 midnight and 6:00 a.m. on any other day of the week. No retailer shall sell, give away, or deliver any malt beverages between 1:00 a.m. and 6:00a.m. or at any time during the 23 hours of a Sunday after 1:00 a.m. or during the hours the polls are open on an election day. (KRS 244.480)

(C) In all places wherein spirituous, vinous, or intoxicating liquors or malt beverages are sold by the drink for consumption on the premises in the city, all customers must vacate the premises by 1:30 a.m.

(D) Facilities receiving a minimum of 50% of its income from the sale of food and meeting the requirements of KRS 243.072 shall be eligible to receive a Special Sunday Retail Drink License. The hours of operation for a facility holding a Special Sunday Retail Drink License shall be the hours of 1:00 p.m. to 12:00 midnight on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290) A premise which has been granted a Souvenir Package Sunday Sale License shall be eligible to operate between the hours of 12:00 noon to 12:00 midnight on Sunday. Convenience stores, grocery stores and packaged liquor stores which have been granted a NQ Retail Malt Beverage Package License and/or a Quota Retail Package License shall be eligible to operate between the hours of 1:00 p.m. to 12:00 midnight on Sunday.

(E) Private clubs which meet the requirements below shall be eligible to receive a Special Sunday Retail Drink License. The hours of operation for a facility holding a Special Sunday retail drink license shall be the hours of 1:00 p.m. to 12:00 midnight on Sundays. This subsection division

does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky state (KRS 244.290). Eligible private clubs are those which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which:

- (1) Having dining facilities with a minimum seating capacity of 100 people at tables;
- (2) Are non-profit, eleemosynary organizations with a membership of at least 200;
- (3) Have been in existence for a period of at least two years.

(F) Per KRS 244.290, in years where December 31, (New Years Eve) falls on a Sunday, the hours of operation, on December 31, for any facility holding a valid distilled spirits and wine retail drink license, or a malt beverage retail drink license per § 114.20, shall be from 1:00 p.m. to 1:00 a.m. Monday morning January 1. This division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290)

(G) Holders of Special Temporary (Special Event) licenses shall be eligible for Sunday Sales between the hours of 1:00 p.m. – 12:00 midnight.

#### § 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the Alcoholic Beverage Control Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the license premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.

#### § 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.



§ 114.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight 8 inches by 11 inches in size with the following message printed on or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to Five Hundred (\$500.00) Dollars if they:

- a. Enter license premises to buy or have served or delivered to them any alcoholic beverages; or
- b. Possess, purchase or attempt to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state license to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

---

Statutory reference:

Display of state license required, see KRS 243.620, 244.270, and  
244.360

§ 114.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

§ 114.45 CONDUCTING BUSINESS WITH MINOR.

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

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

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

§ 114.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transaction authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the Alcoholic Beverage Control Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the Alcoholic Beverage Control Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

ADMINISTRATION AND ENFORCEMENT

§ 114.47 ALCOHOLIC BEVERAGE CONTROL VESTED IN THE MAYOR.

The powers of alcohol beverage control shall be vested in the office of the Mayor pursuant to KRS 241.160.

§ 114.48 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

§ 114.49 SUSPENSION, REVOCATION OF LICENSE.

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

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

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.



(B) However, city licenses must be revoked by the Alcoholic Beverage Control Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the Alcoholic Beverage Control Administrator, a license may, as an alternative and in lieu of part of all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480.

Type of License	Fee (per day)
Distillers, rectifiers, wineries and brewers	\$1,000
Wholesale liquor	400
Wholesale beer	400
Retail licensees authorized to sell distilled spirits, wine, or beer by the package or drink	50
All remaining licensees	50

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the Alcoholic Beverage Control Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the Alcoholic Beverage Control Administrator according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the Alcoholic Beverage Control Administrator. The Alcoholic Beverage Control Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the Alcoholic Beverage Control Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the license premises by certified or registered mail.

§ 114.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be guilty of a misdemeanor and shall be sentenced to pay a fine for each offense or violation of not more than five hundred dollars (\$500).

(B) Any person who violates the distillers license fee provision shall, upon conviction and in accordance with KRS 243.990 (2), be guilty of a misdemeanor and shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than five hundred (\$500) nor more than five thousand dollars (\$5000) or sentenced to imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 114.20 other than as discussed in division (B) of this section, or any provisions of §§ 114.21 through §§ 114.26, 114.40, 114.42, 114.44 and 114.45 shall, upon conviction and in accordance with KRS 243.990(1) and 244.990(1), be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than two hundred

dollars (\$200), or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or be imprisoned for no more than six months, or both.

(D) Any person who violates any provisions of § 114.43 shall, upon conviction and in accordance with KRS 244.990(5), be deemed to have committed a violation and shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

(E) Any person who violates any provision of § 114.45 shall, upon conviction and in accordance with KRS 244.990(5) and (6), be deemed to have committed a violation and shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for misrepresentation of age. For use of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for a first offense. For a second and each subsequent offense, the person shall be fined not less than two hundred dollars (\$200) nor more than two thousand dollars (\$2000).



**ORDINANCE NO. B2013 – 19**

**AN ORDINANCE AMENDING CHAPTER 114: ALCOHOLIC BEVERAGES OF THE CITY OF BARDSTOWN'S CODE OF ORDINANCES**

**THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS FOLLOWS:**

That Sections 114.01 DEFINITIONS, 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE, 114.27 "TREATING" PROHIBITED; EXCEPTIONS; SAMPLING, 114.40 HOURS OF SALE (D) (E) and (G) and 114.49 SUSPENSION, REVOCATION OF LICENSE (B); be amended as follows:

**114.01 DEFINITIONS**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

~~"RETAIL LIQUOR DRINK SAMPLING LICENSE and RETAIL LIQUOR PACKAGE SAMPLING LICENSE." A license that allows customers to sample distilled spirits and/or wine at a retail liquor drink or a retail liquor package establishment that have met certain requirements.~~

**"SPECIAL SUNDAY RETAIL DRINK LICENSE."** A license for holders of a Quota Retail Drink License or a NQ2 Retail Drink License that are restaurants with at least 100 seating for dining and receive at least 50% of its gross annual income from the sale of food; or holders of a NQ3 Retail Drink License which: (a) Have dining facilities with a minimum seating capacity of 100 people at tables; (b) Are non-profit, eleemosynary organizations with a membership of at least 200; and (c) Have been in existence for a period of at least two (2) years.

