

ORDINANCE NO. 2013-11-16

AN ORDINANCE OF THE CITY OF EDGEWOOD IN KENTON COUNTY, KENTUCKY REPEALING ALL OF THE NUMEROUS CURRENT ORDINANCES REGARDING ALCOHOLIC BEVERAGE ADMINISTRATION, LICENSING, REGULATION AND FEES, SOME OF WHICH WERE NOT IN CONFORMITY WITH STATE LAW; AND REPLACING THEM WITH ONE ORDINANCE THAT CONFORMS TO RECENTLY ENACTED STATE STATUTES

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ALCOHOLIC
BEVERAGE CONTROL

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WHEREAS, the state statutes regarding alcoholic beverage administration, licensing, regulation and fees were substantially revised by Senate Bill 13 that was enacted by the 2013 Kentucky General Assembly became law by the signature of the Governor on April 4, 2013; and

WHEREAS, the current laws of the City of Edgewood regarding alcoholic beverage administration, licensing, regulation and fees consist of many ordinances, some of which are old and inconsistent with Senate Bill 13 and other state statutes; and, therefore, in need of repeal and replacement with an ordinance in conformity with Senate Bill 13 and other state statutes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF EDGEWOOD IN KENTON COUNTY KENTUCKY, AS FOLLOWS:

Section 1.0 – Definitions

As used herein, the words "anybody," "everybody" and "nobody" respectively mean any, every and no human being and every combination thereof in the form of a corporation, partnership, unincorporated association or otherwise.

Additionally, the following words and phrases have the meanings indicated for them:

- 1.1 The word "Administrator" means the Alcoholic Beverage Control Administrator for the City of Edgewood.
- 1.2 The word "City" means the City of Edgewood, in Kenton County Kentucky.

Many other words and phrases used in this ordinance are also used and defined in Kentucky Revised Statutes (KRS) Title XX Chapters 241, 242, 243 and 244; and they have the same meaning in this ordinance as defined in those statutes.

Section 2.0 – City Alcoholic Beverage Control Administrator

Pursuant to KRS 241.160, the duties of the office of city alcoholic beverage control administrator required thereby are hereby

assigned to the office of the Edgewood City Clerk, with the Senior Deputy Clerk and the City Administrative Officer as deputies in the absence of the City Clerk, all of whom shall be hereinafter identified and referred to collectively as the Administrator.

Section 3.0 – City Alcoholic Beverage Licenses

Pursuant to the authority of K.R.S. 243.070, all of the alcoholic beverage licenses thereby authorized for cities are hereby established and required by the City for the privilege of manufacturing and trafficking in alcoholic beverages in the City; and the business authorized by each of those licenses shall be the same as the business authorized by the corresponding state license; and nobody shall by either act or omission cause, permit, allow, aid, assist, encourage or engage in any business authorized by such licenses without a valid City license to engage in that business.

Section 4.0 – Qualifications for City Alcoholic Beverage Licenses

The qualifications and disqualifications of persons and places for City alcoholic beverage licenses shall be the same as those for the corresponding state alcoholic beverage licenses.

Section 5.0 – Applications for City Alcoholic Beverage Licenses

Applications for the Edgewood alcoholic beverage licenses required by this ordinance shall be on a form provided by the Administrator, which shall include all of the information required in the application for a corresponding state alcoholic beverage license in addition to any other information required by the Administrator. The application shall be signed at the end by the applicant on a line immediately following a declaration that false statements in the application shall constitute the crime of perjury; and the signature of the applicant shall then be notarized according to law. The application shall be submitted to the Administrator along with the fee established herein for the alcoholic beverage license that is the subject of the application, which shall be paid to the City by cash, bank cashier check or credit card.

Section 6.0 – License Refusal

Provided that the applicant has been afforded a due process hearing, the alcohol beverage license that is the subject of an application to the Administrator:

- 6.1 Shall be refused for any of the reasons for which a corresponding state license must be refused.
- 6.2 May be refused for any non-arbitrary reason which the Administrator deems sufficient in the exercise of sound discretion. In the exercise of that discretion, the Administrator shall consider the same criteria and circumstances that must

be considered by a state director in the refusal of a corresponding state license.

Section 7.0 – License Suspension or Revocation

7.1 Provided that the licensee has been afforded a due process hearing, any alcohol beverage license that has been issued by the Administrator may be suspended or revoked by the Administrator for any reason for which the corresponding state license may be suspended or revoked by the state.

7.2 The Administrator may, in the sole and absolute discretion thereof, provide the licensee of a suspended license with the alternative of paying in lieu of part or all of the days of any suspension the same sums that may be provided to a state licensee in lieu of the suspension of a corresponding state license.

Section 8.0 – Terms of City Alcoholic Beverage Licenses

All of the Edgewood alcoholic beverage licenses that have been issued by the Administrator pursuant to this ordinance and have not been previously suspended or revoked shall expire at midnight on the evening of the 30th day of November following the issuance of the license.

