

**CITY OF DAYTON, KENTUCKY**

2013 - #13 \_\_\_\_\_

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 111, ALCOHOLIC BEVERAGES.**

This ordinance amends the Dayton Code of Ordinances pursuant to changes in Kentucky statutes enacted in 2013. It creates two new NonQuota retail liquor licenses to conform to such licenses created by said statutes. It creates two new NonQuota retail malt beverage licenses separating malt beverage drink licenses from malt beverage package licenses also to conform to such licenses created by said statutes. In addition it increases the fee for each type of license 5% which shall remain in effect for five (5) years conforming to the new Kentucky statutes.

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ALCOHOL  
BEVERAGE CONTROL

CITY OF DAYTON, KENTUCKY

2013 - #13\_

AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 111, ALCOHOLIC BEVERAGES.

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

**SECTION ONE:** That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.04 is hereby amended as follows:

There shall be issued by the City Clerk/Treasurer the following kinds of licenses:

(A) (1) A license covering the sale of malt beverages ~~containing 0.5% or more alcohol by volume~~, over bars, fountains, or at tables where the beverage is consumed on the premises of the licensee is required. The beverage may be served in glasses, steins, or other containers after being drawn from a tap or spigot connected with a barrel, keg, or other large bulk container or may be served in bottles or cans which have been packaged off the premises of the licensee which includes, but is not limited to, sales permitted by a Kentucky Nonquota Type 4 retail malt beverage license. ~~Licensees may also sell such malt beverages in bottles, jugs, or other containers to be consumed off the premises.~~

(2) A license covering the sale of malt beverages in bottles, jugs, or other containers to be consumed off the premises which includes, but is not limited to, sales permitted by a Kentucky Nonquota malt beverage package license

(3) The annual license fee for each of the licenses issued until subsections (A)(1) and (A)(2) above shall be \$200.00 per year for new applicants and ~~\$150.00~~ \$157.50 per year for renewal.

(B) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section by the drink, to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Quota retail drink license shall be \$675.00 \$708.75.

(C) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section in unbroken packages of any size, not to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Quota retail package license shall be \$600.00 \$630.00.

(D) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section at wholesale, in cases, to persons or firms holding a retail liquor license shall be ~~\$600.00~~ \$630.00.

(E) The annual license fee covering the sale of all alcoholic beverages including those mentioned in subsection A of this section at hotels, restaurants, airports and riverboats qualifying under the requirements of a Kentucky NonQuota Type 2 license as described in KRS 243.084 (1a), 1(c) and 1(d), to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Nonquota Type 2 retail drink license shall be \$866.25.

(F) The annual license fee covering the sale of wine and those beverages mentioned in subsection A of this section at restaurants qualifying under the

requirements of a Kentucky NonQuota Type 2 license as described in KRS 243.084 (1b) and KRS243.084(3), to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Nonquota Type 2 retail drink license shall be \$472.50.

~~(E)~~ (G) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section at clubs or lodges which have been in continuous existence within the city for at least one year before making application and having a regular membership to be consumed on the premises of the licensee, which includes, but is not limited to, sales permitted by a Kentucky Nonquota type 3 retail drink license shall be \$225.00 \$236.00.

~~(F)~~ (H) The temporary license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section for less than a full year shall be \$166.66 per month or part of a month.

~~(G)~~ (I) The temporary license fee covering the sale of all alcoholic beverages mentioned in subsection A of this section for less than a full year shall be ~~\$25.00~~ \$26.25 per month or part of a month.

~~(H)~~ (J) The annual license fee covering the sale of all alcoholic beverages mentioned in subsection A of this section at wholesale by distributorship sold at delivery to persons or firms holding a retail malt beverage license shall be ~~\$400.00~~ \$420.00.

~~(I)~~ The annual license fee covering the sale of only restaurant wine shall be \$300.00.

~~(J)~~ (K) The license fee for a license authorized to be issued under this section which application for such license is made after July 1 of any year shall be charged an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1, except that no license shall be issued for a shorter period than six (6) months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

**SECTION TWO:** That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.05 is hereby amended as follows:

(A) There is established a special Sunday retail drink license, pursuant to KRS 243.070. The annual fee for the license is ~~\$250~~ \$262.50, due on or before July 1 and there shall be no proration of that fee.

(B) The special Sunday retail drink license is valid only from the hours of 11:00 a.m. prevailing local time on Sunday, until 12:00 a.m. prevailing local time on Monday and shall be an additional license to all others required.

**SECTION THREE:** That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.17 is hereby amended as follows:

(A) No person shall operate or maintain a business establishment within the City permitting the sale of alcoholic beverages between the hours of 12:00 AM and 2:00 AM without first applying for and obtaining an extended hours permit from the alcoholic beverage control administrator who shall be responsible for the issuance of all such permits.

(B) In order to be eligible for an extended hours permit, the applicant must have a current and valid city and state alcoholic beverage license and must sign a statement that the permit shall not be a property right, and that it may be revoked or suspended at any time provided by law.

(C) The fee for an extended hours permit shall be ~~\$100.00~~ \$105.00 per license payable at the same time as other fees contained in this chapter and shall be placed in the general fund of the city.

(D) All extended hours permits issued herein shall be accepted by the applicant subject to the following:

(1) That the licensed premises shall be subject to the entry of police and other duly authorized representatives of the city at all times for the purpose of inspection.

(2) That the licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time nor shall violations of any law be permitted thereon.

(3) No live entertainment shall be permitted after 12:00 AM for those establishments in residential zones.

(4) Licensees shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb surrounding residents or other members of the public by being loud, profane, obnoxious, by urinating in the street or on the sidewalk, fighting, drinking, littering, or trespassing upon private property in the immediate area.

(E) If the alcoholic beverage control administrator finds repeated violations of subsections 1 through 4 above, or if he finds violations of other sections of this chapter or of statutes relating to sales of alcoholic beverages, or regulations enacted pursuant thereto, he may suspend or fail to renew any existing extended hours permit.

(F) Upon the review of the alcoholic beverage control administrator or upon written and verified complaint by a citizen or upon complaint by the police department or other law enforcement personnel or by the mayor or member of city council regarding violations of law by an extended hours permit holder or upon verification that there have been three (3) or more criminal convictions for activities at the business establishment by anyone or in the immediate vicinity by patrons of the establishment, the alcoholic beverage control administrator shall make an investigation to determine if there is probable cause to believe that such a violation or violations occurred.

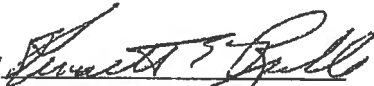
(G) Upon a determination that such probable cause exists, the alcoholic beverage control administrator shall conduct a hearing, giving the licensee 10 days notice by first class mail, to determine if the extended hours permit should be suspended, revoked or not renewed. The licensee may give testimony, provide witnesses and may be represented by an attorney. The decision of the alcoholic beverage control administrator shall be based upon the best interest of the public and shall be reduced to writing and notice of the decision given to the holder of the extended hours permit by first class mail. Any holder of an extended hours permit aggrieved by the decision of the alcoholic beverage control administrator shall appeal to the Mayor within ten (10) days of such decision. The appeal shall be on the record. The decision of the Mayor shall be final.

**SECTION THREE** This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the earliest time provided by law.


PASSED by City Council of the City of Dayton, Kentucky assembled in regular session.