**114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE**

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

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

**DISTILLED SPIRITS AND WINE LICENSES**

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Distillers	243.030(1) 243.070	243.120 243.130	June 30	\$140.00
Distillers + Souvenir Retail Package	243.030(1) 243.070	243.120 243.130	June 30	\$290.00
<b>Rectifier</b>	<b>243.030 (2)</b>	<b>243.120 243.130</b>	<b>June 30</b>	<b>\$140.00</b>
Wholesalers	243.030 (5)	243.160 243.170	June 30	\$410.00
Quota Retail Package	243.030 (6)	243.240	June 30	\$210.00
NQ-2 Retail Drink	243.250 Includes beer		June 30	\$490.00
Quota Retail Drink	243.030 (7)	243.250	June 30	\$420.00
NQ-3 Retail Drink	243.030 (7) <b>(28)</b> Includes beer	243.260	June 30	\$300.00
Caterer (Distilled Spirits, Wine and Malt Beverage)	243.030 (14)	243.033	June 30	\$150.00
<b>**Limited Special Sunday Retail Drink</b> (attach proof of 50% food sales)	243.030 (13)	244.290	June 30	\$180.00
<b>***Special Temporary (Special Event)</b>	243.030 (12)	243.260	June 30	\$ 50.00 distilled spirits and wine \$25.00 beer (Per Event)
<b>Special Temporary Distilled Spirits and Wine Auction</b>	<b>243.030 (15)</b>	<b>243.036</b>	<b>June 30</b>	<b>\$25.00</b>
Souvenir Retail Package Sunday Sales	Ordinance No.B2007-07		June 30	No Charge

****Sampling Retail Drink	244.050(2)	243.250	June 30	
****Sampling Retail Package	244.050(2)	243.240	June 30	\$ 25.00
*****Retail Package Sunday Sales	Ordinance No. B2009-03		June 30	No Charge

MALT BEVERAGE LICENSES

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Brewers	243.040 (1) 243.070	243.150	June 30	\$140.00
Distributors	243.040 (3)	243.150	June 30	\$140.00
NQ Retail Package	243.040 (4), 243.070,	243.280	June 30	\$ 70.00
NQ-4 Retail Drink	243.040 (4) <del>(10)</del>			\$ 70.00
NQ-4 Retail Drink + NQ Retail Package	<b>243.040 (11)</b>	243.088		\$120.00
*****Retailers Sunday Sales (Convenience Stores and Grocery Stores)	Ordinance No. B2009-03		June 30	No Charge

\*\* Limited Special Sunday Liquor Retail Drink (Hours of operation shall be 1:00 pm-12:00 a.m. midnight) - Available to holders of Quota Retail Drink, NQ-2 Retail Drink or NQ-3 Retail Drink Licenses. a Quota Retail Drink License or a NQ2 Retail Drink License that are restaurants with at least 100 seating for dining and receive at least 50 % of its gross annual income from the sale of food; or holders of a NQ3 Retail Drink License which: (a) Have dining facilities with a minimum seating capacity of 100 people at tables; (b) Are non-profit, eleemosynary organizations with a membership of at least 200; and (c) Have been in existence for a period of at least two (2) years.

\*\*\* Available to holders of Special Temporary (Special Event) licenses - Limited Special Sunday Liquor Retail Drink sales (hours of operation shall be 1:00 p.m. - 12:00 a.m. midnight.)

\*\*\*\* Sampling - Available license holders that are Distillery, Quota Retail Package, Quota Retail Drink or NQ-2 Retail Drink that notify Office of Alcoholic Beverage Administrator 7 days in advance before conducting a sampling event. A sampling event is limited to a period not to exceed 4 consecutive hours between 12 noon and 8 p.m. Each sample size shall not exceed one (1) ounce of wine and one-half (1/2) ounce of distilled spirits. A customer must be limited to no more than six (6) wine and two (2) distilled spirits samples per day. All samples must be provided free of charge and at the licensed premises.

\*\*\*\*\* Limited Sunday Quota Retail Package and NQ-4 Retail Package license holders. (Hours of operation shall be 1:00 pm - 12:00 a.m. midnight on Sundays). (Liquor Stores, Convenience Stores and Grocery Stores).

114.27 "TREATING" PROHIBITED; EXCEPTIONS; SAMPLING.

(A) No retail licensee shall give away any alcoholic beverage in any quantity or deliver it in any quantity for less than a full monetary consideration, except as provided by division (B) of this section.

(B) A retailer licensed to sell distilled spirits and wine or a retailer licensed to sell packaged distilled spirits and wine may, after acquiring a license, allow customers to sample distilled spirits and wine under the following conditions:

(1) Sampling shall be permitted only on licensed premises and during regular business hours.

(2) A licensee shall not charge for the samples provided to customers.

(3) Sample sizes shall not exceed:

(a) One ounce for wine; and

(b) One-half ounce for distilled spirits; and

(4) A licensee shall limit a customer to:

(a) Two distilled spirits samples per day; and

(b) Six wine samples per day.

(C) Retailers licensed shall:

(1) Notify the office of the City Alcoholic Beverage Administrator at City Hall at least seven days in advance of conducting a sampling event; and

(2) Limit a sampling event to a period not to exceed four hour consecutive hours between 12:00 noon and 8:00 p.m.

114.40 HOURS OF SALE.

(D) Facilities receiving a minimum of 50% of its income from the sale of food and meeting the requirements of KRS 243.072 shall be eligible to receive a Special Sunday Retail Drink License. The hours of operation for a facility holding a NQ-2 Special Sunday Retail Drink License shall be the hours of 1:00 p.m. to 12:00 a.m. midnight on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290) A premise which has been granted a Souvenir Package Sunday Sale License shall be eligible to operate between the hours of 12:00 noon to 12:00 midnight on Sunday. Convenience stores, grocery stores and packaged liquor stores which have been granted a NQ-4 Retail Malt Beverage Package License and/or a Quota Retail Package License shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m.



midnight on Sunday.

(E) Private clubs which meet the requirements below shall be eligible to receive a Special Sunday Retail Drink License. The hours of operation for a facility holding a Special Sunday retail drink license shall be the hours of 1:00 p.m. to 12:00 ~~a.m.~~ midnight on Sundays. This subsection division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky state (KRS 244.290). Eligible private clubs are those which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which:

- (1) Having dining facilities with a minimum seating capacity of 100 people at tables;
- (2) Are non-profit, eleemosynary organizations with a membership of at least 200; and
- (3) Have been in existence for a period of at least two years.

(G) Holders of Special Temporary (Special Event) licenses shall be eligible for Sunday Sales between the hours of 1:00 p.m. – 12:00 ~~a.m.~~ midnight.

114.49 SUSPENSION, REVOCATION OF LICENSE

(B) However, city licenses must be revoked by the Alcoholic Beverage Control Administrator upon the occurrence of any cause or circumstance which requires revocation of state license to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the Alcoholic Beverage Control Administrator, a license may, as an alternative and in lieu of part of all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480.

Type of License	Fee (per day)
Distillers, rectifiers, <del>vintners,</del> <u>wineries</u> <u>and brewers, and blenders</u>	\$1,000
Wholesale liquor	400
Wholesale beer	400
<u>Retail licensees authorized to sell</u> <u>distilled spirits, wine, or beer by the</u> <u>package or drink</u>	<u>50</u>
<del>Retail drink liquor</del>	<del>50</del>
<del>Retail package liquor</del>	<del>50</del>
<del>Retail beer</del>	<del>50</del>
All remaining licensees	50

All ordinances or parts of ordinances in conflict are hereby repealed to the extent of that conflict. This ordinance shall be in full force and effect following publication as required by law.