Section 9.0 – City Alcoholic Beverage License Fees

An annual fee is hereby imposed for each of the alcoholic beverage licenses hereby established and required; and the amount of that fee shall be the maximum allowed by state law, unless the application for the license is after May 30th in any year, in which event the amount of the fee shall be one-half of the maximum allowed by state law.

Section 10.0 – Times When Retail Sales of Alcoholic Beverages Are Prohibited

The City licenses for the retail sale of alcoholic beverages hereby established and required do not authorize and nobody shall by act or omission cause, permit, allow, aid, assist, encourage or engage in the retail sale of any distilled spirits, wine or malt beverages in the City :

- a) During the period of time after 2:30 A.M. and before 11:00 A.M. on any Sunday; or
- b) During the period of time after 2:30 A.M. and before 6:00 A.M. on any other day.

Section 11.0 – Minor's Consumption of Alcoholic Beverages

Nobody shall by act or omission cause, permit, allow, aid, assist, encourage or engage in the possession or consumption of any alcoholic beverage in the City, unless such possession or consumption occurs in the presence of a parent

or guardian of such minor and with the knowledge and consent of such parent or guardian.

Section 11.0 – Criminal Penalties

Each and every violation of this ordinance shall be a misdemeanor for which everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in K.R.S. 534.050 (2) (a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in K.R.S. 532.090 (1), or both. The penalties provided in this section shall be in addition to any suspension or revocation of the offender's license.

Section 12.0 – Conflicting Ordinances Repealed

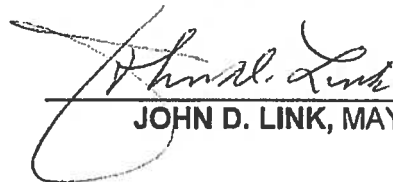
Edgewood ordinances 1977-17, 1992-18, 2001-03-02, 1987-07, 2005-04-04 and 2013-08-13 are hereby repealed in their entirety; and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 13.0 – Effective Date

This ordinance shall be effective as soon as possible according to law.


Section 14.0 – Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).



JOHN D. LINK, MAYOR

ATTEST:



JEANETTE KEMPER, CITY CLERK
FIRST READING: 11/4/2013
SECOND READING: 11/18/2013
PUBLISHED: 11/25/13

ORDINANCE NO. 2013-08-13

AN ORDINANCE OF THE CITY OF EDGEWOOD IN KENTON COUNTY, KENTUCKY AMENDING SECTION II OF ORDINANCE NO. 1992-18 TO ALLOW THE RETAIL SALE OF DISTILLED SPIRITS, WINE AND MALT BEVERAGES IN THE CITY OF EDGEWOOD DURING THE HOURS WHEN ANY POLLS ARE OPEN FOR VOTING IN THE CITY ON ANY ELECTION DAY

WHEREAS, K.R.S. 244.290 and K.R.S. 244.480 previously prohibited the retail sale of distilled spirits, wine and malt beverages during the hours when the polls were open for voting on election days; and

WHEREAS, the 2013 Regular Session of the Kentucky General Assembly enacted Senate Bill 13, which became law by the signature of the Governor on April 4, 2013; and

WHEREAS, Senate Bill 13 included provisions that allowed the retail sale of distilled spirits, wine and malt beverages during the hours when the polls are open for voting on election days unless prohibited by local ordinances; and

WHEREAS, Section II of Edgewood Ordinance No. 1992-18 includes a provision that prohibits the retail sale of distilled spirits, wine and malt beverages during the hours when the polls are open for voting on election days; and

WHEREAS, that provision of Edgewood Ordinance No. 1992-18 was included therein only for compliance with state law;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF EDGEWOOD IN KENTON COUNTY KENTUCKY, AS FOLLOWS:

Section 1.0 – Amendment of Section II of Edgewood Ordinance 2001-03-02

Section II of Edgewood Ordinance 1992-18, as previously amended from time to time, and which is codified at Section 112.16 of the Edgewood Code of Ordinances, is hereby again amended to conform to the provisions thereof in the attachment hereto identified as "Attachment A", which is incorporated herein by reference, with the words being deleted indicated by a line through them, as required by K.R.S. 83A.060(3).

Section 2.0 – Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full

force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 3.0 – Conflicting Ordinances Repealed

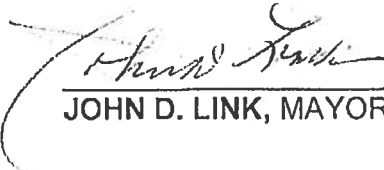
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4.0 – Effective Date

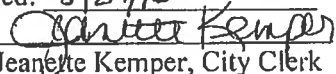
This ordinance shall be effective as soon as possible according to law.

Section 5.0 – Publication

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9).



