

ORDINANCE NO. 2388

**AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, IN REGARD TO DISTILLED SPIRIT, WINE AND MALT BEVERAGE REGULATIONS.**

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

**Section 1.0 – Amendments**

Erlanger ordinance 1751, as previously amended from time to time, is hereby again amended so that Section IX thereof conforms to the provisions thereof attached hereto and incorporated herein by reference, with the words and numbers that are being added by this amendment indicated in the attachment by a single solid line beneath them, and the words and numbers that are being deleted by this amendment indicated in the attachment by a single solid line through them.

**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**Section 3.0 – Conflicting Ordinances Repealed**


All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.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

  
\_\_\_\_\_  
THOMAS L. ROUSE, Mayor

A. Pursuant to the authority of K.R.S. 244.290, the times and hours during which distilled spirits and wine may be sold at retail in the City of Erlanger are hereby established to be hours after 6:00 A.M. and before 2:30 A.M. prevailing time, on any day except Sunday and the hours after 11:00 P.A.M. and before 2:30 A.M. prevailing time, on any Sunday. ~~except that no distilled or wine shall be sold at retail in the City of Erlanger during the hours the polls are open in the City on election day.~~

B. Pursuant to the authority of K.R.S. 244.480, the times and hours during which malt beverages may be sold at retail in the City of Erlanger are hereby established to be hours after 6:00 A.M. and before 2:30 A.M. prevailing time, on any day except Sunday and the hours after 11:00 A.M. and before 2:30 A.M., prevailing time, on any Sunday. ~~except that no malt beverages shall be sold at retail in the City of Erlanger during the hours the polls are open in the City on election day.~~

C. At all times other than those hereby established for the retail sale of distilled spirits, wine and malt beverages ~~and the hours when any polls are open in the City on any election day~~, no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit or engage in any of the actions, business or transactions authorized and permitted thereby; and during such times all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such City licenses or any supplements thereto as officers, agents or employees of the person to whom such City license was issued and all other persons shall vacate the licensed premises and remove themselves therefrom during such times; provided, however, that any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (30) minutes thereafter for the sole purpose of the consumption of the drink purchased; and provided, however, that if a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off and separated from the remainder of the licensed premises and all distilled spirits, wine and malt beverages and all fixtures and apparatus connected, with the acts of business and transactions authorized by the State licenses and City licenses for the retail sale of distilled spirits, wine and malt beverages from such premises as located within such approved department and such approved department is continuously kept locked, physically separated and closed off from the remainder of the licensed premises during such times, then the remainder of the licensed premises may remain open and any lawful activity conducted thereon during such times.

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

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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



\_\_\_\_\_  
THOMAS L. ROUSE, MAYOR

## SECTION IX

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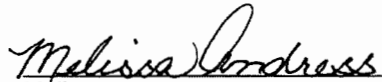
B. Pursuant to the authority of K.R.S. 244.480, the times and hours during which malt beverages may be sold at retail in the City of Erlanger are hereby established to be hours after 6:00 A.M. and before 2:30 A.M. prevailing time, on any day except Sunday and the hours after 11:00 A.M. and before 2:30 A.M., prevailing time, on any Sunday. ~~except that no malt beverages shall be sold at retail in the City of Erlanger during the hours the polls are open in the City on election day.~~

C. At all times other than those hereby established for the retail sale of distilled spirits, wine and malt beverages ~~and the hours when any polls are open in the City on any election day~~, no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit or engage in any of the actions, business or transactions authorized and permitted thereby; and during such times all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such City licenses or any supplements thereto as officers, agents or employees of the person to whom such City license was issued and all other persons shall vacate the licensed premises and remove themselves therefrom during such times; provided, however, that any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (30) minutes thereafter for the sole purpose of the consumption of the drink purchased; and provided, however, that if a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off and separated from the remainder of the licensed premises and all distilled spirits, wine and malt beverages and all fixtures and apparatus connected, with the acts of business and transactions authorized by the State licenses and City licenses for the retail sale of distilled spirits, wine and malt beverages from such premises as located within such approved department and such approved department is continuously kept locked, physically separated and closed off from the remainder of the licensed premises during such times, then the remainder of the licensed premises may remain open and any lawful activity conducted thereon during such times.

## CERTIFICATION

The undersigned, Melissa Andress, City Clerk of the City of Erlanger, in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 2388 was introduced in writing and read to the City Council for the City of Erlanger at regular or special meetings thereof on the 1st day of October, 2013, and at which quorums were present; and said ordinance was enacted by the City Council of the City of Erlanger upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 5th day of November, 2013, with the vote of each member of the City Council entered upon the official record of such meeting; and
2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and
3. The foregoing Ordinance was published on the 11th day of November, 2013, in THE KENTUCKY ENQUIRER, a newspaper qualified therefore, pursuant to the provisions of K.R.S. Chapter 424.



Melissa Andress  
Director of Administration/City Clerk

**LEGAL NOTICE**

ERLANGER ORDINANCE NO. 2388

**TITLE**

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, IN REGARD TO DISTILLED SPIRIT, WINE AND MALT BEVERAGE REGULATIONS.

**SUMMARY**

Erlanger Ordinance No. 2388 was enacted on November 5, 2013; and it is an ordinance that allows the retail sale of alcoholic beverages on election days.

**FULL TEXT OF EACH SECTION THAT IMPOSES  
FINES, PENALTIES, FORFEITURES, TAXES OR FEES**

No section of Erlanger Ordinance No. 2388 imposes any fine, penalty, forfeiture, tax or fee.

**TITLE XI: BUSINESS REGULATIONS****CHAPTER 111: ALCOHOLIC BEVERAGES**

# CHAPTER 111: ALCOHOLIC BEVERAGES

## GENERAL PROVISIONS

### § 111.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

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

(2) "CITY." The City of Erlanger in Kenton County, Kentucky.

(3) "CITY ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to KRS 241.160.

(4) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(5) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(6) "KRS." Kentucky Revised Statutes.

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

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

(9) "STATE." The Commonwealth of Kentucky.

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

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

alcoholic beverages.

(Ord. 1751, passed 3-6-82)

## **§ 111.02 ESTABLISHMENT OF REGULATIONS.**

The licenses and fees therefor, the administration and regulation thereof, and the prohibitions and penalties described herein are hereby established by, in, and for the city.

(Ord. 1751, passed 3-6-82)

## LICENSES

### **§ 111.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.**

(A) Pursuant to the authority of K.R.S. 243.070, no person shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any of the business, transactions or occurrences authorized by the state alcoholic beverage licenses identified in K.R.S. 243.070 without a corresponding city license therefore. The expiration dates of the city licenses shall be the same as the state licenses to which they conform; and the fees for the city licenses shall be the maximum fees allowed by K.R.S. 243.070.

(B) The amount of each annual fee for a city license shall be reduced a monthly pro rata basis, so that such annual fee is reduced by 1/12 thereof for each complete calendar month of the license year which has passed prior to the issuance of such city license; provided, however, that no such pro-rata reduction shall ever exceed 50% of the annual fee.

(Ord. 1751, passed 3-6-82; Am. Ord. 1781, passed 7-19-83; Am. Ord. 1904, passed 8-2-88; Am. Ord. 2287, passed 8-7-07) Penalty, see § 111.99

### **§ 111.21 FORM, CONTENT OF CITY LICENSE.**

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same designation as those of the state licenses to which the city licenses correspond and must comply with all of the provisions for state licenses required by KRS243.440.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86; Am. Ord. 2287, passed 8-7-07)

### **§ 111.22 APPLICATION; ISSUANCE.**

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

(A) A written application therefor with all of the information required by KRS 243.390 for state license applications, with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator.