**CITY OF BARDSTOWN**

\_\_\_\_\_  
William S. Sheckles, Mayor

ATTEST:

\_\_\_\_\_  
Barbara Bryant, City Clerk

Dated: \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 114: ALCOHOLIC BEVERAGES OF THE CODE OF ORDINANCES FOR THE CITY OF BARDSTOWN, KENTUCKY.**

THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS FOLLOWS:

That Section 114.20, CLASSIFICATION OF LICENSES; FEE SCHEDULE, be amended to read as follows:

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

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

**DISTILLED SPIRITS AND WINE LICENSES**

License Description	Statutory Authorization (KRS )	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
Distillers	243.040 (1) 243.070	243.120 243.130	June 30	\$140.00
Wholesalers	243.030 (6)	243.160 243.170	June 30	\$410.00
Retail Package	243.030 (7)	243.240	June 30	\$210.00
Retail Drink	243.030 (8)	243.250	June 30	\$420.00
Private Club	243.030 (17)	243.270	June 30	\$420.00
Caterer (Distilled Spirits and Wine)	243.030 (26)	243.033	June 30	\$100.00
Supplementary Caterer	241.010	243.033	June 30	\$ 50.00
*Wine by Drink		243.260	June 30	\$ 70.00
**Limited Sunday Drink (attach proof of 50% food sales)	243.030 (18)	244.290	June 30	\$180.00
***Special Temporary (Special Event)	243.030 (16)	243.260	June 30	\$ 50.00 (Per Event)
Souvenir Retail Package	243.030 (27)	243.0305	June 30	\$150.00
Souvenir Retail Package (Sunday) Sales	Ordinance o. B2007-07		June 30	No Charge
****_Sampling Retail Drink	244.050 (2)	243.250	June 30	\$ 25.00
****_Sampling Retail Package	244,050 (2)	243,240	June 30	\$ 25.00
*****_Retail Package Sunday Sales	Ordinance o. B2009-02		June 30	No Charge

**MALT BEVERAGE LICENSES**

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS 243.090)	Fee (Per Annum)
Brewers	243.040 (1) 243.070	243.150	June 30	\$140.00
Distributors	243.040	243.150	June 30	\$140.00
Retailers (New Applicant/ Renewal)	243.040 (4), 243.070, 243.040 (4)	243.280	June 30	\$ 70.00
*****_Retailers Sunday Sales (Convenience Stores)	Ordinance o. B2009-02		June 30	No Charge



- \*\*\* Available to holders of Special Temporary (Special Event) licenses - Limited Sunday liquor sales (hours of operation shall be 1:00 p.m. - 12:00 a.m.).
- \*\*\*\* Sampling - Available holders that are retail drink and retail package sales that notify Office of Alcoholic Beverage Administrator 7 days in advance before conducting a sampling event. A sampling event is limited to a period not to exceed 4 consecutive hours between 12 noon and 8 p.m. Each sample size shall not exceed one (1) ounce of wine and one-half (1/2) ounce of distilled spirits. A customer must be limited to no more than six (6) wine and two (2) distilled spirits samples per day. All samples must be provided free of charge and at the licensed premises.
- \*\*\*\* Limited Sunday Retail Package and Malt Beverage Retailers. (Hours of operation shall be 1:00 pm - 12:00 am on Sundays). Available to holders of Retail Package and Malt Beverage Retailers Sales. (Liquor Stores, Convenience Stores and Grocery Stores).
- \*\*\*\*\* Available to holders of Special Temporary (Special Event) licenses - Malt Beverage sales (hours of operation shall be 1:00 p.m. to 12:00 a.m.)

That Section 114.40, HOURS OF SALE, be amended to ADD the following:

(G) Holders of Special Temporary (Special Event) licenses shall be eligible for Sunday Sales between the hours of 1:00 p.m. - 12:00 a.m.

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

All ordinances in conflict herewith are hereby amended to the extent of such conflict.

**CITY OF BARDSTOWN**

\_\_\_\_\_  
William S. Sheckles, Mayor

**ATTEST:**

\_\_\_\_\_  
Bobbe Blincoe, City Clerk

Dated: \_\_\_\_\_

## ORDINANCE NO. B2009-02

**AN ORDINANCE AMENDING CHAPTER 114: ALCOHOLIC BEVERAGES OF THE CITY OF  
BARDSTOWN'S CODE OF ORDINANCES TO REVISE THE HOURS WHEN SALES ARE PERMITTED  
WITH RESPECT TO THE DISTILLED SPIRITS AND WINE RETAIL PACKAGE LICENSE AND BEER  
RETAIL LICENSE FOR CERTAIN ESTABLISHMENTS**

THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS  
FOLLOWS:

**SALE OF ALCOHOLIC BEVERAGES**

That Sections 114.40, HOURS OF SALE, Subsection (D), Subsection (E) and Subsection (F), be amended as follows:

(D) Facilities receiving a minimum of fifty percent (50%) of its income from the sale of food and meeting the requirements of KRS 242.185(3) shall be eligible to receive a Sunday Retail Drink license. The hours of operation for a facility holding a Sunday Retail Drink license shall be the hours of ~~2:00 p.m.~~ 1:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290) A premise which has been granted a Souvenir Package Sunday Sale license shall be eligible to operate between the hours of noon to midnight on Sunday. Convenience stores, grocery stores and packaged liquor stores which have been granted a Retail Beer License and/or a Distilled Spirits and Wine Retail Package License shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m. on Sunday.

(E) Private clubs which meet the requirements below shall be eligible to receive a Sunday Retail Drink license. The hours of operation for a facility holding a Sunday Retail Drink license shall be the hours of ~~2:00 p.m.~~ 1:00 p.m. to 12:00 a.m. on Sundays. This division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290). Eligible private clubs are those which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which:

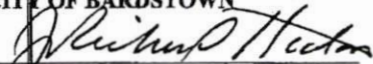
- (1) Having dining facilities with a minimum seating capacity of 100 people at tables;
- (2) Are non-profit, eleemosynary organizations with a membership of at least 200; and
- (3) Have been in existence for a period of at least two years.

(F) Per KRS 244.290, in years where December 31, (New Years Eve) falls on a Sunday, the hours of operation, on December 31, for any facility holding a valid distilled spirits and wine retail drink license, or a malt beverage retail drink license per §114.20, shall be from ~~2:00 p.m.~~ 1:00 p.m. to 1:00 a.m., Monday morning January 1. This division ~~does not include Package Liquor Stores; nor does it~~ not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290).

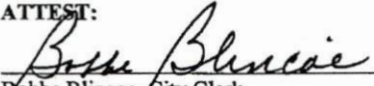
This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

All ordinances in conflict herewith are hereby amended to the extent of such conflict.