JOHN D. LINK, MAYOR

First reading: 8/5/13
Second reading: 8/19/13
Published: 8/29/13
Attest: 
Jeanelle Kemper, City Clerk

ATTACHMENT A
TO EDGEWOOD ORDINANCE 2013-08-13

Section 2.0 – Times When Sales Are Prohibited

Nobody shall cause, permit, allow, aid, assist, encourage or engage in the retail sale of any distilled spirits, wine or malt beverages in the City of Edgewood:

- a. During the period of time after 2:30 A.M. and before 11:00 A.M. on any Sunday; or
- b. During the period of time after 2:30 A.M. and before 6:00 A.M. on any other day.
- c. ~~During the hours when any polls are open for voting in the City on any Election Day.~~

ORDINANCE NO. 2005-04-04

AN ORDINANCE OF THE CITY OF EDGEWOOD, IN
KENTON COUNTY, KENTUCKY, IN REGARD TO
ALCOHOLIC BEVERAGES.

WHEREAS, pursuant to the authority of K.R.S. 244.290 and K.R.S. 244.480, Edgewood Ordinance 1992-18 regulates the times during which alcoholic beverages may be sold at retail in the City; but is in need of revision.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

Section 1.0 - Amendments

Section II of Edgewood Ordinance 1992-18, as previously amended from time to time, and which is codified at Section 112.16 of the Edgewood Code of Ordinances, is hereby again amended as follows, with the words and numbers being added are indicated by a single solid line beneath them, and the words and numbers being deleted indicated by a single broken line through them, as required by K.R.S. 83A.060(3):

SECTION II

Nobody shall cause, permit, allow, aid, assist, encourage, or engage in the retail sale of any distilled spirits, wine or malt beverages in the City:

- a. During the period of time after 2:30 A.M. and before 11:00 A.M. ~~1:00 P.M.~~ on any Sunday; or
- b. During the period of time after 2:30 A.M. and before 6:00 A.M. on any other day; or
- c. During the hours when any polls are open for voting in the City on any Election Day

Section 2.0 - Provisions Severable

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

Section 3.0 - Conflicting Ordinances Repealed

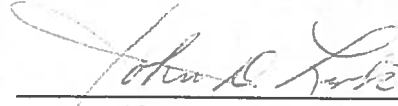
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

Section 4.0 - Effective Date

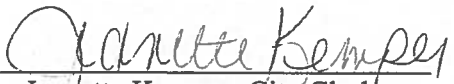
This ordinance shall be effective as soon as possible according to law.

Section 5.0 - Publication

(9). This ordinance shall be published in summary pursuant to K.R.S. 83A.060



JOHN D. LINK, MAYOR

Attest: 
Jeanette Kemper, City Clerk
Date passed: 4-18-05

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**CITY OF EDGEWOOD
LICENSES ALLOWED BY KRS 243.070
(In counties containing cities of the second class)**

TYPE OF LICENSES WE MAY HAVE NEED FOR	ANNUAL FEE
(All annual unless otherwise stated)	
Wholesaler's distilled spirits and wine license:	\$ 3,000.00
Distilled spirits and wine retail package license:	\$ 1,000.00
Distilled spirits and wine retail drink license (restaurant drink license):	\$ 1,000.00
Distilled spirits and wine special temporary liquor license, per event:	\$ 166.66
Special temporary wine license, per event:	\$ 50.00
Distilled spirits and wine special temporary auction license, per event:	\$ 200.00
Special private club license:	\$ 300.00
Distilled spirits and wine special Sunday retail drink license:	\$ 300.00
Restaurant wine license – new applicant:	\$ 600.00
Renewal:	\$ 400.00
Caterer's license:	\$ 800.00
Malt beverage distributor license:	\$ 400.00
Retail malt beverage license:	\$ 200.00
Special temporary retail malt beverage license, per event:	\$ 25.00

(Pizza Hut would require Retail Malt \$200, Restaurant wine \$400 and special Sunday drink \$300.)

ORDINANCE NO. 1992-18

AN ORDINANCE OF THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY ESTABLISHING THE HOURS AND TIMES IN WHICH DISTILLED SPIRITS, WINE AND MALT BEVERAGES MAY BE SOLD AT RETAIL IN THE CITY OF EDGEWOOD AND PROVIDING ADMINISTRATIVE AND CRIMINAL PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the City of Edgewood is authorized by K.R.S. 244.290 and K.R.S. 244.480 to establish the times and hours during which distilled spirits, wine and malt beverages may be sold at retail.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY AS FOLLOWS:

SECTION I

As used herein, the words and phrases defined in K.R.S. 241.010 and K.R.S. 243.010 have the meanings indicated therein; and the following words and phrases have the meanings indicated therefor:

A. The word "anybody" means any human being, or any organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

B. The word "nobody" means not anybody, or no human being, or any organization or combination thereof in the form of a corporation, partnership, joint venture, unincorporated association or otherwise.