First Reading: Oct. 1, 2013  
Second Reading: Oct. 15, 2013

CITY OF DAYTON, KENTUCKY

by   
Kenneth E. Rankle  
its Mayor

ATTEST:

  
Donna Leger, its Clerk

Dayton Alcohol Ordinance 2011

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Definitions
- 111.02 License required for sale of alcoholic beverages
- 111.03 Application for license
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- 111.05 Special Sunday retail drink license
- 111.06 Payment of license fees
- 111.07 Disposition of fees
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- 111.10 Description of premises
- 111.11 Revocation of license upon conducting disorderly house or permitting license
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- 111.14 Compliance with regulatory measures
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- 111.18 Payment of delinquencies required before license issued
- 111.19 Open containers prohibited at certain places, times
- 111.20 Soliciting purchase for employees' use prohibited
- 111.21 Authority to suspend sale delivery during emergency
- 111.22 Premises to have unobstructed view, doors closed
- 111.23 Notice required for private use of premises
- 111.24 Nude or nearly nude activity prohibited
  
- 111.99 Penalty

§ 111.01 DEFINITIONS.

All definitions relating to alcoholic beverages as contained in KRS 241.010 and 243.010, are hereby adopted for use within this chapter where applicable.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.02 LICENSE REQUIRED FOR SALE OF ALCOHOLIC BEVERAGE.

(A) No person, firm, or corporation shall sell any alcoholic beverage without having first procured a license as provided in this chapter, nor without complying with the provisions of this chapter and all other applicable statutes, ordinances, and regulations.

(B) No license provided for herein shall be issued for the sale of alcoholic beverages at retail in any dwelling house or apartment house, unless the business is conducted on the ground floor facing a thoroughfare.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

Penalty, see § 111.99

§ 111.03 APPLICATION FOR LICENSE.

(A) No license shall be issued under this chapter unless a formal application is completed and signed by the applicant and by the owner of the real estate in which the business is to be conducted.

(B) The application shall contain all information required under KRS 243.390 including all information required by regulations of the Alcohol Beverage Control board of the Commonwealth of Kentucky as well as all information required by regulations of the Alcohol Beverage Control Administrator as adopted by executive order of the Mayor. (Ord. 1993-8, passed 4-20-93)

(C) Licenses shall be issued only with the approval of the Alcohol Beverage Control Administrator and the Administrator may deny approval for any reason allowable under Kentucky Revised Statutes, regulations of the Alcoholic Beverage Control Board of the Commonwealth, or local regulations of the Administrator as adopted by executive order of the Mayor in conformance with such statutes and regulations. (Ord. 1993-8, passed 4-20-93)

(D) Upon approval of the Alcoholic Beverage Control Administrator, the application shall be filed with the City Clerk/Treasurer, accompanied by a certified check or cash for the full amount of the annual fee for which application is made. The City Clerk/Treasurer shall thereupon issue a license to such applicant.

Cross-reference:

For provisions concerning the Alcoholic Beverage Control Administrator, see § 31.38

§ 111.04 CLASSIFICATION OF LICENSES; FEES.

There shall be issued by the City Clerk/Treasurer the following kinds of licenses:

(A) (1) A license covering the sale of malt beverages containing 0.5% or more alcohol by volume, over bars, fountains, or at tables where the beverage is consumed on the premises of the licensee is required. The beverage may be served in glasses, steins, or other containers after being drawn from a tap or spigot connected with a barrel, keg, or other large bulk container or may be served in bottles or cans which have been packaged off the premises of the licensee. Licensees may also sell such malt beverages in bottles, jugs, or other containers to be consumed off the premises.

(2) The annual license fee shall be \$200 per year for new applicants and \$150 per year for renewals.

(B) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection (A) of this section by the drink to be consumed on the premises of the licensee, shall be \$675.

(C) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above in unbroken packages of any size, not to be consumed on the premises of the licensee, shall be \$600.



DAYTON - ALCOHOLIC BEVERAGES

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(D) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above at wholesale, in cases, to persons or firms holding a retail liquor license shall be \$600.

(E) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above at clubs or lodges which have been in continuous existence within the city for at least one year before making application and having a regular membership shall be \$225.

(F) The temporary license fee covering the sale of all alcoholic beverages not mentioned in division (A) above for less than a full year shall be \$166.66 per month or part of a month.

(G) The temporary license fee covering the sale of all alcoholic beverages mentioned in division (A) above for less than a full year shall be \$25 per month or part of a month.

(H) The annual license fee covering the sale of all alcoholic beverages mentioned in division (A) above at wholesale by distributorship sold at delivery to persons or firms holding a retail malt beverage license shall be \$400.

(I) The annual license fee covering the sale of only restaurant wine shall be \$300.

(J) The license fee for a license authorized to be issued under this section which application for such license is made after July 1 of any year shall be charged an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1, except that no license shall be issued for a shorter period than six months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 410.1C, passed 5-19-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1991-4, passed 5-13-91; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95; Am. Ord. 2010-14, passed 12-7-10)

Statutory reference:

City license fees, see KRS 243.070, 243.090

§ 111.05 SPECIAL SUNDAY RETAIL DRINK LICENSE.

(A) There is established a special Sunday retail drink license, pursuant to KRS 243.070. The annual fee for the license is \$250, due on or before July 1 and there shall be no proration of that fee.

(B) The special Sunday retail drink license is valid only from the hours of 11:00 a.m. prevailing local time on Sunday, until 12:00 a.m.

prevailing local time on Monday and shall be an additional license to all others required.

(Ord. 410.1C, passed 2-3-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1991-4, passed 5-13-91; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95; Am. Ord. 2005-8, passed 5-3-05) Penalty, see § 111.99

§ 111.06 PAYMENT OF LICENSE FEES.

All license fees shall be paid in full prior to July 1 and the license issued shall be in effect from July 1 of such year until June 30 of the following year. No license shall be in effect unless all such fees are paid by such date.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.07 DISPOSITION OF FEES.

All license fees collected hereunder shall be paid into the General Fund of the city and used for the payment of normal business expenditures of the city.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.08 TRANSFERRING LICENSE; FEE.

No license issued hereunder shall be transferred from one person, firm, or corporation to another, without filing of an application with the information required under Section Three of this ordinance. Such application shall be submitted to the Alcoholic Beverage Control Administrator and, if approved, shall be filed with the City Clerk/Treasurer who shall issue a license to the transferee upon payment of a fee of \$25. No transfer shall be made or application for transfer acted upon after either the applicant or the license holder has been charged with a violation of this chapter or of a statute relating to alcohol consumption, or of a felony until such time as said charge shall have finally been disposed of.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93) Penalty, see § 111.99

§ 111.09 CLOSING HOURS FOR SALE OF ALCOHOLIC BEVERAGES.

(A) No holder of a license for the sale of alcoholic beverages shall permit any person, other than a licensee or a bona fide employee of a licensee then employed and then at work, to be in or upon the licensed premises between 12:00 a.m. and 11:00 a.m. on Sunday and 12:00 a.m. and 6:00 a.m. on all other days.

(B) Nothing herein shall prohibit any establishment from remaining open between the hours of 12:00 a.m. and 11:00 a.m. on Sunday and 12:00 a.m. and 6:00 a.m. on all other days for the sale of items other than alcoholic beverages as long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed off, within which shall

be kept all stocks of alcoholic beverages and all apparatus connected with his business as a licensee, and the area shall be kept locked during this period of time.

(C) All other provisions of KRS Chapters 241 - 244, Alcoholic Beverages related to the hours of sale, Sunday retail drink sales, or sales during the hours when the election polls are open shall have full force and effect in the city.

(Ord. 410.2, passed 6-3-80; Am. Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1998-8, passed 8-18-98; Am. Ord. 2005-8, passed 5-3-05)  
Penalty, see § 111.99

§ 111.10 DESCRIPTION OF PREMISES.

(A) In addition to the information required in § 111.03, all applications for licenses shall contain a specific and accurate description of the premises in which the business shall be conducted; the name of the owner thereof; the number of rooms to be employed in the conduct of the business; and the amount of space on the exterior of and adjacent to the building. The house number and street name shall sufficiently describe the location of any building and shall include the lot where the building is located but shall not include any adjacent lot unless it is specifically set out in the application.