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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### **§ 111.23 APPROVAL OF APPLICATION.**

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

(Ord. 1751, passed 3-6-82)

### **§ 111.24 DENIAL OF APPLICATION.**

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

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

(B) Any statement or representation in the application is false.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

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

Notwithstanding any other provision to the contrary, the city licenses authorized and established hereby are subject to the following limitations and restrictions. The City Administrator shall not issue any city license in violation hereof. Any city license issued in violation hereof is void ab initio; however, renewals of existing city licenses shall not be prohibited thereby:

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

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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### **§ 111.26 RENEWAL OF LICENSE.**

The renewal dates for all city licenses for traffic in alcoholic beverages shall be the same as the renewal dates for the corresponding state licenses.  
(Ord. 2237, passed 12-16-03)

## SALE OF ALCOHOLIC BEVERAGES

### § 111.40 HOURS.

(A) Pursuant to the authority of KRS 244.290, the times and hours during which distilled spirits, wine may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday, and the hours after 11:00 a.m. and before 2:30 a.m. prevailing time on any Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

(B) Pursuant to the authority of KRS 244.480, the times and hours during which malt beverages may be sold at retail in the city are hereby established to be hours after 6:00 a.m. and before 2:30 a.m. prevailing time, on any day except Sunday and the hours after 11:00 and before 2:30 a.m. prevailing time, on any Sunday except that no malt beverages shall be sold at retail in the city during the hours the polls are open in the city on election day.

(C) At all times other than those hereby established for the retail sale of distilled spirits, wine and malt beverages and the hours when any polls are open in the city on any election day, no person who has a valid city license for the retail sale of distilled spirits or wine or malt beverages shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (30) minutes thereafter for the sole purpose of the consumption of the drink purchased.

(D) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

(Ord. 1751, passed 3-6-82; Am. Ord. 2242, passed 4-6-04; Am. Ord. 2272, passed 4-4-06)  
Penalty, see § 111.99

### § 111.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

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

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

#### **§ 111.42 MAINTENANCE OF STATE LICENSE.**

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

#### **§ 111.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.**

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

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

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

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

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

Statutory reference:

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

#### **§ 111.44 MINORS.**

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "ALCOHOLIC BEVERAGE." Shall have the meaning indicated in KRS 242.010.

(2) "MINOR." Any natural person who is less than 21 years of age.

(3) "OWNER." Any person who owns or controls any interest in any real estate in the City of Erlanger.

(4) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association or persons, or any combination thereof.

(5) "REAL ESTATE." Land and any interest therein and all structures and other improvements thereon.

(B) No person shall 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 Erlanger, unless such possession or consumption of alcoholic beverages occurs at the residence of the minor and in the presence of another person who is over 21 years of age, who is related to the minor, and who resides with the minor at the same residence.

(C) Each owner is hereby obligated to and no owner shall fail to engage in all actions necessary for the expulsion from any real estate in which the owner has any interest, of all minors except residents of such real estate, who are known to the owner to be engaged in the possession or consumption of alcoholic beverages thereon.

(D) The actions of the owner required hereby include, without limitation, the action of notifying the Police Department of the location of the real estate, and the interest of the owner therein, and that, without license or privilege from the owner therefor, minors are engaged in the possession and consumption of alcoholic beverages thereon, and requesting police assistance in the removal of such minors from the real estate.

(Ord. 1864, passed - - ) Penalty, see § 111.99

#### **§ 111.45 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.**

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

- (1) The nipple of the female breast.
- (2) The female breast below the nipple.
- (3) The genitalia.
- (4) The pubic hair.
- (5) The anus.

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

### **§ 111.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.**

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

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

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

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

(Ord. 1751, passed 3-6-82)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 111.60 SUSPENSION, REVOCATION OF LICENSE.**

The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and

place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### **§ 111.99 PENALTY.**

Nobody shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any violation of any provision of this chapter, or any other code adopted and enacted by reference therein; and pursuant to the authority of K.R.S. 83A.065, each and every violation thereof, by either act or omission, for which no penalty is otherwise provided thereby, is hereby designated and declared to be a misdemeanor; and each day of any continuation thereof shall be a separate and distinct violation and offense, for which:

(A) Everybody convicted thereof, in a court of competent jurisdiction, shall be sentenced to pay a criminal fine, in an amount which shall not exceed the amount of \$500.00 set forth in K.R.S. 534.040 (2) (a), or a term of imprisonment not to exceed the period of ninety (90) days set forth in K.R.S. 532.090 (2), or both; and

(B) The offender shall be subject to a civil penalty of \$100.00, plus court costs and reasonable attorney's fees, for each violation and 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) continuous calendar days after citation for the violation, offense or other failure to comply with the provisions of this chapter.

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Erlanger, KY Code of Ordinances

**TITLE XI: BUSINESS REGULATIONS****CHAPTER 111: ALCOHOLIC BEVERAGES**

# CHAPTER 111: ALCOHOLIC BEVERAGES

## GENERAL PROVISIONS

### § 111.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

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(2) "CITY." The City of Erlanger in Kenton County, Kentucky.

(3) "CITY ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to KRS 241.160.

(4) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(5) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(6) "KRS." Kentucky Revised Statutes.

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

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

(9) "STATE." The Commonwealth of Kentucky.

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

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

alcoholic beverages.

(Ord. 1751, passed 3-6-82)

## **§ 111.02 ESTABLISHMENT OF REGULATIONS.**

The licenses and fees therefor, the administration and regulation thereof, and the prohibitions and penalties described herein are hereby established by, in, and for the city.

(Ord. 1751, passed 3-6-82)

## **LICENSES**

### **§ 111.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.**

(A) Pursuant to the authority of K.R.S. 243.070, no person shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any of the business, transactions or occurrences authorized by the state alcoholic beverage licenses identified in K.R.S. 243.070 without a corresponding city license therefore. The expiration dates of the city licenses shall be the same as the state licenses to which they conform; and the fees for the city licenses shall be the maximum fees allowed by K.R.S. 243.070.

(B) The amount of each annual fee for a city license shall be reduced a monthly pro rata basis, so that such annual fee is reduced by 1/12 thereof for each complete calendar month of the license year which has passed prior to the issuance of such city license; provided, however, that no such pro-rata reduction shall ever exceed 50% of the annual fee.

(Ord. 1751, passed 3-6-82; Am. Ord. 1781, passed 7-19-83; Am. Ord. 1904, passed 8-2-88; Am. Ord. 2287, passed 8-7-07) Penalty, see § 111.99

### **§ 111.21 FORM, CONTENT OF CITY LICENSE.**

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same designation as those of the state licenses to which the city licenses correspond and must comply with all of the provisions for state licenses required by KRS243.440.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86; Am. Ord. 2287, passed 8-7-07)

### **§ 111.22 APPLICATION; ISSUANCE.**

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

(A) A written application therefor with all of the information required by KRS 243.390 for state license applications, with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator.