SECTION II

Nobody shall cause, permit, allow, aid, assist, encourage or engage in the retail sale of any distilled spirits, wine or malt beverages in the City of Edgewood between the hours of 12:00 ^{MIDNIGHT} AM and 1:00 PM on any Sunday, or between the hours of 2:30 AM and 6:00 AM on any other day, or during the hours when any polls are open in the City on any election day.

SECTION III

Each violation and every other failure to comply with the provisions of this ordinance shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:

A. Everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the amount set forth in K.R.S. 534.040 (2) (a) or a term of imprisonment not to exceed the period set forth in K.R.S. 532.090 (1), or both; and

B. The offender shall be subject to a civil penalty of One Hundred (\$100.00) Dollars for each offense, which shall be recovered by the City of Edgewood in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of this ordinance.

SECTION IV

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION V

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION VI

This ordinance shall be effective as soon as possible according to law.

SECTION VII

This ordinance shall be published in summary pursuant to K.R.S. 83A.060 (9) and shall be effective as soon as possible according to law.



ROBERT A. RADEMACHER, MAYOR

ORDINANCE NO. 1991-02 1990-17

AN ORDINANCE OF THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY, ESTABLISHING THE OFFICE OF CITY ADMINISTRATIVE OFFICER FOR THE CITY OF EDGEWOOD; AND DESCRIBING THE QUALIFICATIONS, AUTHORITY, DUTIES, RESPONSIBILITIES AND COMPENSATION THEREOF.

BE IT ORDAINED BY THE CITY OF EDGEWOOD, IN KENTON COUNTY, KENTUCKY, AS FOLLOWS:

SECTION I

Pursuant to the authority of K.R.S. 83A.090, the office of City Administrative Officer is hereby established by, in and for the City of Edgewood.

SECTION II

The City Administrative Officer shall be appointed by the Mayor, with the approval of the City Council; but nobody shall be appointed as the City Administrative Officer for the City of Edgewood, without the qualifications of professional training and experience in administration sufficient to insure competence, as required by K.R.S. 83A.090.

Additional desired qualifications include, without limitation, a college degree with an emphasis on public administration, knowledge of law enforcement, and city administration; knowledge of public sector, financial and personnel policies and practices; ability to plan and direct the activities of city government; knowledge of sound business principals and practices; or an equivalent combination of training and experience.

SECTION III

The authority, duties and responsibilities of the City Administrative Officer for the City of Edgewood shall include, without limitation:

A. The following duties and responsibilities, pursuant to the requirements of K.R.S. 83A.090:

1. Advise the executive authority of the city in policy formulation on overall problems of the city; and

2. Have major responsibility for preparation and administration of operating and capital improvements budgets under direction of the executive authority; and

3. Advise the executive authority of the city in the appointment of subordinate administrative personnel if not a delegated appointment by appropriate order; and

4. Have continuing direct relationships with operating department heads on implementation and administration of programs.

B. Pursuant to K.R.S. 83A.090(2), the City Administrative Officer shall carry out all additional duties lawfully delegated by appropriate order of the executive authority; and shall have the same powers as the executive authority in carrying out such duties.

C. The authority, duties and responsibilities of the City Alcoholic Beverage Administrator required by K.R.S. 241.160.

D. The authority, duties and responsibilities of the Zoning Administrator required by the Edgewood zoning ordinance numbered 1977-24, as amended and re-enacted from time to time.

E. The enforcement of the Uniform State Building Code pursuant to K.R.S. 198B.060.

F. The authority, duties and responsibilities of the Personnel Officer required by the Personnel Policies in Chapter 34 of the Edgewood Code of Ordinances.

G. Without limitation, examples of additional duties of the City Administrative Officer are that the City Administrative Officer plans, organizes, directs and participates in the continuing analysis and improvement of city departments and operations; oversees departmental budgets in accordance to the fiscal operating plan; advises the Mayor of all related departmental activities; develops managerial objectives and management performance measurements in order to justify city-provided services; prepares reports and formulates final recommended courses of action to the Mayor and City Council; tracks state and federal grant programs and reviews their application to the city; recommends and applies for state and federal grants; insures a high quality of law enforcement and public works programs for the city; provides technical advice to city department heads on management and related activities; oversees the city's personnel function under the guidelines of the Mayor and City Council to include employee relations, training programs, selection and placement, benefit and compensation administration; reviews various city services and recommends change or modification to existing services based on service levels and financial justification to the Mayor and City Council; coordinates intergovernmental and interagency contacts; provides overall direction to city departments; represents the city, as directed, before official bodies and other agencies; works with various news media in the collection of public information; executive policy/managerial decisions of the Mayor and City Council; develops and recommends short and long range business planning for the city government; participates in fiscal policy planning and implementation; and projects a good community image.