(B) Licensees may sell alcoholic beverages in an open air area, called a garden, provided the premises where the garden is located are described in the application for the license. Any licensees who operate and serve beverages in such a garden except those located in CO or RO zones and those presently doing so, shall serve the alcoholic beverages covered by the license only at tables; no bar of any description shall be set up in the open, and the licensee shall not permit any music, dancing, singing, or other form of entertainment in the garden.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.11 REVOCATION OF LICENSE UPON CONDUCTING DISORDERLY HOUSE OR PERMITTING NUISANCE.

Any person, firm, or corporation operating a business under a license issued hereunder that is found in violation of any of the provisions herein contained, or of conducting a disorderly house or permitting a nuisance to exist upon the premises wherein the business is conducted, or of any violation of KRS Chapters 241 - 244, Alcoholic Beverages, after hearing, shall have his license suspended or revoked by the Alcoholic Beverage Control Administrator subject to all appeals allowed under the Kentucky Revised Statutes.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.12 LICENSE TO BE POSTED; DUPLICATE LICENSE.

All licenses granted hereunder shall be posted in a prominent place on the premises where the business is conducted. In the case of a lost license,

the licensee shall obtain from the City Clerk/ Treasurer an attested copy thereof upon payment of a fee in the sum of \$5 (Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.13 LICENSEE TO BE IN CONTROL AND CHARGE OF PREMISES.

All licensees shall be in total control and charge of the licensed premises.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.14 COMPLIANCE WITH REGULATORY MEASURES.

(A) All licensees shall, as a condition to the issuance or renewal of any license, be subject to any and all further regulatory measures adopted by the city or the City Alcoholic Beverage Control Administrator.

(B) Every licensee accepts as a condition of issuance or renewal of any license the entry of police, the Alcoholic Beverage Control Administrator, or other duly authorized representatives of the city at all reasonable hours for purposes of inspection.

(C) All sales of alcoholic beverages shall be made openly and without any attempt to hide or screen the transactions from public view.

(D) No licensee shall permit any disorderly conduct or any loud, disorderly, riotous, or indecent behavior on the part of his customers.

(E) No gambling or game of chance of any kind shall be permitted in any form upon the licensed premises. All devices or games of chance are prohibited and shall not be kept upon the premises.

(F) Any violations of this chapter or the laws of the Commonwealth of Kentucky by a duly authorized employee of a licensee shall be deemed and shall constitute a violation of the license.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.15 SALE OF LIQUOR TO MINORS PROHIBITED.

(A) It shall be unlawful for any person under the age of 21 years to have in his possession any alcoholic beverages or to purchase, receive, obtain, or attempt to purchase, receive, or obtain for themselves, or others, any alcoholic beverages as defined by KRS 241.010 through the use of or by means of any misstatement or misrepresentation of his age, either orally or by exhibiting incorrect, false, fraudulent, altered, or counterfeit identification cards, driver's licenses, written instruments, or other documents.

(B) Any person who aids, counsels, abets, or assists another in the commission of the offenses described in this section shall also be deemed an offender.

(Ord. 1020.4, passed 4-3-68) Penalty, see § 111.99

§ 111.16 REGISTRATION PROCEDURE FOR EMPLOYEES.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help, or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where alcoholic beverages are sold or dispensed by the drink shall register with and be fingerprinted and photographed by the Police Department of the city prior to the date of commencing his or her employment with such establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing such employment.

(B) No employer, whether a person, firm, or corporation shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight, and place of employment. Registrants shall also provide their address, phone number, date of birth, social security number and any other information required by regulations of the Alcohol Beverage Control Administrator as adopted by executive order of the Mayor. All information required to be kept confidential by law shall not be released.

(D) Except as provided in division (K) below, each registrant shall pay a fee of \$20 to the city upon registration, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrant. A separate identification card shall be issued for each of the registrant's employers. Each registrant shall pay an additional fee of \$5 for each addition identification card issued during the term of the original identification card.

(E) Those businesses having alcoholic beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to, restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help, or working proprietor at a festival or similar event which lasts less than five days, for which a temporary alcoholic beverage by the drink license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help, or working proprietors of a holder of a special private club license or of a nonprofit holder of any license, shall be exempt from registration under this section if and only if the use of the special private club license or by the nonprofit holder of any license is an accessory use to a principal permitted use.

(I) Except as provided below, registration herein shall expire on June 15 of each succeeding year after the date of issuance of identification card described above. Each registrant hereunder shall renew his or her registration prior to the expiration date. A registrant is prohibited from serving of alcoholic beverages by the drink with an expired registration identification card.

(K) The fee under division (D) above shall be prorated as follows:

(1) For new registrants, at the rate of \$.83 per month from the month of initial application to June of the following year, inclusive, however, in no case shall the fee be less than \$3.00.

(2) For registrants renewing licenses obtained prior to March 1, 2005, at the rate of \$.83 per month from the month of renewal until June of the following year, inclusive, however, in no case shall the fee be less than \$3.00.

(Ord. 1988-2, passed 5-3-88; Am. Ord. 2003-19, passed 8-19-03; Am. Ord. 2005-7, passed 5-3-05; Am. Ord. 2005-16, passed 8-2-05) Penalty, see § 111.99

§ 111.17 EXTENDED HOURS PERMIT.

(A) No person shall operate or maintain a business establishment within the city permitting the sale of alcoholic beverages between the hours of 12:00 a.m. and 2:00 a.m. without first applying for and obtaining an extended hours permit from the Alcoholic Beverage Control Administrator who shall be responsible for the issuance of the permit.

(B) In order to be eligible for an extended hours permit, the applicant must have current and valid city and state alcoholic beverage licenses and must sign a statement that the permit shall not be a property right, and that it may be revoked or suspended at any time provided by law.

(C) The fee for an extended hours permit shall be \$100 per license, payable at the same time as other fees contained in this chapter and shall be placed in the general fund of the city.

(D) All extended hours permits issued herein shall be accepted by the applicant subject to the following:

(1) The licensed premises shall be subject to the entry of police and other duly authorized representatives of the city at all times for the purpose of inspection.



(2) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time nor shall violations of any law be permitted thereon.

(3) No live entertainment shall be permitted after 12:00 a.m. for those establishments in residential zones.

(4) Licensees shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb surrounding residents or other members of the public by being loud, profane, obnoxious, by urinating in the street or on the sidewalk, fighting, drinking, littering, or trespassing upon private property in the immediate area.

(E) If the Alcoholic Beverage Control Administrator finds repeated violations of subsections (D) (1) through (4) above, or if he finds violations of other sections of this chapter or of statutes relating to sales of alcoholic beverages, or regulations enacted pursuant thereto, he may suspend or fail to renew any existing extended hours permit.

(F) Upon the review of the Alcoholic Beverage Control Administrator or upon written and verified complaint by a citizen or upon complaint by the police department or other law enforcement personnel or by the Mayor or member of city council regarding violations of law by an extended hours permit holder or upon verification that there have been three (3) or more criminal convictions for activities at the business establishment by anyone or in the immediate vicinity by patrons of the establishment, the Alcoholic Beverage Control Administrator shall make an investigation to determine if there is probable cause to believe that a violation or violations occurred.

(G) Upon a determination that probable cause exists, the Alcoholic Beverage Control Administrator shall conduct a hearing, giving the licensee 10 days notice by first class mail, to determine if the extended hours permit should be suspended, revoked or not renewed. The licensee may give testimony, provided witnesses and may be represented by an attorney. The decision of the Alcoholic Beverage Control Administrator shall be based upon the best interest of the public and shall be reduced to writing and notice of the decision given to the holder of the extended hours permit by first class mail. Any holder of an extended hours permit aggrieved by the decision of the Alcoholic Beverage Control Administrator shall appeal to the Mayor within ten (10) days of the decision. The appeal shall be on the record. The decision of the Mayor shall be final.

(Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95)

§ 111.18 PAYMENT OF DELINQUENCIES REQUIRED BEFORE LICENSE ISSUED.