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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### **§ 111.23 APPROVAL OF APPLICATION.**

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

(Ord. 1751, passed 3-6-82)

### **§ 111.24 DENIAL OF APPLICATION.**

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

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

(B) Any statement or representation in the application is false.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

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

Notwithstanding any other provision to the contrary, the city licenses authorized and established hereby are subject to the following limitations and restrictions. The City Administrator shall not issue any city license in violation hereof. Any city license issued in violation hereof is void ab initio; however, renewals of existing city licenses shall not be prohibited thereby:

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

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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### **§ 111.26 RENEWAL OF LICENSE.**

The renewal dates for all city licenses for traffic in alcoholic beverages shall be the same as the renewal dates for the corresponding state licenses.

(Ord. 2237, passed 12-16-03)

## SALE OF ALCOHOLIC BEVERAGES

### § 111.40 HOURS.

(A) Pursuant to the authority of KRS 244.290, the times and hours during which distilled spirits, wine may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday, and the hours after 11:00 a.m. and before 2:30 a.m. prevailing time on any Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

(B) Pursuant to the authority of KRS 244.480, the times and hours during which malt beverages may be sold at retail in the city are hereby established to be hours after 6:00 a.m. and before 2:30 a.m. prevailing time, on any day except Sunday and the hours after 11:00 and before 2:30 a.m. prevailing time, on any Sunday except that no malt beverages shall be sold at retail in the city during the hours the polls are open in the city on election day.

(C) At all times other than those hereby established for the retail sale of distilled spirits, wine and malt beverages and the hours when any polls are open in the city on any election day, no person who has a valid city license for the retail sale of distilled spirits or wine or malt beverages shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (30) minutes thereafter for the sole purpose of the consumption of the drink purchased.

(D) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

(Ord. 1751, passed 3-6-82; Am. Ord. 2242, passed 4-6-04; Am. Ord. 2272, passed 4-4-06)  
Penalty, see § 111.99

### § 111.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

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

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

#### **§ 111.42 MAINTENANCE OF STATE LICENSE.**

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

#### **§ 111.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.**

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

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

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

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

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

Statutory reference:

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

#### **§ 111.44 MINORS.**

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "ALCOHOLIC BEVERAGE." Shall have the meaning indicated in KRS 242.010.

(2) "MINOR." Any natural person who is less than 21 years of age.

(3) "OWNER." Any person who owns or controls any interest in any real estate in the City of Erlanger.

(4) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association or persons, or any combination thereof.

(5) "REAL ESTATE." Land and any interest therein and all structures and other improvements thereon.

(B) No person shall 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 Erlanger, unless such possession or consumption of alcoholic beverages occurs at the residence of the minor and in the presence of another person who is over 21 years of age, who is related to the minor, and who resides with the minor at the same residence.

(C) Each owner is hereby obligated to and no owner shall fail to engage in all actions necessary for the expulsion from any real estate in which the owner has any interest, of all minors except residents of such real estate, who are known to the owner to be engaged in the possession or consumption of alcoholic beverages thereon.

(D) The actions of the owner required hereby include, without limitation, the action of notifying the Police Department of the location of the real estate, and the interest of the owner therein, and that, without license or privilege from the owner therefor, minors are engaged in the possession and consumption of alcoholic beverages thereon, and requesting police assistance in the removal of such minors from the real estate.

(Ord. 1864, passed - - ) Penalty, see § 111.99

#### **§ 111.45 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.**

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

- (1) The nipple of the female breast.
- (2) The female breast below the nipple.
- (3) The genitalia.
- (4) The pubic hair.
- (5) The anus.

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

### **§ 111.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.**

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

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

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

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

(Ord. 1751, passed 3-6-82)

### **ADMINISTRATION AND ENFORCEMENT**

### **§ 111.60 SUSPENSION, REVOCATION OF LICENSE.**

The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and

place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### **§ 111.99 PENALTY.**

Nobody shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any violation of any provision of this chapter, or any other code adopted and enacted by reference therein; and pursuant to the authority of K.R.S. 83A.065, each and every violation thereof, by either act or omission, for which no penalty is otherwise provided thereby, is hereby designated and declared to be a misdemeanor; and each day of any continuation thereof shall be a separate and distinct violation and offense, for which:

(A) Everybody convicted thereof, in a court of competent jurisdiction, shall be sentenced to pay a criminal fine, in an amount which shall not exceed the amount of \$500.00 set forth in K.R.S. 534.040 (2) (a), or a term of imprisonment not to exceed the period of ninety (90) days set forth in K.R.S. 532.090 (2), or both; and

(B) The offender shall be subject to a civil penalty of \$100.00, plus court costs and reasonable attorney's fees, for each violation and 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) continuous calendar days after citation for the violation, offense or other failure to comply with the provisions of this chapter.

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ORDINANCE NO. 2287

AN ORDINANCE OF THE CITY OF ERLANGER, IN  
KENTON COUNTY, KENTUCKY, IN REGARD TO  
ALCOHOLIC BEVERAGE LICENSES, FEES AND  
REGULATIONS

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

**Section 1.0 – Amendments**

Erlanger ordinance 1751, as previously amended from time to time, is hereby again amended so that Sections III and IV thereof, which are now respectively codified as §111.20 and §111.21 of the Erlanger Code of Ordinances, conform to the provisions thereof attached hereto and incorporated herein by reference, with the words and numbers that are being added by this amendment indicated in the attachment by a single solid line beneath them, and the words and numbers that are being deleted by this amendment indicated in the attachment by a single broken line through them, as required by K.R.S. 83.060 (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).

\_\_\_\_\_  
THOMAS L. ROUSE, MAYOR

SECTION III

Pursuant to the authority of K.R.S. 243.070, no person shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any of the business, transactions or occurrences authorized by the state alcoholic beverage licenses identified in K.R.S. 243.070 without a corresponding city license therefore. The expiration dates of the city licenses shall be the same as the state licenses to which they conform; and the fees for the city licenses shall be the maximum fees allowed by K.R.S. 243.070.

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

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

License Description	Statutory Authorization (KRS §)	Statutory Description of Authorized Business and Transactions (KRS)	Annual Expiration Date	(Fee Per Annum)
-	-	Distilled Spirits and Wine Licenses	-	-
Distillers	243.030(1)	243.120	June 30	\$500.00
-	-	234.130	-	-
Rectifier	243.030(2)	243.120	June 30	3,000.00
-	-	243.130	-	-
Blenders	243.030(3)	243.140	June 30	3,000.00
Wholesaler	243.030(6)	243.160	June 30	3,000.00
-	-	243.170	-	-
Retail package	243.030(7)	243.240	June 30	1,000.00
Retail drink	243.030(8)	243.250	June 30	1,000.00
Special temporary per month	243.030(16)	243.260	NA82	-
Special private club	243.030(17)	243.270	June 30	300.00
Special Sunday	243.030(18)	243.290	June 30	300.00



retail drink

Nonresident special agent	243.030(19)	243.340	June 30	40.00
-	-	Malt Beverage Licenses	-	-
Brewers	243.040(1)	243.150	June 30	500.00
Microbrewery	243.040(2)	243.157	June 30	500.00
Distributors	243.040(3)	243.180	June 30	400.00
Retailers new applicants	243.040(4)(a) 243.070	243.280	June 30	200.00
renewals	243.040(4)(b)	-	June 30	150.00
Special temporary per month	243.040(7)	243.290	NA-25	-

The amount of each annual fee for a city license shall be reduced a monthly pro rata basis, so that such annual fee is reduced by one-twelfth (1/12) thereof for each complete calendar month of the license year which has passed prior to the issuance of such city license; provided, however, that no such pro-rata reduction shall ever exceed fifty per cent (50%) of the annual fee.