CITY OF BARDSTOWN

  
J. Richard Heaton, Mayor

ATTEST:

  
Bobbe Blincoe, City Clerk

Dated: 05-12-09





# Bardstown

©2008 Bardstown, KY

[search](#) [site map](#) [home](#)

[Departments](#) | [Administration](#) | [Calendar](#) | [Organizations](#) | [Development](#)  
[City Council](#) | [Ordinances](#) | [Forms Online](#) | [Related Links](#)

Location: [cityofbardstown.org](http://cityofbardstown.org) > Ordinances

## Alcoholic Beverages

### Section

#### General Provisions

- 114.01 Definitions
- 114.02 State law adopted

#### Licenses

- 114.20 Classification of licenses; fee schedule
- 114.21 Form, content of city license
- 114.22 Application; issuance
- 114.23 Approval of application
- 114.24 Denial of application
- 114.25 Transfer of license
- 114.26 Premises selling groceries, gasoline, and the like prohibited from obtaining license

#### Sale of Alcoholic Beverages

- 114.40 Hours of sale
- 114.41 Compliance with regulations and prohibitions
- 114.42 Maintenance of state license
- 114.43 Display of required licenses and certain signs
- 114.44 Criminal conduct on premises prohibited
- 114.45 Conducting business with minor
- 114.46 Business to be conducted continuously; exceptions

#### Administration and Enforcement

- 114.47 Alcoholic beverage control vested in the Mayor
- 114.48 Right of entry; search and seizure
- 114.49 Suspension, revocation of license
  
- 114.99 Penalty

## GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

"CATERER (DISTILLED SPIRITS AND WINE)." A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (distilled spirits and wine) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and servicing the food and alcoholic beverages to the customer's guests.

"CATERER (MALT BEVERAGE)." A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (malt beverages) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests.

"CITY LICENSE." A license established and authorized pursuant to the terms hereof and issued by the city.

"CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof by the city, including the officers and agents of the licensee.

"KRS." Kentucky Revised Statutes.

"PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, and servants, and employees thereof.

"PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

"SOUVENIR RETAIL PACKAGE LICENSE." A souvenir retail liquor license may be issued to any licensed state distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory.

"SPECIAL PRIVATE CLUB LICENSE." A license issued to any nonprofit social, fraternal, military, or political organization or club, which for more than two years prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded.

"SPECIAL TEMPORARY DISTILLED SPIRITS AND WINE LICENSE." A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorized the licensee to exercise the



privileges of a distilled spirits and wine retail drink licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions applying to a distilled spirits and wine retail drink licensee shall apply also to a special temporary distilled spirits and wine licensee.

"SPECIAL TEMPORARY MALT BEVERAGE LICENSE." A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorize the licensee to exercise the privileges of a malt beverage licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions applying to a malt beverage licensee shall apply also to a special temporary malt beverage licensee.

"STATE." The Commonwealth of Kentucky.

"STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

"SUPPLEMENTARY CATERER'S LICENSE (DISTILLED SPIRITS AND WINE)." A caterer's license issued to any "liquor-by-the drink" or "liquor-by-the-package" licensee.

"SUPPLEMENTARY CATERER'S LICENSE (MALT BEVERAGES)." A caterer's license issued to any "malt beverage" licensee.

"TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

(Ord. 491, passed 11-12-91; Am. Ord. 708, passed 11-28-00; Am. Ord. 2005-12, passed 4-26-05; Am. Ord. B2006-15, passed 6-20-06)

#### § 114.02 STATE LAW ADOPTED.

The provisions of KRS Chapters 241 through 244 and all amendments thereto, relating to the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous, or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes are adopted as a portion of this chapter as far as applicable, except as otherwise lawfully provided by city ordinances.

(Ord. 491, passed 11-12-91)

### LICENSES

#### § 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to

which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

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

Statutory Description of Authorized License Description Annum)	Annual Expiration Statutory Authorization (KRS § )	Business and Transactions (KRS § )	tion Date (243.090)	Fee (Per
--	--	------------------------------------	---------------------	----------

Distilled Spirits and Wine Licenses

Distillers	243.030(1)	243.120	June 30	\$210
243.070		243.130		
Wholesalers	243.030(6)	243.160	June 30	\$210
243.170				
Retail	243.070(7)	243.240	June 30	\$210
Package				
Retail Drink	243.030(8)	243.250	June 30	\$420
Special	243.030(17)	243.270	June 30	\$420
Private Club				
Limited Sunday	243.030(18)	244.290	June 30	\$180
Drink (attach proof of 50% food sales)				
Wine by		243.260	June 30	
\$70				
Drink*				
Caterer		243.033	June 30	
\$100				
243.030(26)				
Supplementary	241.010	243.033	June 30	\$50
Caterer				
Special	243.030(16)	243.260	June 30	\$50(per event)
Temporary (Special Event)				
Souvenir	243.030(27)	243.0305	June 30	\$150
Retail Package				

Malt Beverage Licenses



Brewers 243.070	243.040(1)	243.150	June 30	\$210
Distributors	243.040(1)	243.150	June 30	\$210
Retailers (New Applicant Renewal)	243.070(4)	243.280	June 30	\$70
Caterer \$50	241.010	243.033	June 30	
Supplementary \$25	241.010	243.033	June 30	
Caterer Special Temporary (Special Event)	243.040(7)	243.290	June 30	\$25(per event)

\*Wine by drinks in connection with a restaurant operation where whiskey by the drink is not available.

(Ord. 491, passed 11-12-91; Am. Ord. 604, passed 5-30-96; Am. Ord. 746, passed 3-26-02; Am. Ord. 2005-12, passed 4-26-05; Am. Ord. B2006-15, passed 6-20-06)

Penalty, see § 114.99

§ 114.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the Alcoholic Beverage Control Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

- (1) Comply with all of the provisions for state licenses required by KRS 243.440; and
  - (2) Contain a declaration that the license authorizes the search of the licenses premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.
- (Ord. 491, passed 11-12-91)

§ 114.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the Alcoholic Beverage Control Administrator and renewed by him upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the Alcoholic Beverage Control Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

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

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names and addresses of the applicant and all shareholders.

(B) The approval of the applicant, the application, and the premises described therein by the Alcoholic Beverage Control Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

(Ord. 491, passed 11-12-91)

#### § 114.23 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original city license and 15 days of the date of an application for renewal of a city license, the Alcoholic Beverage Control Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto. (Ord. 491, passed 11-12-91)

#### § 114.24 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

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

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date



of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false; or

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

(Ord. 491, passed 11-12-91)

#### § 114.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the Alcoholic Beverage Control Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

#### § 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS 243.230, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold for from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

(Ord. 491, passed 11-12-91)

### SALE OF ALCOHOLIC BEVERAGES

#### § 114.40 HOURS OF SALE.

(A) Except as provided in division (D), no premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m., or at any time during the 23 hours of a Sunday after 1:00 a.m., or during the hours the polls are open on any regular

or primary election day. However, 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 wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. (KRS 244.290)

(B) Except as provided in division (D), no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 12:00 a.m. and 6:00 a.m. on any other day of the week. No retailer shall sell, give away, or deliver any malt beverages between 1:00 a.m. and 6:00 a.m. or at any time during the 23 hours of a Sunday after 1:00 a.m. or during the hours the polls are open on an election day. (KRS 244.480)

(C) In all places wherein spirituous, vinous, or intoxicating liquors or malt beverages are sold by the drink for consumption on the premises in the city, all customers must vacate the premises by 1:30 a.m.