SECTION IV

The Compensation of the City Administrative Officer for the City of Edgewood is hereby established at Grade IX within the Personnel and Pay Classification Plan required by K.R.s. 83A.060.

SECTION V

The provisions of this ordinance are severable; and the invalidity of any provision of this ordinance shall not affect the validity of any other provision thereof; and such other provisions shall remain in full force and effect as long as they remain valid in the absence of those provisions determined to be invalid.

SECTION VI


All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION VII

This ordinance shall be effective as soon as possible according to law.

SECTION VIII

This ordinance shall be published in full pursuant to K.R.S. 83A.060 (9) and shall be effective as soon as possible according to law.



ROBERT A. RADEMACHER, MAYOR

ORDINANCE NO. 1987-07

AN ORDINANCE OF THE CITY OF EDGEWOOD IN KENTON COUNTY, KENTUCKY, PROHIBITING ANY PERSON FROM EITHER PASSIVELY OR ACTIVELY CAUSING, PERMITTING, AIDING, ALLOWING, ENCOURAGING OR ENGAGING IN THE CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES BY A MINOR, AS DEFINED THEREIN; AND PROVIDING EXCEPTIONS THERETO; AND PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE CITY OF EDGEWOOD IN KENTON COUNTY, KENTUCKY AS FOLLOWS:

SECTION I

As used herein, the following words have the meaning indicated:

A. The words "alcoholic beverage" have the meaning indicated in K.R.S. 242.010; and

B. The word "minor" means any natural person who is less than twenty-one (21) years of age; and

C. The word "person" means any natural person, corporation, partnership, joint venture or unincorporated association of persons, or any combination thereof.

SECTION II

No person shall either passively or actively cause, permit, aid, allow, encourage or engage in the consumption or possession of alcoholic beverages by a minor in the City of Edgewood, unless such possession or consumption occurs in the presence of a parent or guardian of such minor, and with the knowledge and consent thereof.

SECTION III

Any person who violates any of the terms or provisions of this ordinance, shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine of no more than Three Hundred (\$300.00) Dollars or imprisonment, according to law, for a period of no more than ninety (90) days, or a combination of such fine or imprisonment.

SECTION IV

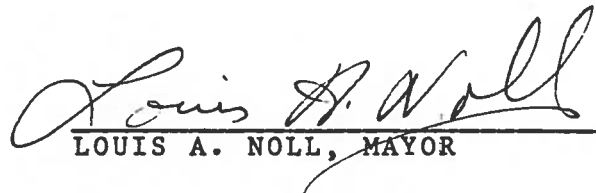
The invalidity of any provision of this ordinance shall not affect the validity of any other provision.

SECTION V

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION VI

This ordinance shall be published in full pursuant to K.R.S. 83A.060 and shall be effective as soon as possible according to law.



LOUIS A. NOLL, MAYOR

*Bernie Beck
Attorney & Counselor at Law*

12 Orphanage Road Fort Mitchell, Kentucky 41017

(606) 341-1256

AN ORDINANCE RELATING TO THE PAYMENT OF
LICENSE FEES FOR THE PRIVILEGE OF ENGAGING
THE BUSINESS OF TRAFFICKING IN ALCOHOLIC
AND/OR MALT BEVERAGES IN THE CITY OF EDGEWOOD,
KENTUCKY, PROVIDING PENALTIES FOR THE VIOLATION
THEREOF AND REPEALING ALL ORDINANCES IN CONFLICT
THEREWITH.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY
COUNCIL OF THE CITY OF EDGEWOOD, KENTON COUNTY, KENTUCKY:

SECTION I

DEFINITIONS.

That the following words when used in this ordinance
shall have the meaning ascribed to them except where the context
clearly indicates or requires a different meaning:

(a) "Beer" or "malt beverage" shall mean and include
any fermented alcoholic beverage of any name or description,
manufactured from malt wholly or in part, or from any substitut
therefor, and having an alcoholic content greater than that now
permitted or may hereafter be permitted under K.R.S. Chapter 24
known as the Local Option Law, or any amendment thereof.

(b) "Distributor" shall mean and include anyone, whe
distributor, jobber, broker, agent or other person who distribu
malt beverages for the purpose of being sold at retail.

(c) "Person" shall mean and include individual,
partnership, joint stock company, business, trust, association,
corporation or other form of business enterprise.

(d) "Wine" shall mean and include the product or the
normal alcoholic fermentation of the juices of fruits, with the
usual cellar treatment and necessary addition to correct defect
due to climatic, saccharine and seasonal conditions, including
champagne, sparkling and fortified wine of an alcoholic content
not to exceed 24 percent by volume.

SECTION II

ALCOHOLIC OR MALT BEVERAGE LICENSE FEES.

There shall be the following kinds of licenses, to wi

(a) A retail package license to sell distilled spiri
and wine at retail by the package for consumption off the premi
the fee for which shall be \$150.00 per annum.