#### SECTION IV

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond; and they must include ~~comply with~~ all of the provisions for state licenses required by KRS 243.440.

## TITLE XI: BUSINESS REGULATIONS

## CHAPTER 111: ALCOHOLIC BEVERAGES

**CHAPTER 111: ALCOHOLIC BEVERAGES**

## GENERAL PROVISIONS

**§ 111.01 DEFINITIONS.**

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

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

(2) "CITY." The City of Erlanger in Kenton County, Kentucky.

(3) "CITY ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to KRS 241.160.

(4) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(5) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(6) "KRS." Kentucky Revised Statutes.

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

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

(9) "STATE." The Commonwealth of Kentucky.

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

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

(Ord. 1751, passed 3-6-82)

**§ 111.02 ESTABLISHMENT REGULATIONS.**

The licenses and fees therefor, the administration and regulation thereof, and the prohibitions and penalties described herein are hereby established by, in, and for the city.

(Ord. 1751, passed 3-6-82)

**LICENSES****§ 111.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.**

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

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

License Description	Statutory Authorization (KRS § )	Statutory Description of Authorized Business and Transactions (KRS)	Annual Expiration Date	(Fee Per Annum)
		Distilled Spirits and		
		Wine Licenses		
Distillers	243.030(1)	243.120	June 30	\$500.00
		234.130		
Rectifier	243.030(2)	243.120	June 30	3,000.00
		243.130		
Blenders	243.030(3)	243.140	June 30	3,000.00
Wholesaler	243.030(6)	243.160	June 30	3,000.00
		243.170		
Retail package	243.030(7)	243.240	June 30	1,000.00
Retail drink	243.030(8)	243.250	June 30	1,000.00
Special temporary per month	243.030(16)	243.260	NA82	
Special private club	243.030(17)	243.270	June 30	300.00
Special Sunday retail drink	243.030(18)	243.290	June 30	300.00

Nonresident special agent	243.030(19)	243.340	June 30	40.00
		Malt Beverage Licenses		
Brewers	243.040(1)	243.150	June 30	500.00
Microbrewery	243.040(2)	243.157	June 30	500.00
Distributors	243.040(3)	243.180	June 30	400.00
Retailers new applicants	243.040(4)(a) 243.070	243.280	June 30	200.00
renewals	243.040(4)(b)		June 30	150.00
Special temporary per month	243.040(7)	243.290	NA 25	

(C) The amount of each annual fee for a city license shall be reduced a monthly pro rata basis, so that such annual fee is reduced by one-twelfth (1/12) thereof for each complete calendar month of the license year which has passed prior to the issuance of such city license; provided, however, that no such pro-rata reduction shall ever exceed fifty per cent (50%) of the annual fee.

(Ord. 1751, passed 3-6-82; Am. Ord. 1781, passed 7-19-83; Am. Ord. 1904, passed 8-2-88) Penalty, see § 111.99

#### **§ 111.21 FORM, CONTENT OF CITY LICENSE.**

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must comply with all of the provisions for state licenses required by KRS 243.440.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

#### **§ 111.22 APPLICATION; ISSUANCE.**

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

(A) A written application therefor with all of the information required by KRS 243.390 for state license applications, with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator.

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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

## § 111.42 MAINTENANCE OF STATE LICENSE.

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

## § 111.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

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

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

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

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

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

Statutory reference:

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

## § 111.44 MINORS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) "ALCOHOLIC BEVERAGE." Shall have the meaning indicated in KRS 242.010.
- (2) "MINOR." Any natural person who is less than 21 years of age.
- (3) "OWNER." Any person who owns or controls any interest in any real estate in the City of

**§ 111.23 APPROVAL OF APPLICATION.**

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

(Ord. 1751, passed 3-6-82)

**§ 111.24 DENIAL OF APPLICATION.**

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

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

(B) Any statement or representation in the application is false.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

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

Notwithstanding any other provision to the contrary, the city licenses authorized and established hereby are subject to the following limitations and restrictions. The City Administrator shall not issue any city license in violation hereof. Any city license issued in violation hereof is void ab initio; however, renewals of existing city licenses shall not be prohibited thereby:

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

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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

**§ 111.26 RENEWAL OF LICENSE.**

The renewal dates for all city licenses for traffic in alcoholic beverages shall be the same as the renewal dates for the corresponding state licenses.

(Ord. 2237, passed 12-16-03)

**SALE OF ALCOHOLIC BEVERAGES****§ 111.40 HOURS.**

(A) Pursuant to the authority of KRS 244.290, the times and hours during which distilled spirits, wine may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday, and the hours after 1:00 p.m. and before 2:30 a.m. prevailing time on any Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

(B) Pursuant to the authority of KRS 244.480, the times and hours during which malt beverages may be sold at retail in the city are hereby established to be hours after 6:00 a.m. and before 2:30 a.m. prevailing time, on any day except Sunday and the hours after 11:00 and before 2:30 a.m. prevailing time, on any Sunday except that no malt beverages shall be sold at retail in the city during the hours the polls are open in the city on election day.

(C) At all times other than those hereby established for the retail sale of distilled spirits, wine and malt beverages and the hours when any polls are open in the city on any election day, no person who has a valid city license for the retail sale of distilled spirits or wine or malt beverages shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves there from during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (30) minutes thereafter for the sole purpose of the consumption of the drink purchased.

(D) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

(Ord. 1751, passed 3-6-82; Am. Ord. 2242, passed 4-6-04) Penalty, see § 111.99

#### **§ 111.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.**

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

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

license must conduct the action, business, and transactions authorized thereby upon the licensed premises:

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

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

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

(Ord. 1751, passed 3-6-82)

## ADMINISTRATION AND ENFORCEMENT

### § 111.60 SUSPENSION, REVOCATION OF LICENSE.

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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### § 111.99 PENALTY.

Nobody shall conspire, cause, permit, promote, allow, aid, assist, encourage or engage in any violation of any provision of this chapter, or any other code adopted and enacted by reference therein; and pursuant to the authority of K.R.S. 83A.065, each and every violation thereof, by either act or omission, for which no penalty is otherwise provided thereby, is hereby designated and declared to be a misdemeanor; and each day of any continuation thereof shall be a separate and distinct violation and offense, for which:

(A) Everybody convicted thereof, in a court of competent jurisdiction, shall be sentenced to pay a criminal fine, in an amount which shall not exceed the amount of \$500.00 set forth in K.R.S. 534.040 (2) (a), or a term of imprisonment not to exceed the period of ninety (90) days set forth in K.R.S. 532.090 (2), or both; and



Erlanger.

(4) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association or persons, or any combination thereof.

(5) "REAL ESTATE." Land and any interest therein and all structures and other improvements thereon.

(B) No person shall 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 Erlanger, unless such possession or consumption of alcoholic beverages occurs at the residence of the minor and in the presence of another person who is over 21 years of age, who is related to the minor, and who resides with the minor at the same residence.

(C) Each owner is hereby obligated to and no owner shall fail to engage in all actions necessary for the expulsion from any real estate in which the owner has any interest, of all minors except residents of such real estate, who are known to the owner to be engaged in the possession or consumption of alcoholic beverages thereon.