(D) Facilities receiving a minimum of 50% of its income from the sale of food and meeting the requirements of KRS 242.185(3) shall be eligible to receive a Sunday Retail Drink License. The hours of operation for a facility holding a Sunday Retail Drink License shall be

the hours of 2:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290)

(E) Private clubs which meet the requirements below shall be eligible to receive a Sunday Retail Drink license. The hours of operation for a facility holding a Sunday Retail Drink license shall be the hours of 2:00 p.m. to 12:00 a.m. on Sundays. This division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290). Eligible private clubs are those which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which:

- (1) Having dining facilities with a minimum seating capacity of 100 people at tables;
- (2) Are non-profit, eleemosynary organizations with a membership of at least 200;  
and
- (3) Have been in existence for a period of at least two years.

(F) Per KRS 244.290, in years where December 31, (New Years Eve) falls on a Sunday, the hours of operation, on December 31, for any facility holding a valid distilled spirits and wine retail drink license, or a malt beverage retail drink license per § 114.20, shall be from 2:00 p.m. to 1:00 a.m. Monday morning January 1. This division does not include Package Liquor Stores; nor does it exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290)

(Ord. 491, passed 11-12-91; Am. Ord. 501, passed 5-12-92; Am. Ord. 511, passed 9-8-92; Am. Ord. 746, passed 3-26-02; Am. Ord. 2005-12, passed 4-26-05; Am. Ord.

002-1  
9/26/06



B2006-15, passed 6-20-06; Am. Ord. 2006-26, passed 9-26-06)

§ 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the Alcoholic Beverage Control Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the license premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous, prominent place on the license premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least 18 inches by 11 inches in size with the following message printed on or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to Five Hundred (\$500.00) Dollars if they:

- a. Enter license premises to buy or have served or delivered to them any alcoholic beverages; or
- b. Possess, purchase or attempt to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state license to which they correspond. The failure to so display such licenses shall be prima facie evidence that no

such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

Statutory reference:

Display of state license required, see KRS 243.620, 244.270, and 244.360

#### § 114.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

#### § 114.45 CONDUCTING BUSINESS WITH MINOR.

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

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

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

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

#### § 114.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transaction authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the Alcoholic Beverage Control Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the Alcoholic



Beverage Control Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.  
(Ord. 491, passed 11-12-91)

ADMINISTRATION AND ENFORCEMENT

§ 114.47 ALCOHOLIC BEVERAGE CONTROL VESTED IN THE MAYOR.

The powers of alcohol beverage control shall be vested in the office of the Mayor pursuant to KRS 241.160.  
(Ord. 708, passed 11-28-00)

§ 114.48 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.  
(Ord. 491, passed 11-12-91)

§ 114.49 SUSPENSION, REVOCATION OF LICENSE.

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

- (1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;
- (2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Control Board in regard thereto;
- (3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the Alcoholic Beverage Control Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the Alcoholic Beverage Control Administrator, a license may, as an alternative and in lieu of part of all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480.

Type of Licensee	Fee (per day)
Distillers, rectifiers, vintners, brewers, and	\$1000

blenders	
Wholesale liquor	400
Wholesale beer	400
Type of Licensee	Fee (per day)
Retail drink liquor	50
Retail package liquor	50
Retail beer	50
All remaining licensees	50

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the Alcoholic Beverage Control Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the Alcoholic Beverage Control Administrator according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the Alcoholic Beverage Control Administrator. The Alcoholic Beverage Control Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the Alcoholic Beverage Control Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the license premises by certified or registered mail.

(Ord. 491, passed 11-12-91)

§ 114.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be guilty of a misdemeanor and shall be sentenced to pay a fine for each offense or violation of not more than five hundred dollars (\$500).

(B) Any person who violates the distillers license fee provisions shall, upon conviction and in accordance with KRS 243.990 (2), be guilty of a misdemeanor and shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than five hundred (\$500) nor more than five thousand dollars (\$5000), or sentenced to



imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 114.20, other than as discussed in division (B) of this section, or any provisions of §§ 114.21 through §§ 114.26, 114.40, 114.42, 114.44 and 114.45 shall, upon conviction and in accordance with KRS 243.990(5) and 244.990(1), be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or be imprisoned for no more than six months, or both.

(D) Any person who violates any provisions of § 114.43 shall, upon conviction and in accordance with KRS 244.990(5), be deemed to have committed a violation and shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

(E) Any person who violates any provision of § 144.45 shall, upon conviction and in accordance with KRS 244.990(5) and (6), be deemed to have committed a violation and shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for misrepresentation of age. For uses of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be fined not less than fifty dollars (\$50) nor more than five thousand dollars (\$5000) for a first offense. For a second and each subsequent offense, the person shall be fined not less than two hundred dollars (\$200) nor more than two thousand dollars (\$2000).

(Ord. 491, passed 11-12-91)

# ORDINANCE NO. B2007-7

## AN ORDINANCE AMENDING CHAPTER 114: ALCOHOLIC BEVERAGES OF THE CITY BARDSTOWN'S CODE OF ORDINANCES

THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS   
FOLLOWS:

That Sections 114.01 DEFINITIONS, 114.20, CLASSIFICATION OF LICENSES: FEE SCHEDULE,  
and 114.40, HOURS OF SALE, Subsection (D), be amended to add the following:

SECTION 114.01 DEFINITIONS.

**"SOUVENIR PACKAGE SUNDAY SALES" Pursuant to KRS 244.290 (3) (b), a souvenir retail liquor license for Sunday Sales may be issued to any licensed Kentucky distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory and has a Souvenir Retail Package License.**

To add to SECTION 114.20 CLASSIFICATION OF LICENSES: FEE SCHEDULE (B) as follows:  
Distilled Spirits and Wine Licenses

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
_____ Distillers	243.030 (1) 243.070	243.120 243.130	June 30	\$140.00
_____ Wholesalers	243.030 (6)	243.160 243.170	June 30	\$410.00
_____ Retail Package	243.030 (7)	243.240	June 30	\$210.00
_____ Retail Drink	243.030 (8)	243.250	June 30	\$420.00
_____ Private Club	243.030 (17)	243.270	June 30	\$420.00
_____ Caterer (Distilled Spirits and Wine)	243.030 (26)	243.033	June 30	\$100.00
_____ Supplementary Caterer (Distilled Spirits and Wine)	241.010	243.033	June 30	\$50.00
_____ *Wine by Drink		243.260	June 30	\$ 70.00
_____ **Limited Sunday Drink (attach proof of 50% food sales)	243.030 (18)	244.290	June 30	\$180.00
_____ Special Temporary (Special Event)	243.030 (16)	243.260	June 30	\$50.00 (Per Event)
_____ Souvenir Retail Package	243.030 (27)	243.0305	June 30	\$150.00
<b><u>Souvenir Retail Package Sunday Sales</u></b>	<b><u>243.030 (27)</u></b>	<b><u>243.0305</u></b>	<b><u>June 30</u></b>	<b><u>\$1500.00</u></b>

2007 MAY - 8 A 10: 08  
 ALCOHOLIC BEVERAGE CONTROL

Malt Beverage Licenses

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
_____ Brewers	243.040 (1) 243.070	243.150	June 30	\$140.00
_____ Distributors	243.040	243.150	June 30	\$140.00



Malt Beverage Licenses (Cont.)