(b) A retail drink license to sell distilled spirits
and wine at retail by the glass, for consumption on the premise
the fee for which shall be \$200.00 per annum.

Bernie Beck
Attorney & Counselor at Law

12 Orphanage Road Fort Mitchell, Kentucky 41017

(606) 341-1256

be \$100.00 per annum.

(e) A retail drink license to sell distilled spirits and wine at retail by the glass, for consumption on the premises for a private club, the fee for which shall be \$75.00 per annum.

(f) A retail beer license to sell beer at retail by the drink, bottle or can, for consumption on the premises, for private club, the fee for which shall be \$25.00 per annum.

(g) Any person, firm or corporation presently holding a retail drink license issued by the City or who may hereafter acquire such license may apply for a "special Sunday drink license" as permitted by K.R.S. 243.030. The fee to be paid for such license shall be \$50.00 per annum.

SECTION III

LICENSE FEE REQUIRED.

On and after JULY 1, 1977, every person, association, corporation or other business entity engaged in the business of trafficking in alcoholic and/or malt beverages shall be required to pay a license fee or tax as required in Section II of this ordinance. When any person shall apply for a license, authorization to be issued under this ordinance, after July 1st of any year, shall be charged, if such license is granted, an amount equal to as many twelfths of the annual license tax as there are calendar months (including the month in which the license is granted) until the following July 1st, except that no license shall be issued for a shorter period than six months. All licenses under this ordinance shall expire on June 30th of each year.

SECTION IV

FORM OF LICENSE.

Any licenses issued under this ordinance shall be issued in such form as may be prescribed by the State Control Board.

SECTION V

AUTHORIZATION GRANTED TO HOLDER OF LICENSE.

A retail package license shall authorize the holder thereof to purchase, receive, possess and sell distilled spirits and wine at retail in unbroken packages only and for consumption off the licensed premises. Penalty, see Section XIII.

A retail drink license shall authorize the holder thereof to purchase, receive, possess and sell distilled spirits and wine

A beer retailer's license shall authorize the holder sell malt beverages at retail from the licensed premises only. Penalty, see Section XIII.

A beer distributor's license shall authorize the holder thereof to purchase, import, or store malt beverages and to sell same, from the licensed premises only to other licensed distributors, to licensed retailers or consumers for personal use, and not for resale. Penalty, see Section XIII.

SECTION VI

PROCEDURE FOR OBTAINING A LICENSE.

Application for license. Applications for any license provided for in this ordinance shall be made to the City Clerk; shall be in writing under oath and shall state the kind of license for which application is made and a statement that the applicant will in all respects and in good faith conscientiously abide by all the provisions of any and all ordinances relating to alcoholic and/or malt beverages which may be in force as well as any law of the Commonwealth of Kentucky, or rule or regulation of the State Alcoholic Beverage Board and that his failure to do so shall be cause for the revocation of his license.

Approval of application. The City Clerk shall, upon receipt of such application, present same to the City Council at their next regular meeting and if such application is granted by the City Council, the City Clerk shall issue such license and the tax shall be by him reported and paid at the end of each month to the City Treasurer who shall place the same in the General Fund to become a part of said fund.

License fee to be paid with application. Such applications shall be accompanied by a certified check, uncertified check of an established business house, cash, postal or express money order, for the amount of money required by this ordinance for a license of the kind applied for.

SECTION VII

CONTENTS OF LICENSE APPLICATION.

All licenses issued under this ordinance shall contain:

- (a) Name and address of the person to whom the license is issued.
- (b) The number of his license.
- (c) The type of his license.
- (d) A description by street and number, or otherwise of the licensed premises.
- (e) The name and address of the owner of the building in which the licensed premises are located.
- (f) The expiration date of such license.
- (g) A statement in substance that such license shall be, or be deemed, a property or vested right, and that it may be revoked at any time pursuant to law.

Bernie Beck
Attorney & Counselor at Law

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(606) 341-1256

Before commencing or doing business for the time for which a license herein has been granted, said license shall be posted and at all times be displayed in a conspicuous place in room or principal room where such business is carried on, so that all persons visiting such place may readily see the license. It shall be unlawful for any person holding a license to post such license or permit it to be posted, upon premises other than the premises licensed, or upon premises where traffic in alcoholic and/or malt beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy or alter any such license in any respect. Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agent or employees, a duplicate license in lieu thereof shall be issued by the City Clerk upon submission of satisfactory proof and payment of a fee of \$2.50.

SECTION IX

REFUSAL OR REVOCATION OF LICENSE AND NOTICE REQUIRED PRIOR.

Any license authorized to be issued under this ordinance must be refused or revoked if the applicant therefor or the premises for which same is sought do not comply fully with all terms and provisions of this ordinance, and with the rules and regulations of the Alcoholic Board, or of any ordinance of the city or law of the Commonwealth of Kentucky, relative to the regulation of the manufacture, sale and transportation of alcoholic and/or malt beverages, or if the applicant shall have done any act for which a revocation of license would be authorized under this ordinance.