(D) The actions of the owner required hereby include, without limitation, the action of notifying the Police Department of the location of the real estate, and the interest of the owner therein, and that, without license or privilege from the owner therefor, minors are engaged in the possession and consumption of alcoholic beverages thereon, and requesting police assistance in the removal of such minors from the real estate.

(Ord. 1864, passed - - ) Penalty, see § 111.99

#### **§ 111.45 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.**

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

- (1) The nipple of the female breast.
- (2) The female breast below the nipple.
- (3) The genitalia.
- (4) The pubic hair.
- (5) The anus.

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

#### **§ 111.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.**

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage

ORDINANCE NO. 2242

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, IN REGARD TO MALT BEVERAGE REGULATIONS.

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

**Section 1.0 – Amendments**

Erlanger ordinance 1751, as previously amended from time to time, is hereby again amended so that Section IX thereof conforms to the provisions thereof attached hereto and incorporated herein by reference, with the words and numbers that are being added by this amendment indicated in the attachment by a single solid line beneath them, and the words and numbers that are being deleted by this amendment indicated in the attachment by a single broken line through them, as required by K.R.S. 83.060 (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).

1<sup>st</sup> Reading 3-16-04  
Second Reading 4-6-04

  
MARK T. OTTO SR. MAYOR

## CERTIFICATION

The undersigned, Linda Carter, City Clerk of the City of Erlanger, in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 2242 was introduced in writing and read to the City Council for the City of Erlanger at regular or special meetings thereof on the 16<sup>th</sup> of March 2004, and the 4<sup>th</sup> of April 2004, at which quorums were present; and said ordinance was enacted by the City Council of the City of Erlanger upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 4<sup>th</sup> of April 2004, with the vote of each member of the City Council entered upon the official record of such meeting; and
2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and
3. The foregoing Ordinance was published on the 12<sup>th</sup> day of April 2004 in THE KENTUCKY POST, a newspaper qualified therefor, pursuant to the provisions of K.R.S. Chapter 424.

  
\_\_\_\_\_  
Linda Carter, City Clerk

**LEGAL NOTICE**

ERLANGER ORDINANCE NO. 2242

**TITLE**

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, IN REGARD TO MALT BEVERAGE REGULATIONS.

**NARRATIVE**

Ordinance No. 2242 of the City of Erlanger was enacted by the City Council thereof on April 6, 2004; and it is an ordinance that changes the hours during which malt beverages may be sold at retail on Sundays in the City from the hours after 1:00 P.M and before 2:30 A. M. to the hours after 11:00 A.M. and before 2:30 A.M.

**FINES, PENALTIES, FORFEITURES, TAXES OR FEES**

No section of ordinance 2242 changes any of the fines, penalties, forfeitures, taxes or fees imposed by ordinance 1751 or imposes any new ones

ORDINANCE NO. 2237

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, IN REGARD TO THE RENEWAL DATE OF CITY LICENSES FOR TRAFFIC IN ALCOHOLIC BEVERAGES.

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

**Section 1.0 – Renewal Dates**

The renewal dates for all city licenses for traffic in alcoholic beverages shall be the same as the renewal dates for the corresponding state licenses therefore.

**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**

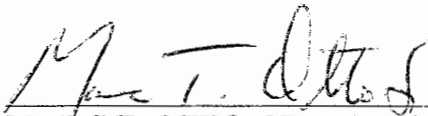
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**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).

  
MARC T. OTTO, SR., MAYOR

2003 Erlanger: 12-2-03 Renewal Date (ags)

1<sup>st</sup> 12-02-03  
2<sup>nd</sup> 12-16-03

## CERTIFICATION

The undersigned, Linda Carter, City Clerk of the City of Erlanger, in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 2237 was introduced in writing and read to the City Council for the City of Erlanger at regular or special meetings thereof on the 18<sup>th</sup> day of November 2003, and the 2<sup>nd</sup> day of December 2003, at which quorums were present; and said ordinance was enacted by the City Council of the City of Erlanger upon the affirmative vote of at least a majority of a quorum thereof, at the meeting thereof on the 2<sup>nd</sup> day of December 2003, with the vote of each member of the City Council entered upon the official record of such meeting; and
2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and
3. The foregoing Ordinance was published on the 31<sup>st</sup> day of December 2003 in THE KENTUCKY POST, a newspaper qualified therefor, pursuant to the provisions of K.R.S. Chapter 424.



\_\_\_\_\_  
Linda Carter, City Clerk

**LEGAL NOTICE**

ERLANGER ORDINANCE NO. 2237

**TITLE**

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, IN REGARD TO THE RENEWAL DATE OF CITY LICENSES FOR TRAFFIC IN ALCOHOLIC BEVERAGES.

**NARRATIVE**

Erlanger ordinance No. 2237 was enacted by the City Council thereof on December 15, 2003; and it is an ordinance that establishes that the renewal dates for all city licenses for traffic in alcoholic beverages shall be the same as the renewal dates for the corresponding state licenses therefor.

**FINES, PENALTIES, FORFEITURES, TAXES OR FEES**

No section of Erlanger Ordinance No. 2237 imposes any fine, penalty, forfeiture, tax or fee.

1<sup>st</sup> Reading, 12-2-03  
2<sup>nd</sup> Reading, 12-16-03

2003 Erlanger Ordinances: 12/23/03 ABC renewal dates sum. (faw)

Section

General Provisions

- 111.01 Definitions
- 111.02 Establishment of regulations

Licenses

- 111.20 Classification of licenses; fee schedule
- 111.21 Form, content of city license
- 111.22 Application; issuance
- 111.23 Approval of application
- 111.24 Denial of application
- 111.25 Premises selling groceries, gasoline, and the like prohibited from obtaining license
- 111.26 Transfer of license

Sale of Alcoholic Beverages

- 111.40 Hours
- 111.41 Compliance with regulations and prohibitions
- 111.42 Maintenance of state license
- 111.43 Display of required licenses and certain signs
- 111.44 Minors
- 111.45 Illegal sexual conduct, exposure of human body
- 111.46 Business to be conducted continuously; exceptions

Administration and Enforcement

- 111.60 Suspension, revocation of license
- 111.99 Penalty

GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

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

(2) "CITY." The City of Erlanger in Kenton County, Kentucky.



(3) "CITY ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to KRS 241.150.

(4) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(5) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(6) "KRS." Kentucky Revised Statutes.

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

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

(9) "STATE." The Commonwealth of Kentucky.

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

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

(Ord. 1751, passed 3-6-82)

#### § 111.02 ESTABLISHMENT OF REGULATIONS.

The licenses and fees therefor, the administration and regulation thereof, and the prohibitions and penalties described herein are hereby established by, in, and for the city.  
(Ord. 1751, passed 3-6-82)

#### LICENSES

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

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

§ 111.21 FORM, CONTENT OF CITY LICENSE.

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must comply with all of the provisions for state licenses required by KRS 243.440.

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

§ 111.22 APPLICATION; ISSUANCE.

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

(A) A written application therefor with all of the information required by KRS 243.390 for state license applications, with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator.

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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

§ 111.23 APPROVAL OF APPLICATION

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

(Ord. 1751, passed 3-6-82)

§ 111.24 DENIAL OF APPLICATION.