License Description	Statutory Authorization (KRS S)	Statutory Description Of Authorized Business And Transactions (KRS S)	Annual Expiration Date (KRS S 243.090)	Fee (Per Annum)
____ Retailers (New Applicant Renewal)	243.040 (4), 243.070, 243.040 (4)	243.280	June 30	\$70.00
____ Caterer (Malt Beverages)	241.010	243.033	June 30	\$50.00
____ Supplementary Caterer (Malt Beverages)	241.010	243.033	June 30	\$25.00
____ Special Temporary (Special Event)	243.070 (7)	243.290	June 30	\$25.00 (Per Event)
____ Seating Capacity				

That SECTION 114.40 (D) HOURS OF SALE, be amended to read as follows:

(D) Facilities receiving a minimum of fifty percent (50%) of its income from the sale of food and meeting the requirements of KRS 242.185(3) shall be eligible to receive a Sunday Retail Drink license. The hours of operation for a facility holding a Sunday Retail Drink license shall be the hours of 2:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290) **A premise which has been granted a Souvenir Package Sunday Sale license shall be eligible to operate between the hours of noon to midnight on Sunday.**

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

All ordinances in conflict herewith are hereby amended to the extent of such conflict.

**CITY OF BARDSTOWN**

*Richard Heaton*  
Richard Heaton, Mayor

**ATTEST:**

*Bobbe Blincoe*  
Bobbe Blincoe, City Clerk

Dated: 4-24-2007

RECEIVED  
 2007 MAY - 8 A 10: 08  
 ALCOHOLIC  
 BEVERAGE CONTROL

**ORDINANCE NO. B2005-12**

**AN ORDINANCE AMENDING THE SALE OF ALCOHOLIC BEVERAGES**

**THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS FOLLOWS:**

That Sections 114.01 DEFINITIONS, 114.20, CLASSIFICATION OF LICENSES: FEE SCHEDULE, and 114.40, HOURS OF SALE, Subsection (D), be amended to read as follows:

To add to SECTION 114.01 DEFINITIONS as follows:

SECTION 114.01 DEFINITIONS.

**“CATERER (DISTILLED SPIRITS AND WINE)”** A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (distilled spirits and wine) to the caterer’s designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer’s guests.

**“CATERER (MALT BEVERAGE)”** A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (malt beverages) to the caterer’s designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer’s guests.

**“SUPPLEMENTARY CATERER’S LICENSE (DISTILLED SPIRITS AND WINE)”** A caterer’s license issued to any “liquor-by-the-drink” or “liquor-by-the-package” licensee.

**“SUPPLEMENTARY CATERER’S LICENSE (MALT BEVERAGES)”** A caterer’s license issued to any “malt beverage” licensee.

To add to SECTION 114.20 CLASSIFICATION OF LICENSES: FEE SCHEDULE (B) as follows:

<u>License Description</u>	<u>Statutory Authorization (KRS S)</u>	<u>Statutory Description Of Authorized Business and Transactions (KRS S)</u>	<u>Annual Expiration Date (KRS S (243.090))</u>	<u>Fee (per Annum)</u>
<u>Distilled Spirits and Wine Licenses</u>				
<u>Caterer (Distilled Spirits and Wine)</u>	<u>241.010</u>	<u>243.033</u>	<u>June 30</u>	<u>\$100</u>
<u>Supplementary Caterer (Distilled Spirits and Wine)</u>	<u>241.010</u>	<u>243.033</u>	<u>June 30</u>	<u>\$ 50</u>
<u>Malt Beverage Licenses</u>				
<u>Caterer (Malt Beverages)</u>	<u>241.010</u>	<u>243.033</u>	<u>June 30</u>	<u>\$ 50</u>
<u>Supplementary Caterer (Malt Beverages)</u>	<u>241.010</u>	<u>243.033</u>	<u>June 30</u>	<u>\$ 25</u>

That SECTION 114.40 (D) HOURS OF SALE, be amended to read as follows:


(D) Facilities receiving a minimum of ~~seventy~~ fifty percent (70%) (50%) of its income from the sale of food and meeting the requirements of KRS 242.185(3) shall be eligible to receive a Sunday Retail Drink license. The hours of operation for a facility holding a Sunday Retail Drink license shall be the hours of 2:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290)



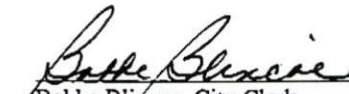
This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

All ordinances in conflict herewith are hereby amended to the extent of such conflict.

**CITY OF BARDSTOWN**

  
\_\_\_\_\_  
Dixie P. Hibbs, Mayor

Attest:

  
\_\_\_\_\_  
Bobbe Blincoe, City Clerk

Dated: 4-26-05

## ORDINANCE NO. 708

### AN ORDINANCE ABOLISHING THE ALCOHOL BEVERAGE CONTROL ADMINISTRATOR AND VESTING THE POWERS OF ALCOHOL BEVERAGE CONTROL IN THE MAYOR

THE CITY COUNCIL FOR THE CITY OF BARDSTOWN, KENTUCKY DOES ORDAIN AS FOLLOWS:

That Section 114.01, a subheading of DEFINITIONS, be repealed which reads as follows:

“CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.” The duly appointed City Alcoholic Beverage Control Administrator of Nelson County, Kentucky.

That Section 114.47, CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR, be repealed which reads as follows:

As permitted by KRS §241.160, the duties of Alcoholic Beverage Control Administrator shall be fulfilled by the duly appointed Alcohol Beverage Control Administrator of Nelson County, Kentucky.

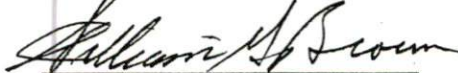
That a new Section, ALCOHOLIC BEVERAGE CONTROL VESTED IN THE MAYOR, be enacted which shall read as follows:

The powers of alcohol beverage control shall be vested in the Office of the Mayor pursuant to KRS §241.160.

All ordinances in conflict herewith are hereby amended to the extent of such conflict.