The Alcoholic Beverage Control Administrator shall not issue or renew city licenses or sign the state renewal form for any license provided for herein to any person who is delinquent in the payment of state, county and city personal property taxes or state, county or city ad valorem real property taxes which are levied and assessed against the property used or contemplated to be used as the licensed premises; or who is delinquent in the payment of any assessments for waste or other assessments levied against the property used or contemplated to be used as the licensed premises; or who is

delinquent in the payment of any city or county business or occupational license tax or payroll tax levied against the licensed business; or any other remaining city taxes or other debts to the city, until the delinquencies shall have been eliminated.

(Ord. 1993-8, passed 4-20-93)

§ 111.19 OPEN CONTAINERS PROHIBITED AT CERTAIN PLACES; TIMES.

(A) Any person or licensee who owns, operates or controls any business establishment which serves alcoholic beverages shall prohibit the removal of any such alcoholic beverage from inside the licensed premises to the outside of the licensed premises if said alcoholic beverage is in an open container. This section shall not apply to that portion of the premises known as a garden and regulated as stated in Section 111.10(B) of this chapter nor shall this section apply to any outdoor festival which has obtained a temporary license under Section 111.14(F) and Section 111.14(G) and which does not operate more than four (4) days.

(B) Any person or licensee who owns, operates or controls any business establishment at which alcoholic beverages are served or provided shall prohibit the drinking of alcoholic beverage on any parking lot which is adjacent, adjoining, connected with or used by the patrons of a business establishment which is under the direct control of the licensee. No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of the licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(C) No person or licensee who owns, operates or controls any business establishment at which alcoholic beverages are served or provided shall serve any person any alcoholic beverage in any disposable cup or disposable drinking container or serve its patrons ice in any disposable cup or disposable drinking container.

(Ord. 1993-8, passed 4-20-93; Am. Ord. 1993-13, passed 6-15-93)

§ 111.20 SOLICITING PURCHASE FOR EMPLOYEE'S USE PROHIBITED.

It shall be unlawful for any employee, agent or independent contractor of a licensee or of any person who owns, operates or controls any business establishment at which alcoholic beverages are served or provided to solicit patrons of the establishment to purchase any beverage for consumption by any employee, agent or independent contractor of a licensee or of any person who owns, operates or controls any business establishment at which alcoholic beverages are served or provided.

(Ord. 1993-8, passed 4-20-93)

§ 111.21 AUTHORITY TO SUSPEND SALE, DELIVERY DURING EMERGENCY.

The Mayor shall have the right at any time to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire city, or any portion thereof particularly described in an executive

order, whenever the Mayor considers such action necessary by reason of serious public emergency such as riot, insurrection, pestilence, epidemic of any catastrophe of such proportions as would effect the general welfare, public health or safety. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken.

(Ord. 1993-8, passed 4-20-93)

§ 111.22 PREMISES TO HAVE UNOBSTRUCTED VIEW, DOORS CLOSED.

(A) Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance. No partition box, stall, screen, curtain, or other device shall be installed or placed so as to obstruct the view or the general observation of persons. However, partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons from the front inside entrance of the licensed premise.

(B) In the event the premise has a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

(C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

(D) All establishments licensed to serve or provide alcoholic beverages shall keep all doors to such premises closed at all times during normal hours of operations, provided that the doors to the premises may be opened for the purpose of allowing a person or group of persons ingress and egress to the premises, so long as the door is closed immediately after the person or persons enters or leaves the premises.

(Ord. 1993-8, passed 4-20-93)

§ 111.23 NOTICE REQUIRED FOR PRIVATE USE OF PREMISES.

No licensee under the provisions of this chapter shall be permitted to provide the licensed premises to any private organization, club, group or individual or other party or entity, from which the general public is excluded, without first having given notice in writing, thereof to the Alcoholic Beverage Control Administrator at least three (3) days prior to the holding of such private party. The notice shall set forth the name of the person, organization or group to which the licensed premises are provided, the address of the individual or group, date and time of such event, and other information that the Alcoholic Beverage Control Administrator may from time to time require. Special private club licenses are excluded from compliance with this provision.

(Ord. 1993-8, passed 4-20-93)

§ 111.24 NUDE OR NEARLY NUDE ACTIVITY PROHIBITED.

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

(B) A licensee or retail licensee is guilty of permitting nude or nearly nude activity when, having control of the business establishment's premises, which it knows or has reasonable cause to know is being used by any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or used by any female to appear on the premises in such manner or attire as to expose to view the portion of the breast referred to as the areola, nipple, or simulation thereof, it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

(Ord. 1997-2, passed 3-4-97)

§ 111.99 PENALTY.

(A) Any person, firm, or corporation violating any of the provisions of this chapter where no other penalty is specifically provided shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than \$100 and not more than \$500, or imprisoned for not more than six months, or both.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93)

(B) Any person, firm, or corporation convicted of violating § 111.16 shall be guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$500.

(Ord. 1988-2, passed 5-3-88)

DAYTON - ALCOHOLIC BEVERAGES

30D

**CITY OF DAYTON, KENTUCKY**

2005 - 16 \_\_\_\_

**AN ORDINANCE AMENDING THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 111, SECTION 111.16 ALCOHOLIC BEVERAGES, REGISTRATION PROCEDURE FOR EMPLOYEES.**

**BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:**

**SECTION ONE:** That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.16 is hereby amended as follows:

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where alcoholic beverages are sold or dispensed by the drink shall register with and be fingerprinted and photographed by the police department of the city prior to the date of commencing his or her employment with such establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing such employment.

(B) No employer, whether a person, firm or corporation shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the city police department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment. Registrants shall also provide their address, phone number, date of birth, social security number and any other information required by regulations of the Alcohol Beverage Control Administrator as adopted by executive order of the Mayor. All information required to be kept confidential by law shall not be released.

(D) Except as provided in division (K) below, each registrant shall pay a fee of \$10.00 to the City of Dayton upon registration, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrant. A separate identification card shall be issued for each of the registrant's employers. Each registrant shall pay an additional fee of \$5.00 for each addition identification card issued during the term of the original identification card.

(E) Those businesses having alcoholic beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to, restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help or working proprietor at a festival or similar event which lasts less than five (5) days, for which a temporary alcoholic beverage by the drink license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help or working proprietors of a holder of a special private club license or of a nonprofit holder of any license shall be exempt from registration under this section if and only if the use of the special private club license or by the nonprofit holder of any license is an accessory use to a principal permitted use.

(I) Except as provided below registration herein shall expire on June 15<sup>th</sup> of each succeeding year after the date of issuance of identification card described above. Each registrant hereunder shall renew his or her registration prior to the expiration date. A registrant is prohibited from serving of alcoholic beverages by the drink with an expired registration identification card.

(K) The fee due under 111.16 (D) above shall be prorated as follows:

(1) For new registrants, at the rate of \$.83 per month from the month of initial application to June of the following year, inclusive, however, in no case shall the fee be less than \$3.00

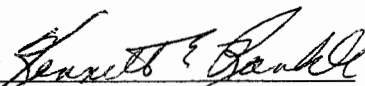
(2) For registrants renewing licenses obtained prior to March 1, 2005, at the rate of \$83. per month from the month of renewal until June of the following year, inclusive, however, in no case shall the fee be less than \$3.00.

**SECTION TWO:** This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the earliest time provided by law.


PASSED by City Council of the City of Dayton, Kentucky assembled in regular session.