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

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

(B) Any statement or representation in the application is false. (Ord. 1751, passed 3-5-82; Am. Ord. 1857, passed 10-7-86)

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

Notwithstanding any other provision to the contrary, the city licenses authorized and established hereby are subject to the following limitations and restrictions. The City Administrator shall not issue any city license in violation hereof. Any city license issued in violation hereof is void ab initio; however, renewals of existing city licenses shall not be prohibited thereby:

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

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil. (Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

§ 111.26 TRANSFER OF LICENSE.

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

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

SALE OF ALCOHOLIC BEVERAGES

§ 111.40 HOURS.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday, and the hours after 1:00 p.m. and before 2:30 a.m. prevailing time on any Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

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

<u>License Description</u>	<u>Statutory Authorization (KRS §)</u>	<u>Statutory Description of Authorized Business and Transactions (KRS §)</u>	<u>Annual Expiration Date (KRS § 243.090)</u>	<u>Fee (Per Annum)</u>
<u>Distilled Spirits and Wine Licenses</u>				
Distillers	243.030 (1)	243.120 243.130	June 30	\$ 500
Rectifier	243.030 (2)	243.120 243.130	June 30	3000
Blenders	243.030 (3)	243.140	June 30	3000
Wholesaler	243.030 (4)	243.160 243.170	June 30	3000
Retail package	243.030 (7)	243.240	June 30	1000
Retail drink	243.030 (1)	243.250	June 30	1000
Special temporary	243.030 (16)	243.260	NA	82 per month
Special private club	243.030 (17)	243.270	June 30	300
Special Sunday retail drink	243.030 (18)	243.290	June 30	300
Nonresident special agent	243.030 (19)	243.340	June 30	40
<u>Malt Beverage Licenses</u>				
Brewers	243.040 (1)	243.150	June 30	500
Microbrewery	243.040 (2)	243.157	June 30	500
Distributors	243.040 (3)	243.180	June 30	400
Retailers new applicants	243.040 (4) (a), 243.070	243.280	June 30	200
renewals	243.040 (4) (b)	243.280	June 30	150
Special temporary	243.040 (7)	243.290	NA	25 per month

(Ord. 1751, passed 3-6-82; Am. Ord. 1781, passed 7-19-83) Penalty, see § 111.99

(B) Any statement or representation in the application is false. (Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

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

Notwithstanding any other provision to the contrary, the city licenses authorized and established hereby are subject to the following limitations and restrictions. The City Administrator shall not issue any city license in violation hereof. Any city license issued in violation hereof is void ab initio; however, renewals of existing city licenses shall not be prohibited thereby:

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

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil. (Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

~~§ 111.26 - TRANSFER OF LICENSE.~~

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

~~(Ord. 1751, passed 3-6-82) Penalty; see § 111.99~~

SALE OF ALCOHOLIC BEVERAGES

§ 111.40 HOURS.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday, and the hours after 1:00 p.m. and before 2:30 a.m. prevailing time on any Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

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

<u>License Description</u>	<u>Statutory Authorization (KRS §)</u>	<u>Statutory Description of Authorized Business and Transactions (KRS §)</u>	<u>Annual Expiration Date (KRS § 243.090)</u>	<u>Fee (Per Annum)</u>
<u>Distilled Spirits and Wine Licenses</u>				
Distillers	243.030 (1)	243.120 243.130	June 30	\$ 500
Rectifier	243.030 (2)	243.120 243.130	June 30	3000
Blenders	243.030 (3)	243.140	June 30	3000
Wholesaler	243.030 (6)	243.160 243.170	June 30	3000
Retail package	243.030 (7)	243.240	June 30	1000
Retail drink	243.030 (8)	243.250	June 30	1000
Special temporary	243.030 (16)	243.260	NA	82 per month
Special private club	243.030 (17)	243.270	June 30	300
Special Sunday retail drink	243.030 (18)	243.290	June 30	300
Nonresident special agent	243.030 (19)	243.340	June 30	40
<u>Malt Beverage Licenses</u>				
Brewers	243.040 (1)	243.150	June 30	500
Microbrewery	243.040 (2)	243.157	June 30	500
Distributors	243.040 (3)	243.180	June 30	400
Retailers new applicants	243.040 (4) (a), 243.070	243.280	June 30	200
renewals	243.040 (4) (b)	243.280	June 30	150
Special temporary	243.040 (7)	243.290	NA	25 per month

(C) The amount of each annual fee for a city license shall be reduced on a monthly pro-rata basis, so that such annual fee is reduced by one twelfth (1/12) thereof for each complete calendar month of the license year which has passed prior to the issuance of such city license; provided, however that no such pro-rata reduction shall ever exceed fifty per cent (50%) of the annual fee.

(Ord. 1751, passed 3-6-82; Am. Ord. 1781, passed 7-19-83) Penalty, see § 111.99; Am. Ord. 1904, passed 8-2-88)

corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.  
(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

§ 111.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.  
(Ord. 1751, passed 3-5-82) Penalty, see § 111.99

§ 111.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244:083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

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

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

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

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.  
(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

Statutory reference:

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

(B) During the hours before 6:00 a.m. and after 2:30 a.m. prevailing time on any day except Sunday, and the hours after 2:30 a.m. and before 1:00 p.m. prevailing time on any Sunday, and the hours when any polls are open in the city on any election day, no person who has a valid city license for the retail sale of distilled spirits or wine or malt beverages shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

§ 111.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

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

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



§ 111.44 MINORS.

(A) For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) "ALCOHOLIC BEVERAGE." Shall have the meaning indicated in KRS 242.010.

(2) "MINOR." Any natural person who is less than 21 years of age.

(3) "OWNER." Any person who owns or controls any interest in any real estate in the City of Erlanger.

(4) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association or persons, or any combination thereof.

(5) "REAL ESTATE." Land and any interest therein and all structures and other improvements thereon.

(B) No person shall 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 Erlanger, unless such possession or consumption of alcoholic beverages occurs at the residence of the minor and in the presence of another person who is over 21 years of age, who is related to the minor, and who resides with the minor at the same residence.

(C) Each owner is hereby obligated to and no owner shall fail to engage in all actions necessary for the expulsion from any real estate in which the owner has any interest, of all minors except residents of such real estate, who are known to the owner to be engaged in the possession or consumption of alcoholic beverages thereon.

(D) The actions of the owner required hereby include, without limitation, the action of notifying the Police Department of the location of the real estate, and the interest of the owner therein, and that, without license or privilege from the owner therefor, minors are engaged in the possession and consumption of alcoholic beverages thereon, and requesting police assistance in the removal of such minors from the real estate.

(Ord. 1865, passed - - ) Penalty, see § 111.99

§ 111.45 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

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

(Ord. 1751, passed 3-6-82; Am. Ord. 1857, passed 10-7-86)

### § 111.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine for each offense or violation of no less than \$10 and no more than \$500, or sentenced to imprisonment for no more than 90 days, or any combination of such fines and imprisonment.

(Ord. 1751, passed 3-6-82)

(B) Any person who violates the distillers license fee provision of § 111.20 shall, upon conviction and in accordance with KRS 243.990(2), be sentenced to pay a fine of not less than \$100 nor more than \$200, or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than \$200 nor more than \$500, or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000, or sentenced to imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 111.20 other than as discussed in division (B) above, or any provision of §§ 111.21 through 111.26 or 111.40 through 111.42, shall, upon conviction and in accordance with KRS 243.990(1) and 244.990(1), be fined not less than \$100 nor more than \$200, or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than \$200 nor more than \$500, or be imprisoned for no more than six months, or both.