No revocation of any license herein shall be had except upon at least five days notice to the licensee and an opportunity for him to be heard at a hearing to be held by the City Council.

SECTION X

DESTRUCTION OF PREMISES; TRANSFER OF LICENSE.

In case of destruction by an act of God or casualty in which the licensee was not responsible, of premises for which a license under this ordinance shall have been issued, the City Council may in their discretion change the license to authorize continuance of business at any other premises. No such transfer shall be made unless the licensee shall have filed a written verified statement of the reasons for the necessity of transfer. If such transfer is ordered, the City Clerk shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

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Any holder of any license from the city which authorizes the sale of distilled spirits, wine, malt beverages or other intoxicating liquors, may not and shall not permit dancing by patrons, customers, guests or other persons upon the licensed premises unless said license holder has first furnished a specific and particular area for dancing purposes, which area shall be known as a dance floor, and the license holder shall further require all dancing to be conducted solely and only in the dance floor area.

SECTION XII

ADDITIONAL LICENSES REQUIRED.

Only one bar, counter or similar contrivance shall be permitted in any place under a single retail drink license except that, in addition to the one bar permitted by this section, any such licensed premises may have necessary service bars which shall not be in any room in which the members or guests or patrons of the place are invited or permitted to come. ~~No distilled spirits or wine shall be served at service bars.~~ If a license holder desires to have additional bars, then and in that event an additional license or licenses shall be required pursuant to the ~~ordinance~~. **KENTUCKY REVISED STATUTES.**

SECTION XIII

PENALTY.

(a) Whoever traffics in alcoholic and/or malt beverages as defined in this ordinance without having first paid the license tax required herein and without first having obtained the license required herein, or whoever violates any other provision of this ordinance, shall be punished by a fine of not less than \$100.00 (One hundred dollars) and not to exceed \$500.00 (Five hundred dollars).

(b) Whoever violates any of the provisions of Section XI shall be guilty of a misdemeanor and upon conviction in the Police Court shall be fined not less than \$10.00 (Ten dollars) nor more than \$50.00 (Fifty dollars) and the costs of the prosecution.

SECTION XIV

SEVERABILITY.

The provisions of this ordinance are severable. If a provision, section, paragraph, sentence or part thereof, or the application thereof to any license holder or class of persons shall be held unconstitutional or invalid, such decision shall not affect or impair the remainder of the ordinance, it being the legislative intent to ordain and enact each provision, section, paragraph, sentence and part thereof, separately and independently of each other.

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

SECTION XVI

EFFECTIVE DATE.

That this ordinance shall take effect and be in full force when passed, published and recorded according to law.


MAYOR, EDGEWOOD, KENTUCKY

ATTEST: 
CITY CLERK

DATE PASSED: 6-18-77 4 yes

DATE PUBLISHED: 8-22-77

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Fort Mitchell, Kentucky 41017

12 Orphanage Road

Section

- 112.01 Definitions
- 112.02 License fee required
- 112.03 Alcoholic or malt beverage license fees
- 112.04 Form of license
- 112.05 Application for license
- 112.06 Contents of license application
- 112.07 Approval of application
- 112.08 License fee to be paid with application
- 112.09 Authorization granted to holder of license
- 112.10 Refusal or revocation of license; notice required prior
- 112.11 Additional licenses required
- 112.12 Posting of license in conspicuous place
- 112.13 Destruction of premises; transfer of license
- 112.14 Dancing prohibited on licensed premises
- 112.15 Consumption of alcoholic beverages by minors
- 112.16 Sale of alcoholic beverages limited to certain hours

- 112.99 Penalty

§ 112.01 DEFINITIONS.

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

"ANYBODY." Any human being, organization, corporation, partnership, joint venture, or unincorporated association.

"BEER" or "MALT BEVERAGE." Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that now permitted or that may hereafter be permitted under KRS Chapter 242. (KRS 241.010 (21))

"DISTRIBUTOR." Anyone, whether distributor, jobber, broker, agent, or other person who distributes malt beverages for the purpose of being sold at retail. (KRS 241.010 (16))

"NOBODY." Not anybody, no human being, organization, corporation, partnership, joint venture, or unincorporated association.
(Am. Ord. 1992-18, passed 8-17-92)

"PERSON." Individual, partnership, joint stock company, business, trust, association, corporation, or other form of business enterprise.

"WINE." The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions, including champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. (KRS 241.010 (36))
(Ord. 1977-17, passed 6-18-77; Am. Ord. 1992-18, passed 8-17-92)

§ 112.04 FORM OF LICENSE.

Any licenses issued under this chapter shall be issued in the form prescribed by the state.
(Ord. 1977-17, passed 6-18-77)

§ 112.05 APPLICATION FOR LICENSE.