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

CITY OF BARDSTOWN



William G. Brown, Mayor

Attest:



Bobbe Blincoe, City Clerk

Dated: 11-28-00



BARDSTOWN

CHAPTER 114: ALCOHOLIC BEVERAGES

Section

General Provisions

- 114.01 Definitions
- 114.02 State law adopted

Licenses

- 114.20 Classification of licenses; fee schedule
- 114.21 Form, content of city license
- 114.22 Application; issuance
- 114.23 Approval of application
- 114.24 Denial of application
- 114.25 Transfer of license
- 114.26 Premises selling groceries, gasoline, and the like prohibited from obtaining license

Sale of Alcoholic Beverages

- 114.40 Hours of sale
- 114.41 Compliance with regulations and prohibitions
- 114.42 Maintenance of state license
- 114.43 Display of required licenses and certain signs
- 114.44 Criminal conduct on premises prohibited
- 114.45 Conducting business with minor
- 114.46 Business to be conducted continuously; exceptions

Administration and Enforcement

- 114.47 Alcoholic beverage control vested in the Mayor
- 114.48 Right of entry; search and seizure
- 114.49 Suspension, revocation of license
  
- 114.99 Penalty

GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

"CATERER (DISTILLED SPIRITS AND WINE)." A professional food service business preparing food in a licensed and inspected commissary,

transporting food and alcoholic beverages (distilled spirits and wine) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and servicing the food and alcoholic beverages to the customer's guests.

"CATERER (MALT BEVERAGE)." A professional food service business preparing food in a licensed and inspected commissary, transporting food and alcoholic beverages (malt beverages) to the caterer's designated and inspected banquet hall or to a location selected by the customer, and serving the food and alcoholic beverages to the customer's guests.

"CITY LICENSE." A license established and authorized pursuant to the terms hereof and issued by the city.

"CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof by the city, including the officers and agents of the licensee.

"KRS." Kentucky Revised Statutes.

"PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, and servants, and employees thereof.

"PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

"SOUVENIR RETAIL PACKAGE LICENSE." A souvenir retail liquor license may be issued to any licensed state distiller that has a gift shop or other retail outlet on its premises, if the distillery is located in wet territory.

"SPECIAL PRIVATE CLUB LICENSE." A license issued to any nonprofit social, fraternal, military, or political organization or club, which for more than two years prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded.

"SPECIAL TEMPORARY DISTILLED SPIRITS AND WINE LICENSE." A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorized the licensee to exercise the privileges of a distilled spirits and wine retail drink licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions applying to a distilled spirits and wine retail drink licensee shall apply also to a special temporary distilled spirits and wine licensee.



"SPECIAL TEMPORARY MALT BEVERAGE LICENSE." A license that may be issued to any regularly organized fair, exposition, racing association, or other party, when a necessity exists that shall authorize the licensee to exercise the privileges of a malt beverage licensee at designated premises for a specified and limited time, not to exceed 30 days. All restrictions and prohibitions applying to a malt beverage licensee shall apply also to a special temporary malt beverage licensee.

"STATE." The Commonwealth of Kentucky.

"STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

"SUPPLEMENTARY CATERER'S LICENSE (DISTILLED SPIRITS AND WINE)." A caterer's license issued to any "liquor-by-the drink" or "liquor-by-the-package" licensee.

"SUPPLEMENTARY CATERER'S LICENSE (MALT BEVERAGES)." A caterer's license issued to any "malt beverage" licensee.

"TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages. (Ord. 491, passed 11-12-91; Am. Ord. 708, passed 11-28-00; Am. Ord. 2005-12, passed 4-26-05; Am. Ord. B2006-15, passed 6-20-06)

§ 114.02 STATE LAW ADOPTED.

The provisions of KRS Chapters 241 through 244 and all amendments thereto, relating to the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous, or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes are adopted as a portion of this chapter as far as applicable, except as otherwise lawfully provided by city ordinances. (Ord. 491, passed 11-12-91)

LICENSES

§ 114.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

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

state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

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

License Description	Statutory Authorization (KRS § )	Statutory Description of Authorized Business and Transactions (KRS § )	Annual Expiration Date (KRS § ) (243.090)	Fee (Per Annum)
<u>Distilled Spirits and Wine Licenses</u>				
Distillers	243.030 (1)	243.120	June 30	\$210
	243.070	243.130		
Wholesalers	243.030 (6)	243.160	June 30	\$210
	243.170			
Retail Package	243.070 (7)	243.240	June 30	\$210
Retail Drink	243.030 (8)	243.250	June 30	\$420
Special	243.030 (17)	243.270	June 30	\$420
Private Club				
Limited Sunday Drink (attach proof of 50% food sales)	243.030 (18)	244.290	June 30	\$180
Wine by Drink*		243.260	June 30	\$70
Caterer		243.033	June 30	\$100
Supplementary Caterer	243.030 (26)			
	241.010	243.033	June 30	\$50
Special Temporary (Special Event)	243.030 (16)	243.260	June 30	\$50 (per event)
Souvenir Retail Package	243.030 (27)	243.0305	June 30	\$150

Malt Beverage Licenses

Brewers	243.040 (1)	243.150	June 30	\$210
	243.070			
Distributors	243.040 (1)	243.150	June 30	\$210



26A

BARDSTOWN - ALCOHOLIC BEVERAGES

§ 114.22

Retailers (New Applicant Renewal)	243.070 (4)	243.280	June 30	\$70
Caterer	241.010	243.033	June 30	\$50
Supplementary Caterer	241.010	243.033	June 30	\$25
Special Temporary (Special Event)	243.040 (7)	243.290	June 30	\$25 (per event)

\*Wine by drinks in connection with a restaurant operation where whiskey by the drink is not available.

(Ord. 491, passed 11-12-91; Am. Ord. 604, passed 5-30-96; Am. Ord. 746, passed 3-26-02; Am. Ord. 2005-12, passed 4-26-05; Am. Ord. B2006-15, passed 6-20-06) Penalty, see § 114.99

§ 114.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the Alcoholic Beverage Control Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

(1) Comply with all of the provisions for state licenses required by KRS 243.440; and

(2) Contain a declaration that the license authorizes the search of the licenses premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(Ord. 491, passed 11-12-91)

§ 114.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the Alcoholic Beverage Control Administrator and renewed by him upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements, and representations therein attested by the

signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the Alcoholic Beverage Control Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

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

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names and addresses of the applicant and all shareholders.

(B) The approval of the applicant, the application, and the premises described therein by the Alcoholic Beverage Control Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.  
(Ord. 491, passed 11-12-91)

#### § 114.23 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original city license and 15 days of the date of an application for renewal of a city license, the Alcoholic Beverage Control Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

(Ord. 491, passed 11-12-91)

#### § 114.24 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

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



(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false;  
or

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

(Ord. 491, passed 11-12-91)

§ 114.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the Alcoholic Beverage Control Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS 243.230, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold for from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

(Ord. 491, passed 11-12-91)

SALE OF ALCOHOLIC BEVERAGES§ 114.40 HOURS OF SALE.

(A) Except as provided in division (D), no premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m., or at any time during the 23 hours of a Sunday after 1:00 a.m., or during the hours the polls are open on any regular or primary election day. However, 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 wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. (KRS 244.290)

(B) Except as provided in division (D), no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 12:00 a.m. and 6:00 a.m. on any other day of the week. No retailer shall sell, give away, or deliver any malt beverages between 1:00 a.m. and 6:00 a.m. or at any time during the 23 hours of a Sunday after 1:00 a.m. or during the hours the polls are open on an election day. (KRS 244.480)

(C) In all places wherein spirituous, vinous, or intoxicating liquors or malt beverages are sold by the drink for consumption on the premises in the city, all customers must vacate the premises by 1:30 a.m.