(D) Any person who violates any provision of § 111.43 shall, upon conviction and in accordance with KRS 244.990(5), be fined not less than \$10 nor more than \$100.

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

- (1) The nipple of the female breast.
- (2) The female breast below the nipple.
- (3) The genitalia.
- (4) The pubic hair.
- (5) The anus.

(Ord. 1751, passed 3-6-82) Penalty, see § 111.99

§ 111.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

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

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

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

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

(Ord. 1751, passed 3-6-82)

ADMINISTRATION AND ENFORCEMENT

§ 111.60 SUSPENSION, REVOCATION OF LICENSE.

The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence

(E) Any person who violates any of the terms or provisions of § 111.44 shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine of no more than \$500, or be imprisoned for a period of no more than 90 days, or any combination of such fine or imprisonment. (Ord. 1865, passed - - )

ORDINANCE NO. 1904

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING THE ERLANGER CODE OF ORDINANCES, ENACTED BY ERLANGER ORDINANCE NUMBERED 1892 TO ADD NEW PROVISIONS FOR THE MONTHLY PRORATION OF ANNUAL FEES FOR CITY ALCOHOLIC BEVERAGE LICENSES; AND DELETING THEREFROM PROVISIONS FOR THE TRANSFER OF SUCH LICENSES FROM ONE PERSON OR PLACE TO ANOTHER.

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

SECTION I

Pages fifteen (15) and seventeen (17) of Title XI entitled Business Regulations of the Erlanger Code of Ordinances, enacted by Erlanger Ordinance numbered 1892, is hereby amended as follows with the words and numbers being added indicated by a single solid line beneath them, and the words being deleted indicated by a single broken line through them as required by K.R.S. 83A.060(3):

(1064)

SECTION II

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 III

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

SECTION IV

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

SECTION V

Summary publication of this ordinance is hereby authorized pursuant to K.R.S. 83A.060 (9).

*Fred Thomas*  
\_\_\_\_\_  
FRED THOMAS, MAYOR

C E R T I F I C A T I O N

The undersigned, WILMA LABARE, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1904 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereon on the 5<sup>th</sup> day of July, 1988, and the 19<sup>th</sup> day of July, 1988, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of a least a majority of a quorum thereof at the meeting thereof on the 19<sup>th</sup> day of July, 1988, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger, who approved said Ordinance by affixing his signature thereto within (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 27<sup>th</sup> day of July, 1988, pursuant to K.R.S. Chapter 424.

Wilma LaBare  
WILMA LABARE,  
City Clerk

**LEGAL NOTICE**

**ORDINANCE NO. 1904**

Ordinance No. 1904 of the City of Erlanger, in Kenton County, Kentucky, was enacted by the City Council thereof on July 19, 1988; and a title and a summary thereof prepared by an attorney licensed to practice law in the Commonwealth of Kentucky are as follows:

**TITLE**

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING PAGE SEVENTEEN (17) OF TITLE XI, ENTITLED BUSINESS REGULATIONS OF THE CODE OF ORDINANCES FOR THE CITY OF ERLANGER, ENACTED BY ERLANGER ORDINANCE NUMBERED 1892 TO DELETE FROM CHAPTER 111 THEREOF, ENTITLED ALCOHOLIC BEVERAGES, SECTION 111.26 THEREOF, ENTITLED TRANSFER OF LICENSE, WHICH PROVIDES FOR THE TRANSFER OF ERLANGER ALCOHOLIC BEVERAGE LICENSES FROM ONE PERSON OR PLACE TO ANOTHER.

**SUMMARY**

Ordinance No. 1904 of the City of Erlanger in Kenton County, Kentucky is summarized as an Ordinance which amends the Erlanger Code of Ordinances to add new provisions for the monthly proration of annual fees for alcoholic beverage licenses of the City of Erlanger; and deleting therefrom provisions for the transfer of such licenses from one person to another.



10/21/07

ORDINANCE NO. 1884

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY KENTUCKY, ASSIGNING THE DUTIES OF THE CITY ALCOHOLIC CONTROL ADMINISTRATOR TO THE OFFICE OF THE CITY ADMINISTRATIVE OFFICER; AND DECLARING AN EMERGENCY IN REGARD THERETO.

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

SECTION I

Pursuant to the authority of K.R.S. 241.160, the duties of the City Alcoholic Beverage Control Administrator required thereby are hereby assigned to the office of the City Administrative Officer of the City of Erlanger.

SECTION II

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

SECTION III

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

SECTION IV

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

SECTION V

Pursuant to the authority of K.R.S. 83A.060, the requirements of a second reading and publication, in order for this ordinance to become effective, are hereby suspended, due to the emergency conditions resulting from the unanticipated resignation of the Alcoholic Beverage Control Administrator, with hearings scheduled and other actions required before the second reading and publication can be accomplished.

*Fred Thomas*  
\_\_\_\_\_  
FRED THOMAS, MAYOR

C E R T I F I C A T I O N

The undersigned, WILMA LABARE, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1884 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereon on the 6<sup>th</sup> day of October, 1987, and the          day of         , 1987, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of a least a majority of a quorum thereof at the meeting thereof on the 6<sup>th</sup> day of October, 1987, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the city of Erlanger, it was submitted to the Mayor of the City of Erlanger, who approved said Ordinance by affixing his signature thereto within (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 21<sup>st</sup> day of October, 1987, pursuant to K.R.S. Chapter 424.

  
\_\_\_\_\_  
WILMA LABARE,  
City Clerk

C E R T I F I C A T I O N

The undersigned, WILMA LABARE, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1884 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereon on the 6<sup>th</sup> day of October, 1987, and the          day of         , 1987, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of a least a majority of a quorum thereof at the meeting thereof on the 6<sup>th</sup> day of October, 1987, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the city of Erlanger, it was submitted to the Mayor of the City of Erlanger, who approved said Ordinance by affixing his signature thereto within (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 21<sup>st</sup> day of October, 1987, pursuant to K.R.S. Chapter 424.

  
\_\_\_\_\_  
WILMA LABARE,  
City Clerk

12/15/86

ORDINANCE NO. 1857

RECEIVED  
CITY CLERK  
APR 17

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY, AMENDING ORDINANCE NUMBER 1751 RELATING TO THE LICENSING AND REGULATION OF BUSINESS AND TRANSACTIONS IN REGARD TO ALCOHOLIC BEVERAGES IN THE CITY OF ERLANGER BY DELETING CERTAIN PROHIBITIONS AND REGULATIONS THEREFROM.

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

ARTICLE I

Sections IV, V, VI, VIII, X and XI of Erlanger Ordinance No. 1751 are hereby amended as follows with the words being added indicated by single solid lines drawn underneath them, and the words being deleted indicated by single broken lines drawn through them as required by K.R.S. 83A.060 (3):

SECTION IV

The City licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator; provided, however, that such documents must be of the same color and designation as those of the State licenses to which the City licenses corresponds, and must comply with all of the provisions for State licenses required by K.R.S. 243.440 and.