First Reading: July 19, 2005  
Second Reading: August 2, 2005

**CITY OF DAYTON, KENTUCKY**

by   
**KENNETH E. RANKLE**  
its Mayor

**ATTEST:**

  
Donna Leger, its Clerk

# CITY OF DAYTON, KENTUCKY

2005 - 8

## **AN ORDINANCE AMENDING THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 111, SECTIONS 111.05 AND 111.09 REGULATING THE HOURS OF SALES OF ALCOHOLIC BEVERAGES.**

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

**SECTION ONE:** That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.05 is hereby amended as follows:

(A) There is established a special Sunday retail drink license, pursuant to KRS 243.070. The annual fee for the license is \$250, due on or before July 1 and there shall be no proration of that fee.

(B) The special Sunday retail drink license is valid only from the hours of ~~1:00 p.m.~~ 11:00 a.m. prevailing local time on Sunday, until 12:00 a.m. prevailing local time on Monday and shall be an additional license to all others required.

**SECTION TWO:** That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.09 is hereby amended as follows:

(A) No holder of a license for the sale of alcoholic beverages shall permit any person, other than a licensee or a bona fide employee of such licensee then employed and then at work, to be in or upon the licensed premises between 12:00 a.m. and 11:00 a.m. on Sunday and 12:00 a.m. and 6:00 a.m. on all other days.

(B) Nothing herein shall prohibit any establishment from remaining open between the hours of 12:00 a.m. and 11:00 a.m. on Sunday and 12:00AM and 6:00 AM on all other days for the sale of items other than alcoholic beverages only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed off, within which shall be kept all stocks of alcoholic beverages and all apparatus connected with his business as a licensee, and such area shall be kept locked during this period of time.

(C) All other provisions of KRS Chapters 241-244, Alcoholic Beverages related to the hours of sale, Sunday retail drink sales, or sales during the hours when election polls are open shall have full force and effect in the city.

**SECTION THREE:** This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the earliest time provided by law.

**PASSED** by City Council of the City of Dayton, Kentucky assembled in regular session.



First Reading: April 19, 2005  
Second Reading: May 3, 2005

**CITY OF DAYTON, KENTUCKY**

by *Kenneth E. Rankle*  
**KENNETH E. RANKLE**  
its Mayor

**ATTEST:**

*Donna Leger*  
Donna Leger, its Clerk

CITY OF DAYTON, KENTUCKY

2005 - 7 \_\_\_\_\_

**AN ORDINANCE AMENDING THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 111, SECTION 111.16 ALCOHOLIC BEVERAGES, REGISTRATION PROCEDURE FOR EMPLOYEES.**

**BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:**

**SECTION ONE:** That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.16 is hereby amended as follows:

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where alcoholic beverages are sold or dispensed by the drink shall register with and be fingerprinted and photographed by the police department of the city prior to the date of commencing his or her employment with such establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing such employment.

(B) No employer, whether a person, firm or corporation shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the city police department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment. Registrants shall also provide their address, phone number, date of birth, social security number and any other information required by regulations of the Alcohol Beverage Control Administrator as adopted by executive order of the Mayor. All information required to be kept confidential by law shall not be released.

(D) Except as provided in division (K) below, each registrant shall pay a fee of \$20.00 \$10.00 to the City of Dayton upon registration, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrant. A separate identification card shall be issued for each of the registrant's employers. Each registrant shall pay an additional fee of \$5.00 for each addition identification card issued during the term of the original identification card.

(E) Those businesses having alcoholic beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to, restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help or working proprietor at a festival or similar event which lasts less than five (5) days, for which a temporary alcoholic beverage by the drink license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help or working proprietors of a holder of a special private club license shall be exempt from registration under this section if and only if:

~~\_\_\_\_\_ (1) The special private club license is limited to malt beverages;~~  
and,

~~\_\_\_\_\_ (2) the use of the special private club license is an accessory use to a principal permitted use.~~

~~(1) Except as provided below registration herein shall expire two (2) years from on June 15<sup>th</sup> of each succeeding year after the date of issuance of identification card described above. Each registrant hereunder shall renew his or her registration prior to the expiration date. A registrant is prohibited from serving of alcoholic beverages by the drink with an expired registration identification card.~~

(K) The fee due under 111.16 (D) above shall be prorated as follows:

(1) For new registrants, at the rate of \$.83 per month from the month of initial application to June of the following year, inclusive, however, in no case shall the fee be less than \$3.00

(2) For registrants renewing licenses obtained prior to March 1, 2005, at the rate of \$83. per month from the month of renewal until June of the following year, inclusive, however, in no case shall the fee be less than \$3.00.

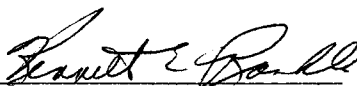
**SECTION TWO:** This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the earliest time provided by law.

PASSED by City Council of the City of Dayton, Kentucky assembled in regular session.


First Reading: April 19, 2005

Second Reading: May 3, 2005

CITY OF DAYTON, KENTUCKY

by   
KENNETH E. RANKLE  
its Mayor

ATTEST:

  
Donna Leger, its Clerk

§ 111.03 APPLICATION FOR LICENSE.

(A) No license shall be issued under this chapter unless a formal application is completed and signed by the applicant and by the owner of the real estate in which the business is to be conducted.

(B) The application shall contain all information required under KRS 243.390 including all information required by regulations of the Alcohol Beverage Control board of the Commonwealth of Kentucky as well as all information required by regulations of the Alcohol Beverage Control Administrator as adopted by executive order of the Mayor.  
(Ord. 1993-8, passed 4-20-93)

(C) Licenses shall be issued only with the approval of the Alcohol Beverage Control Administrator and the Administrator may deny approval for any reason allowable under Kentucky Revised Statutes, regulations of the Alcoholic Beverage Control Board of the Commonwealth, or local regulations of the Administrator as adopted by executive order of the Mayor in conformance with such statutes and regulations.  
(Ord. 1993-8, passed 4-20-93)

(D) Upon approval of the Alcoholic Beverage Control Administrator, the application shall be filed with the City Clerk/Treasurer, accompanied by a certified check or cash for the full amount of the annual fee for which application is made. The City Clerk/Treasurer shall thereupon issue a license to such applicant.

Cross-reference:

For provisions concerning the Alcoholic Beverage Control Administrator, see § 31.38

§ 111.04 CLASSIFICATION OF LICENSES; FEES.

There shall be issued by the City Clerk/Treasurer the following kinds of licenses:

(A) (1) A license covering the sale of malt beverages containing 0.5% or more alcohol by volume, over bars, fountains, or at tables where the beverage is consumed on the premises of the licensee is required. The beverage may be served in glasses, steins, or other containers after being drawn from a tap or spigot connected with a barrel, keg, or other large bulk container or may be served in bottles or cans which have been packaged off the premises of the licensee. Licensees may also sell such malt beverages in bottles, jugs, or other containers to be consumed off the premises.

(2) The annual license fee shall be \$200 per year for new applicants and \$150 per year for renewals.

(B) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection (A) of this section by the drink to be consumed on the premises of the licensee, shall be \$675 for the

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

- 111.01 Definitions
- 111.02 License required for sale of alcoholic beverages
- 111.03 Application for license
- 111.04 Classification of licenses; fees
- 111.05 Special Sunday retail drink license
- 111.06 Payment of license fees
- 111.07 Disposition of fees
- 111.08 Transferring license; fee
- 111.09 Closing hours for sale of alcoholic beverages
- 111.10 Description of premises
- 111.11 Revocation of license upon conducting disorderly house or permitting license
- 111.12 License to be posted; duplicate license
- 111.13 Licensee to be in control and charge of premises
- 111.14 Compliance with regulatory measures
- 111.15 Sale of liquor to minors prohibited
- 111.16 Registration procedure for employees
- 111.17 Extended hours permit
- 111.18 Payment of delinquencies required before license issued
- 111.19 Open containers prohibited at certain places, times
- 111.20 Soliciting purchase for employees' use prohibited
- 111.21 Authority to suspend sale delivery during emergency
- 111.22 Premises to have unobstructed view, doors closed
- 111.23 Notice required for private use of premises
- 111.24 Nude or nearly nude activity prohibited
  
- 111.99 Penalty

§ 111.01 DEFINITIONS.