(D) Facilities receiving a minimum of 50% of its income from the sale of food and meeting the requirements of KRS 242.185(3) shall be eligible to receive a Sunday Retail Drink License. The hours of operation for a facility holding a Sunday Retail Drink License shall be



the hours of 2:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (KRS 244.290)

(E) Private clubs which meet the requirements below shall be eligible to receive a Sunday Retail Drink license. The hours of operation for a facility holding a Sunday Retail Drink license shall be the hours of 2:00 p.m. to 12:00 a.m. on Sundays. This division does not exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290). Eligible private clubs are those which have been granted all appropriate licenses for the sale of distilled spirits, wine and malt beverages which:

(1) Having dining facilities with a minimum seating capacity of 100 people at tables;

(2) Are non-profit, eleemosynary organizations with a membership of at least 200; and

(3) Have been in existence for a period of at least two years.

(F) Per KRS 244.290, in years where December 31, (New Years Eve) falls on a Sunday, the hours of operation, on December 31, for any facility holding a valid distilled spirits and wine retail drink license, or a malt beverage retail drink license per § 114.20, shall be from 2:00 p.m. to 1:00 a.m. Monday morning January 1. This division does not include Package Liquor Stores; nor does it exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the state (KRS 244.290)

(Ord. 491, passed 11-12-91; Am. Ord. 501, passed 5-12-92; Am. Ord. 511, passed 9-8-92; Am. Ord. 746, passed 3-26-02; Am. Ord. 2005-12, passed 4-26-05; Am. Ord. B2006-15, passed 6-20-06; Am. Ord. 2006-26, passed 9-26-06)

#### § 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the Alcoholic Beverage Control Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the license premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises

## ADMINISTRATION AND ENFORCEMENT

§ 114.47 ALCOHOLIC BEVERAGE CONTROL VESTED IN THE MAYOR.

The powers of alcohol beverage control shall be vested in the office of the Mayor pursuant to KRS 241.160.  
(Ord. 708, passed 11-28-00)

§ 114.48 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

(Ord. 491, passed 11-12-91)

§ 114.49 SUSPENSION, REVOCATION OF LICENSE.

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

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

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Control Board in regard thereto;

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the Alcoholic Beverage Control Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the Alcoholic Beverage Control Administrator, a license may, as an alternative and in lieu of part of all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480.

<u>Type of Licensee</u>	<u>Fee (per day)</u>
Distillers, rectifiers, vintners, brewers, and blenders	\$1000
Wholesale liquor	400
Wholesale beer	400



<u>Type of Licensee</u>	<u>Fee (per day)</u>
Retail drink liquor	50
Retail package liquor	50
Retail beer	50
All remaining licensees	50

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the Alcoholic Beverage Control Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the Alcoholic Beverage Control Administrator according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the Alcoholic Beverage Control Administrator. The Alcoholic Beverage Control Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the Alcoholic Beverage Control Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the license premises by certified or registered mail.

(Ord. 491, passed 11-12-91)

§ 114.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be guilty of a misdemeanor and shall be sentenced to pay a fine for each offense or violation of not more than five hundred dollars (\$500).

(B) Any person who violates the distillers license fee provisions shall, upon conviction and in accordance with KRS 243.990 (2), be guilty of a misdemeanor and shall be sentenced to pay a fine of not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than five hundred (\$500) nor more than five thousand dollars (\$5000), or sentenced to imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 114.20, other than as discussed in division (B) of this section, or any provisions of

§§ 114.21 through §§ 114.26, 114.40, 114.42, 114.44 and 114.45 shall, upon conviction and in accordance with KRS 243.990(5) and 244.990(1), be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200), or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or be imprisoned for no more than six months, or both.

(D) Any person who violates any provisions of § 114.43 shall, upon conviction and in accordance with KRS 244.990(5), be deemed to have committed a violation and shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100).

(E) Any person who violates any provision of § 144.45 shall, upon conviction and in accordance with KRS 244.990(5) and (6), be deemed to have committed a violation and shall be fined not less than ten dollars (\$10) nor more than one hundred dollars (\$100) for misrepresentation of age. For uses of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be fiend not less than fifty dollars (\$50) nor more than five thousand dollars (\$5000) for a first offense. For a second and each subsequent offense, the person shall be fined not less than two hundred dollars (\$200) nor more than two thousand dollars (\$2000).

(Ord. 491, passed 11-12-91)



CHAPTER 114: ALCOHOLIC BEVERAGES

Section

General Provisions

- 114.01 Definitions
- 114.02 State law adopted

Licenses

- 114.20 Classification of licenses; fee schedule
- 114.21 Form, content of city license
- 114.22 Application; issuance
- 114.23 Approval of application
- 114.24 Denial of application
- 114.25 Transfer of license
- 114.26 Premises selling groceries, gasoline, and the like prohibited from obtaining license

Sale of Alcoholic Beverages

- 114.40 Hours of sale
- 114.41 Compliance with regulations and prohibitions
- 114.42 Maintenance of state license
- 114.43 Display of required licenses and certain signs
- 114.44 Criminal conduct on premises prohibited
- 114.45 Conducting business with minor
- 114.46 Business to be conducted continuously; exceptions

Administration and Enforcement

- 114.47 Alcoholic beverage control vested in the Mayor
- 114.48 Right of entry; search and seizure
- 114.49 Suspension, revocation of license
  
- 114.99 Penalty

GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

"BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

"CITY LICENSE." A license established and authorized pursuant to the terms hereof and issued by the city.

"CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof by the city, including the officers and agents of the licensee.

RECEIVED  
 2005 DEC 20 A 10:31  
 ALCOHOLIC BEVERAGE CONTROL

§ 114.24 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the Alcoholic Beverage Control Administrator shall not approve any application for a city license if:

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

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(C) The applicant and/or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(D) Any statement or representation in the application is false;  
or

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

(Ord. 491, passed 11-12-91)

§ 114.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the Alcoholic Beverage Control Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS 243.230, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold for from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.



described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith. (Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous, prominent place on the license premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least 18 inches by 11 inches in size with the following message printed on or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to Five Hundred (\$500.00) Dollars if they:

- a. Enter license premises to buy or have served or delivered to them any alcoholic beverages; or
- b. Possess, purchase or attempt to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) All valid city licenses issued therefor and the state license to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto. (Ord. 491, passed 11-12-91) Penalty, see § 114.99

Statutory reference:

Display of state license required, see KRS 243.620, 244.270, and 244.360

§ 114.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act



or the omission of a required act which is a crime or other violation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.45 CONDUCTING BUSINESS WITH MINOR.

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

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

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

(Ord. 491, passed 11-12-91) Penalty, see § 114.99

§ 114.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transaction authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the Alcoholic Beverage Control Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the Alcoholic Beverage Control Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

(Ord. 491, passed 11-12-91)