Applications for any license provided for in this chapter shall be made to the City Clerk. The application shall be in writing under oath and shall state the kind of license for which application is made and a statement that the applicant will in all respects and in good faith conscientiously abide by all the provisions of any and all ordinances relating to alcoholic or malt beverages which may be in force, as well as any state law, or rule or regulation of the State Alcoholic Beverage Control Board. Failure to do so shall be cause for the revocation of his license.
(Ord. 1977-17, passed 6-18-77)

§ 112.06 CONTENTS OF LICENSE APPLICATION.

All licenses issued under this chapter shall contain:

- (A) The name and address of the licensee.
- (B) The number of the license.
- (C) The type of license.
- (D) A description by street and number, or otherwise, of the licensed premises.
- (E) The name and address of the owner of the building in which the licensed premises are located.
- (F) The expiration date of the license.
- (G) A statement in substance that the license shall not be, or be deemed a property or vested right, and that it may be revoked at any time pursuant to law.
(KRS 243.440) (Ord. 1977-17, passed 6-18-77)

§ 112.07 APPROVAL OF APPLICATION.

The Alcoholic Beverage Control Administrator shall, upon receipt of an application, present same to the City Council at their next regular meeting and if the application is granted by the City Council, the Alcoholic Beverage Control Administrator shall issue the license and the tax shall be by him reported and paid at the end of each month to the City Treasurer who shall place the same in the General Fund to become a part of that fund.
(Ord. 1977-17, passed 6-18-77)

Statutory reference:

Persons who may not be licensed, see KRS 243.100

§ 112.11 ADDITIONAL LICENSES REQUIRED.

Only one bar, counter, or similar contrivance shall be permitted in any place under a single retail drink license except that, in addition to the one bar permitted by this section, any licensed premises may have necessary service bars which shall not be in any room in which the members, guests, or patrons of the place are invited or permitted to come. If a license holder desires to have additional bars, an additional license or licenses shall be required pursuant to state law.

(Ord. 1977-17, passed 6-18-77)

§ 112.12 POSTING OF LICENSE IN CONSPICUOUS PLACE.

(A) Before commencing or doing business for the time for which a license herein has been granted, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where business is carried on, so that all persons visiting the place may readily see the license.

(B) It shall be unlawful for any person holding a license to post that license, or permit it to be posted, upon premises other than the premises licensed, or upon premises where traffic in alcoholic or malt beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy, or alter any license in any respect.

(C) Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agents or employees, a duplicate license in lieu thereof shall be issued by the City Clerk upon submission of satisfactory proof of loss and payment of a fee of two dollars and fifty cents (\$2.50).

(KRS 243.620) (Ord. 1977-17, passed 6-18-77)

§ 112.13 DESTRUCTION OF PREMISES; TRANSFER OF LICENSE.

In case of destruction by an act of God or casualty for which the licensee was not responsible, of premises for which a license under this chapter has been issued, the City Council may in their discretion change the license to authorize continuance of business at other premises. No transfer shall be made unless the licensee has filed a written verified statement of the reasons for the necessity of transfer. If a transfer is ordered, the Alcoholic Beverage Control Administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

(KRS 243.650) (Ord. 1977-17, passed 6-18-77)

§ 112.14 DANCING PROHIBITED ON LICENSED PREMISES.

Any holder of any license from the city which authorizes the sale of distilled spirits, wine, malt beverages, or other intoxicating liquors, may not and shall not permit dancing by patrons, customers, guests, or other persons upon the licensed premises unless the license holder has first furnished a specific

more than five hundred dollars (\$500). Violation of any of the provisions of this chapter is designated to be a misdemeanor.

(B) Whoever violates any of the provisions of § 112.14 shall, upon conviction, be fined not less than ten dollars (\$10) nor more than fifty dollars (\$50) and the costs of the prosecution.
(Ord. 1977-17, passed 6-18-77)

(C) Any person who violates any of the terms or provisions of § 112.15 shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine of no more than three hundred dollars (\$300) or imprisonment, according to law, for a period of no more than ninety (90) days, or any combination of such fine or imprisonment. Violation of § 112.15 is designated to be a misdemeanor.
(Ord. 1987-07, passed - -87)

(D) Any person who violates § 112.16 shall be guilty of a misdemeanor and, upon conviction, be sentenced to pay a criminal fine not to exceed the amount set forth in KRS 534.040 (2) (A) or a term of imprisonment not to exceed the period set forth in KRS 532.090 (1), or both. The offender shall be subject to a civil penalty of one hundred dollars (\$100.00) for each offense, which shall be recovered by the City in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation of § 112.16. Each day of violation shall constitute a separate offense.
(Ord. 1992-18, passed 8-17-92)

Statutory reference:

Similar statutory penalties, see KRS 243.990(1)

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