All definitions relating to alcoholic beverages as contained in KRS 241.010 and 243.010, are hereby adopted for use within this chapter where applicable.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.02 LICENSE REQUIRED FOR SALE OF ALCOHOLIC BEVERAGE.

(A) No person, firm, or corporation shall sell any alcoholic beverage without having first procured a license as provided in this chapter, nor without complying with the provisions of this chapter and all other applicable statutes, ordinances, and regulations.

(B) No license provided for herein shall be issued for the sale of alcoholic beverages at retail in any dwelling house or apartment house, unless the business is conducted on the ground floor facing a thoroughfare.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

Penalty, see § 111.99

year beginning July 1, 1995.

(C) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above in unbroken packages of



any size, not to be consumed on the premises of the licensee, shall be \$600.

(D) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above at wholesale, in cases, to persons or firms holding a retail liquor license shall be \$600.

(E) The annual license fee covering the sale of all alcoholic beverages not mentioned in division (A) above at clubs or lodges which have been in continuous existence within the city for at least one year before making application and having a regular membership shall be \$225.

(F) The temporary license fee covering the sale of all alcoholic beverages not mentioned in division (A) above for less than a full year shall be \$166.66 per month or part of a month.

(G) The temporary license fee covering the sale of all alcoholic beverages mentioned in division (A) above for less than a full year shall be \$25 per month or part of a month.

(H) The annual license fee covering the sale of all alcoholic beverages mentioned in division (A) above at wholesale by distributorship sold at delivery to persons or firms holding a retail malt beverage license shall be \$400.

(I) The license fee for a license authorized to be issued under this section which application for such license is made after July 1 of any year shall be charged an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1, except that no license shall be issued for a shorter period than six months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period. (KRS 243.090)

(Ord. 410.1B, passed 1-20-81; Am. Ord. 410.1C, passed 5-19-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1991-4, passed 5-13-91; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95)

Statutory reference:

City license fees, see KRS 243.070

§ 111.05 SPECIAL SUNDAY RETAIL DRINK LICENSE.

(A) There is established a special Sunday retail drink license, pursuant to KRS 243.070. The annual fee for the license is \$250, due on or before July 1 and there shall be no proration of that fee.

(B) The special Sunday retail drink license is valid only from the hours of 1:00 p.m. prevailing local time on Sunday, until 12:00 a.m. prevailing local time on Monday and shall be an additional license to all others required.

(Ord. 410.1C, passed 2-3-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord.



1991-4, passed 5-13-91; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95) Penalty, see § 111.99

§ 111.06 PAYMENT OF LICENSE FEES.

All license fees shall be paid in full prior to July 1 and the license issued shall be in effect from July 1 of such year until June 30 of the following year. No license shall be in effect unless all such fees are paid by such date.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.07 DISPOSITION OF FEES.

All license fees collected hereunder shall be paid into the General Fund of the city and used for the payment of normal business expenditures of the city.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88),

§ 111.08 TRANSFERRING LICENSE; FEE.

No license issued hereunder shall be transferred from one person, firm, or corporation to another, without filing of an application with the information required under Section Three of this ordinance. Such application shall be submitted to the Alcoholic Beverage Control Administrator and, if approved, shall be filed with the City Clerk/Treasurer who shall issue a license to the transferee upon payment of a fee of \$25. No transfer shall be made or application for transfer acted upon after either the applicant or the license holder has been charged with a violation of this chapter or of a statute relating to alcohol consumption, or of a felony until such time as said charge shall have finally been disposed of.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93) Penalty, see § 111.99

§ 111.09 CLOSING HOURS FOR SALE OF ALCOHOLIC BEVERAGES.

(A) No holder of a license for the sale of alcoholic beverages shall permit any person, other than a licensee or a bona fide employee of a licensee then employed and then at work, to be in or upon the licensed premises between 12:00 a.m. and 6:00 a.m.

(B) Nothing herein shall prohibit any establishment from remaining open between the hours of 12:00 a.m. and 6:00 a.m. for the sale of items other than alcoholic beverages as long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed off, within which shall be kept all stocks of alcoholic beverages and all apparatus connected with his business as a licensee, and the area shall be kept locked during this period of time.

(C) All other provisions of KRS Chapters 241 - 244, Alcoholic Beverages related to the hours of sale, Sunday retail drink sales, or sales during the hours when the election polls are open shall have full force and effect in the city.

(Ord. 410.2, passed 6-3-80; Am. Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93; Am. Ord. 1998-8, passed 8-18-98)  
Penalty, see § 111.99

§ 111.10 DESCRIPTION OF PREMISES.

(A) In addition to the information required in § 111.03, all applications for licenses shall contain a specific and accurate description of the premises in which the business shall be conducted; the name of the owner thereof; the number of rooms to be employed in the conduct of the business; and the amount of space on the exterior of and adjacent to the building. The house number and street name shall sufficiently describe the location of any building and shall include the lot where the building is located but shall not include any adjacent lot unless it is specifically set out in the application.

(B) Licensees may sell alcoholic beverages in an open air area, called a garden, provided the premises where the garden is located are described in the application for the license. Any licensees who operate and serve beverages in such a garden except those located in CO or RO zones and those presently doing so, shall serve the alcoholic beverages covered by the license only at tables; no bar of any description shall be set up in the open, and the licensee shall not

permit any music, dancing, singing, or other form of entertainment in the garden.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.11 REVOCATION OF LICENSE UPON CONDUCTING DISORDERLY HOUSE OR PERMITTING NUISANCE.

Any person, firm, or corporation operating a business under a license issued hereunder that is found in violation of any of the provisions herein contained, or of conducting a disorderly house or permitting a nuisance to exist upon the premises wherein the business is conducted, or of any violation of KRS Chapters 241 - 244, Alcoholic Beverages, after hearing, shall have his license suspended or revoked by the Alcoholic Beverage Control Administrator subject to all appeals allowed under the Kentucky Revised Statutes.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88)

§ 111.12 LICENSE TO BE POSTED; DUPLICATE LICENSE.

All licenses granted hereunder shall be posted in a prominent place on the premises where the business is conducted. In the case of a lost license, the licensee shall obtain from the City Clerk/Treasurer an attested copy thereof upon payment of a fee in the sum of \$5

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.13 LICENSEE TO BE IN CONTROL AND CHARGE OF PREMISES.

All licensees shall be in total control and charge of the licensed premises.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.14 COMPLIANCE WITH REGULATORY MEASURES.

(A) All licensees shall, as a condition to the issuance or renewal of any license, be subject to any and all further regulatory measures adopted by the city or the City Alcoholic Beverage Control Administrator.

(B) Every licensee accepts as a condition of issuance or renewal of any license the entry of police, the Alcoholic Beverage Control Administrator, or other duly authorized representatives of the city at all reasonable hours for purposes of inspection.

(C) All sales of alcoholic beverages shall be made openly and without any attempt to hide or screen the transactions from public view.

(D) No licensee shall permit any disorderly conduct or any loud, disorderly, riotous, or indecent behavior on the part of his customers.

(E) No gambling or game of chance of any kind shall be permitted in any form upon the licensed premises. All devices or games of chance are prohibited and shall not be kept upon the premises.

(F) Any violations of this chapter or the laws of the Commonwealth of Kentucky by a duly authorized employee of a licensee shall be deemed and shall constitute a violation of the license. (Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88) Penalty, see § 111.99

§ 111.15 SALE OF LIQUOR TO MINORS PROHIBITED.

(A) It shall be unlawful for any person under the age of 21 years to have in his possession any alcoholic beverages or to purchase, receive, obtain, or attempt to purchase, receive, or obtain for themselves, or others, any alcoholic beverages as defined by KRS 241.010 through the use of or by means of any misstatement or misrepresentation of his age, either orally or by exhibiting incorrect, false, fraudulent, altered, or counterfeit identification cards, driver's licenses, written instruments, or other documents.

(B) Any person who aids, counsels, abets, or assists another in the commission of the offenses described in this section shall also be deemed an offender. (Ord. 1020.4, passed 4-3-68) Penalty, see § 111.99

§ 111.16 REGISTRATION PROCEDURE FOR EMPLOYEES.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help, or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where alcoholic beverages are sold or dispensed by the drink shall register with and be fingerprinted and photographed by the Police Department of the city prior to the date of commencing his or her employment with such establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing such employment.

(B) No employer, whether a person, firm, or corporation shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight, and place of employment.

(D) Each registrant shall pay a fee of \$20 to the city upon registration, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrant.

(E) Those businesses having alcoholic beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to, restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help, or working proprietor at a festival or similar event which lasts less than five days, for which a temporary alcoholic beverage by the drink license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help, or working proprietors of a holder of a special private club license, shall be exempt from registration under this section if and only if:

(1) The special private club license is limited to malt beverages; and,

(2) The use of the special private club license is an accessory use to a principal permitted use.

(I) Registration herein shall expire two years from the date of issuance of identification card described above. Each registrant hereunder shall renew his or her registration prior to the expiration date. A registrant is prohibited from serving of alcoholic beverages by the drink with an expired registration identification card.

(Ord. 1988-2, passed 5-3-88; Am. Ord. 2003-19, passed 8-19-03) Penalty, see § 111.99

§ 111.17 EXTENDED HOURS PERMIT.

(A) No person shall operate or maintain a business establishment within the city permitting the sale of alcoholic beverages between the hours of 12:00 a.m. and 2:00 a.m. without first applying for and obtaining an extended hours permit from the Alcoholic Beverage Control Administrator who shall be responsible for the issuance of the permit.

(B) In order to be eligible for an extended hours permit, the applicant must have current and valid city and state alcoholic beverage licenses and must sign a statement that the permit shall not be a property right, and that it may be revoked or suspended at any time provided by law.

(C) The fee for an extended hours permit shall be \$100 per license, payable at the same time as other fees contained in this chapter and shall be placed in the general fund of the city.

(D) All extended hours permits issued herein shall be accepted by the applicant subject to the following:

(1) The licensed premises shall be subject to the entry of police and other duly authorized representatives of the city at all times for the purpose of inspection.

(2) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time nor shall violations of any law be permitted thereon.

(3) No live entertainment shall be permitted after 12:00 a.m. for those establishments in residential zones.

(4) Licensees shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb surrounding residents or other members of the public by being loud, profane, obnoxious, by urinating in the street or on the sidewalk, fighting, drinking, littering, or trespassing upon private property in the immediate area.

(E) If the Alcoholic Beverage Control Administrator finds repeated violations of subsections (D) (1) through (4) above, or if he finds violations of other sections of this chapter or of statutes relating to sales of alcoholic beverages, or regulations enacted pursuant thereto, he may suspend or fail to renew any existing extended hours permit.

(F) Upon the review of the Alcoholic Beverage Control Administrator or upon written and verified complaint by a citizen or upon complaint by the police department or other law enforcement personnel or by the Mayor or member of city council regarding violations of law by an extended hours permit holder or upon verification that there have been three (3) or more criminal convictions for activities at the business establishment by anyone or in the immediate vicinity by patrons of the establishment, the Alcoholic Beverage Control Administrator shall make an investigation to determine if there is probable cause to believe that a violation or violations occurred.

(G) Upon a determination that probable cause exists, the Alcoholic Beverage Control Administrator shall conduct a hearing, giving the licensee 10 days notice by first class mail, to determine if the extended hours permit should be suspended, revoked or not renewed. The licensee may give testimony, provided witnesses and may be represented by an attorney. The decision of the Alcoholic Beverage Control Administrator shall be based upon the best interest of the public and shall be reduced to writing and notice of the decision given to the holder of the extended hours permit by first class mail. Any holder of an extended hours permit aggrieved by the decision of the Alcoholic Beverage Control Administrator shall appeal to the Mayor within ten (10) days of the decision. The appeal shall be on the record. The decision of the Mayor shall be final.

(Ord. 1993-8, passed 4-20-93; Am. Ord. 1995-1, passed 2-7-95)

§ 111.18 PAYMENT OF DELINQUENCIES REQUIRED BEFORE LICENSE ISSUED.

The Alcoholic Beverage Control Administrator shall not issue or renew city licenses or sign the state renewal form for any license provided for herein to any person who is delinquent in the payment of state, county and city personal property taxes or state, county or city ad valorem real property taxes which are levied and assessed against the property used or contemplated to be used as the licensed premises; or who is delinquent in the payment of any assessments for waste or other assessments levied against the property used or contemplated to be used as the licensed premises; or who is

delinquent in the payment of any city or county business or occupational license tax or payroll tax levied against the licensed business; or any other remaining city taxes or other debts to the city, until the delinquencies shall have been eliminated.

(Ord. 1993-8, passed 4-20-93)

§ 111.19 OPEN CONTAINERS PROHIBITED AT CERTAIN PLACES; TIMES.

(A) Any person or licensee who owns, operates or controls any business establishment which serves alcoholic beverages shall prohibit the removal of any such alcoholic beverage from inside the licensed premises to the outside of the licensed premises if said alcoholic beverage is in an open container. This section shall not apply to that portion of the premises known as a garden and regulated as stated in Section 111.10(B) of this chapter nor shall this section apply to any outdoor festival which has obtained a temporary license under Section 111.14(F) and Section 111.14(G) and which does not operate more than four (4) days.

(B) Any person or licensee who owns, operates or controls any business establishment at which alcoholic beverages are served or provided shall prohibit the drinking of alcoholic beverage on any parking lot which is adjacent, adjoining, connected with or used by the patrons of a business establishment which is under the direct control of the licensee. No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of the licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(C) No person or licensee who owns, operates or controls any business establishment at which alcoholic beverages are served or provided shall serve any person any alcoholic beverage in any disposable cup or disposable drinking container or serve its patrons ice in any disposable cup or disposable drinking container.

(Ord. 1993-8, passed 4-20-93; Am. Ord. 1993-13, passed 6-15-93)

§ 111.20 SOLICITING PURCHASE FOR EMPLOYEE'S USE PROHIBITED.

It shall be unlawful for any employee, agent or independent contractor of a licensee or of any person who owns, operates or controls any business establishment at which alcoholic beverages are served or provided to solicit patrons of the establishment to purchase any beverage for consumption by any employee, agent or independent contractor of a licensee or of any person who owns, operates or controls any business establishment at which alcoholic beverages are served or provided.

(Ord. 1993-8, passed 4-20-93)

§ 111.21 AUTHORITY TO SUSPEND SALE, DELIVERY DURING EMERGENCY.

The Mayor shall have the right at any time to suspend the sale, furnishing, or delivery of alcoholic beverages throughout the entire city, or any portion thereof particularly described in an executive

order, whenever the Mayor considers such action necessary by reason of serious public emergency such as riot, insurrection, pestilence, epidemic of any catastrophe of such proportions as would effect the general welfare, public health or safety. The Alcoholic Beverage Control Board of the state shall be notified of such action when taken.

(Ord. 1993-8, passed 4-20-93)

§ 111.22 PREMISES TO HAVE UNOBSTRUCTED VIEW, DOORS CLOSED.

(A) Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance. No partition box, stall, screen, curtain, or other device shall be installed or placed so as to obstruct the view or the general observation of persons. However, partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons from the front inside entrance of the licensed premise.

(B) In the event the premise has a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

(C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

(D) All establishments licensed to serve or provide alcoholic beverages shall keep all doors to such premises closed at all times during normal hours of operations, provided that the doors to the premises may be opened for the purpose of allowing a person or group of persons ingress and egress to the premises, so long as the door is closed immediately after the person or persons enters or leaves the premises.

(Ord. 1993-8, passed 4-20-93)

§ 111.23 NOTICE REQUIRED FOR PRIVATE USE OF PREMISES.

No licensee under the provisions of this chapter shall be permitted to provide the licensed premises to any private organization, club, group or individual or other party or entity, from which the general public is excluded, without first having given notice in writing, thereof to the Alcoholic Beverage Control Administrator at least three (3) days prior to the holding of such private party. The notice shall set forth the name of the person, organization or group to which the licensed premises are provided, the address of the individual or group, date and time of such event, and other information that the Alcoholic Beverage Control Administrator may from time to time require. Special private club licenses are excluded from compliance with this provision.

(Ord. 1993-8, passed 4-20-93)



§ 111.24 NUDE OR NEARLY NUDE ACTIVITY PROHIBITED.

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

(B) A licensee or retail licensee is guilty of permitting nude or nearly nude activity when, having control of the business establishment's premises, which it knows or has reasonable cause to know is being used by any person to appear on the premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or used by any female to appear on the premises in such manner or attire as to expose to view the portion of the breast referred to as the areola, nipple, or simulation thereof, it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

(Ord. 1997-2, passed 3-4-97)

§ 111.99 PENALTY.

(A) Any person, firm, or corporation violating any of the provisions of this chapter where no other penalty is specifically provided shall, upon conviction thereof, be guilty of a misdemeanor and shall be fined not less than \$100 and not more than \$500, or imprisoned for not more than six months, or both.

(Ord. 410.1B, passed 1-20-81; Am. Ord. 1988-2, passed 5-3-88; Am. Ord. 1993-8, passed 4-20-93)

(B) Any person, firm, or corporation convicted of violating § 111.16 shall be guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$500.

(Ord. 1988-2, passed 5-3-88)

CITY OF DAYTON, KENTUCKY

1995-#1

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF THE DAYTON, KENTUCKY CODE OF ORDINANCES, CHAPTER 111, ALCOHOLIC BEVERAGES.**

BE IT ORDAINED BY THE CITY OF DAYTON, CAMPBELL COUNTY, KENTUCKY:

SECTION ONE: That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.04 is hereby amended as follows:

There shall be issued by the City Clerk/Treasurer the following kinds of licenses:

(A) (1) A license covering the sale of malt beverages containing 0.5% or more alcohol by volume, over bars, fountains, or at tables where the beverage is consumed on the premises of the licensee is required. The beverage may be served in glasses, steins, or other containers after being drawn from a tap or spigot connected with a barrel, keg, or other large bulk container or may be served in bottles or cans which have been packaged off the premises of the licensee. Licensees may also sell such malt beverages in bottles, jugs, or other containers to be consumed off the premises.

(2) The annual license fee shall be \$200.00 per year for new applicants and ~~\$100.00~~ \$150.00 per year for renewal.

(B) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section by the drink, to be consumed on the premises of the licensee, shall be ~~\$625.00~~ \$675.00 for the year beginning July 1, ~~1993~~ 1995

(C) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section in unbroken packages of any size, not to be consumed on the premises of the licensee shall be ~~\$550.00~~ \$600.00.

(D) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section at wholesale, in cases, to persons or firms holding a retail liquor license shall be ~~\$550.00~~ \$600.00.

(E) The annual license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section at clubs or lodges which have been in continuous existence within the city for at least one year before making application and having a regular membership shall be ~~\$175.00~~ \$225.00.

(F) The temporary license fee covering the sale of all alcoholic beverages not mentioned in subsection A of this section for less than a full year shall be \$166.66 per month or part of a month.

(G) The temporary license fee covering the sale of all alcoholic beverages mentioned in subsection A of this section for less than a full year shall be \$25.00 per month or part of a month.

(H) The annual license fee covering the sale of all alcoholic beverages mentioned in subsection A of this section at wholesale by distributorship sold at delivery to persons or firms holding a retail malt beverage license shall be \$400.00.

(I) The license fee for a license authorized to be issued under this section which application for such license is made after July 1 of any year shall be charged an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1, except that no license shall be issued for a shorter period than six (6) months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

SECTION TWO: That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.05 is hereby amended as follows:

(A) There is established a special Sunday retail drink license, pursuant to KRS 243.070. The annual fee for such license is ~~\$200.00~~ \$250.00 on or before July 1 and there shall be no proration of that fee.

(B) The special Sunday retail drink license is valid only from the hours of 1:00 PM prevailing local time on Sunday until 12:00 AM prevailing local time on Monday and shall be an additional license to all others required.

SECTION THREE: That the Dayton, Kentucky Code of Ordinances, Chapter 111, Section 111.17 is hereby amended as follows:

No person shall operate or maintain a business establishment within the City permitting the sale of alcoholic beverages between the hours of 12:00 AM and 2:00 AM without first applying for and obtaining an extended hours permit from the alcoholic beverage control administrator who shall be responsible for the issuance of all such permits.

In order to be eligible for an extended hours permit, the applicant must have a current and valid city and state alcoholic beverage license and must sign a statement that the permit shall not be a property right, and that it may be revoked or suspended at any time provided by law.

The fee for an extended hours permit shall be ~~\$50.00~~ \$100.00, payable at the same time as other fees contained in this chapter and shall be placed in the general fund of the city.

All extended hours permits issued herein shall be accepted by the applicant subject to the following:

1. That the licensed premises shall be subject to the entry of police and other duly authorized representatives of the city at all times for the purpose of inspection.
2. That the licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time nor shall violations of any law be permitted thereon.
3. No live entertainment shall be permitted after 1:00 AM for those establishments in residential zones.
4. Licensees shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb surrounding residents or other members of the public by being loud, profane, obnoxious, by urinating in the street or on the sidewalk, fighting, drinking, littering, or trespassing upon private property in the immediate area.

If the alcoholic beverage control administrator finds repeated violations of subsection through 4 above, or if he finds violation of other sections of this chapter or statutes relating to sales of alcoholic beverages, or regulations enacted pursuant thereto, he may suspend or fail to renew any existing extended hours permit.

Upon the review of the alcoholic beverage control administrator or upon written and verified complaint by a citizen or upon complaint by the police department or other law enforcement personnel or by the mayor or member of city council regarding violations of law by an extended hours permit holder or upon verification that there have been three (3) or more criminal convictions for activities at the business establishment by anyone or in the immediate vicinity by patrons of the establishment, the alcoholic beverage control administrator shall make an investigation to determine if there is probable cause to believe that such a violation or violations occurred.


Upon a determination that such probable cause exists, the alcoholic beverage control administrator shall conduct a hearing, giving the licensee 10 days notice by first class mail, to determine if the extended hours permit should be suspended, revoked or not renewed. The licensee may give testimony, provide witnesses and may be represented by an attorney. The decision of the alcoholic beverage control administrator shall be based upon the best interest of the public and shall be reduced to writing and notice of the decision given to the holder of the extended hours permit by first class mail. Any holder of an extended hours permit aggrieved by the decision of the alcoholic beverage control administrator shall appeal to the Mayor within ten (10) days of such decision. The appeal shall be on the record. The decision of the Mayor shall be final.

SECTION FOUR: This ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and shall be in effect at the earliest time provided by law.

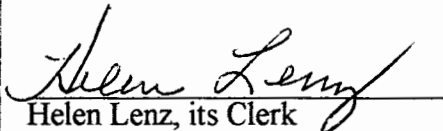
PASSED by City Council of the City of Dayton, Kentucky assembled in regular session.

First Reading: 1-17-95  
Second Reading: 2-7-95

CITY OF DAYTON, KENTUCKY

by   
Bobby E. Crittendon  
its Mayor

ATTEST:

  
Helen Lenz, its Clerk