A. ~~Comply with all of the provisions for State licenses required by K.R.S. 243.440; and~~

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

SECTION V

Subject to the quotas, limitations and restrictions described herein, City licenses shall be originally issued by the City ~~Clerk~~ Administrator and renewed by the City ~~Clerk~~ Administrator upon the expiration thereof, upon receipt of the following documents and fees by the City ~~Clerk~~ Administrator more than thirty (30) days prior to the effective date of an original license and more than fifteen (15) days prior to the expiration date of any license to the renewed:

A. A written application therefor with all of the

information required by K.R.S. 243.390 for state license applications, with the truth of the information, statements and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator; provided, however, that provision for the following information, statements and representations shall and must be included therein;

1- All information required by ~~K.R.S. 243.390~~ to be contained in the application for State Licenses.

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

3- The names; addresses; photographs and fingerprints of the applicant and all shareholders; officers; agents; servants and employees thereof; and

B- The approval of the applicant; the application and the premises described therein by the City Administrator.

C- Documentary evidence of a valid state license to which the City license which is the subject of the application corresponds.

D B. The applicable fee for the City license which is the subject of the application, in cash or by certified or cashiers check therefor.

#### SECTION VI

The City Administrator shall not approve any application for a City license if:

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

B- The applicant and/or any shareholder; officer; agent; servant or employee thereof has caused; permitted or engaged in any act for which the revocation of a State or City license is authorized; or

C- The applicant and/or any shareholder; officer; agent; servant or employee thereof had a State license or City license which was revoked within two (2) years of the date of the application or the premises described therein were the premises or any portion thereof described in a State license or City license revoked during such time; or

D B. Any statement or representation in the application

is false or.

E- In the exercise of a sound discretion, the City Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this Ordinance and the State laws and regulations of the Board.

#### SECTION VIII

Notwithstanding any other provision hereof to the contrary, the City licenses authorized and established hereby are subject to the following quotas, limitations and restrictions; and the City Administrator shall not approve any application for a City license in violation thereof and the City Clerk shall not issue any City license in violation thereof; and any City license issued in violation thereof is void ab initio; provided however, that renewals of existing City licenses shall not be prohibited thereby:

A- The total number of valid City retail distilled spirits and wine package licenses issued at any time shall be and is hereby limited to six (6); and

B- The total number of valid City retail malt beverage licenses shall be and is hereby limited to fifteen (15); and

C- The total number of valid City retail distilled spirits and wine drink licenses shall be and is hereby limited to eight (8); provided, however, that applications for licenses in excess of the limitations established hereby may be approved by the City Administrator in his discretion and City licenses issued pursuant thereto by the City Clerk if the premises described in the application:

1- Have facilities that will accommodate sufficient patrons to sustain the operations of a distilled spirits and wine retail drink outlet and are located within and designed primarily to serve transient patrons of a hotel, inn or motel for accommodation of the traveling public with at least fifty (50) sleeping units and dining facilities for at least one hundred-fifty (150) persons and at least twenty-five thousand square feet of parking space; or

2- Are operated as a restaurant in which sixty (60%) per cent or more of the gross annual income thereof is from the sale of food and there is a minimum seating capacity of one hundred (100) people at tables; provided that the application for such license and each renewal thereof shall contain satisfactory proof that the restaurant complies with the provisions hereof including; but not limited to; a certification of the seating capacity thereof by the Erianger Fire Inspector and a report indicating separately the gross receipts thereof from the sale of food and from the sale of alcoholic beverages and from all other

sales during the twelve (12) month period preceding the date of such application:

D A. No City license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than Five Thousand Dollars (\$5,000.00) Dollars of food, groceries and related products valued at cost.

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

F. No City retail distilled spirits or wine license shall be issued for any premises within one thousand (1,000) feet of a structure used for a public or parochial school; church or any activity for which a City license has been issued. No City retail malt beverage license shall be issued for any premises within two hundred (200) feet of a structure used for a public or parochial school; church or any activity for which a City license has been issued. All distances indicated herein shall be measured in a straight line between those portions of the following structures closest to each other:

1. The structure or portion thereof for which a City license is requested; and

2. The structure which is used for a public or parochial school; church or any activity for which a City license has been issued.

#### SECTION X

At all times during which any person has a valid City license issued pursuant to the provisions hereof, such person shall fully comply with all of the following rules, regulations, requirements and prohibitions:

A. A City licensee shall maintain the State license to which the City license corresponds and fully comply with all State statutes and the rules and regulations of the Board in regard thereto; and

B. A City licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; and all provisions of the State statutes and the rules and regulations of the Board in regard to the licensed premises and the actions, business and transactions conducted thereon subsequent to the issuance of a State license therefor and prior to the expiration, revocation or

suspension thereof which are hereby incorporated herein and made applicable to all City licenses corresponding thereto and the premises described therein and all the actions, business and transactions conducted thereon; and the City licensee shall comply fully therewith.

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

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

1. A sign or placard with the following message printed or displayed thereon in thirty (30) point or larger type:

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

a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or

b. Possess, purchase or attempt to purchase any alcoholic beverages; or

c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

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

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

F D. A City licensee who has a valid City wholesale or retail distilled spirits, wine or malt beverage license must conduct the actions, business and transactions authorized thereby upon the licensed premises and when no such actions, business or transactions are conducted thereon for a



period of ninety (90) consecutive calendar days then the City license therefor shall become null and void and revoked by the City Administrator unless:

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

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

6 E. A City licensee shall not assign or transfer any City license to any other person or premises unless such person and/or premises comply with all of the provisions of this Ordinance and the transfer of such license is approved by the City Administrator, and the transfer of the State license to which the City license corresponds is approved by the State. A transfer fee of Ten Dollars (\$10.00) shall be paid to the City for the transfer of the City license.

#### SECTION XI

Pursuant to the procedure therefor described herein, City licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

A: Any violation of the provisions of this Ordinance or any other ordinance of the City of Erlanger; or

B: Any violation of any provision of State laws in regard to alcoholic beverages or the rules and regulations of the Board in regard thereto; or

C: Any other cause, reason or circumstance for which a State license may be revoked or suspended by the Board; provided, however, that the City licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of State licenses pursuant to K.R.S. 243.500 or the revocation of a State license to which a City license corresponds; and, provided further, that with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the City: Distillers; rectifiers; vintners; brewers and blenders, one thousand dollars (\$1,000.00) per day; wholesale liquor licenses;

four hundred dollars (~~\$400.00~~) per day; wholesale beer licenses; one hundred dollars (~~\$100.00~~) per day; retail drink liquor licenses; twenty-five dollars (~~\$25.00~~) per day; retail package liquor licensees; twenty-five dollars (~~\$25.00~~) per day; retail beer licensees; ten dollars (~~\$10.00~~) per day; all remaining licensees; ten dollars (~~\$10.00~~) per day.

SECTION ~~XII~~ XI

The procedure for the revocation or suspension of a City license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance or occurrence and the time and date thereof for which the City license may be revoked and indicating the time and place of a hearing in regard thereto at least five (5) days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the City of Erlanger and according to the procedure prescribed by the Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of such hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

SECTION ~~XIII~~ XII

No person shall cause, permit or encourage or engage in any of the following actions in the City of Erlanger:

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

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

C. The solicitation of the purchase of any alcoholic beverage for consumption by any officer, agent, employee or independent contractor of any person who has been issued a city license pursuant to the terms hereof.

SECTION ~~XIV~~ XIII

No person shall cause, permit, encourage or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

A. Sexual conduct as defined in K.R.S. 531.010 (4).

B. The appearance of any human being clothed or unclothed in such a manner that any portion of the following body members are exposed to view:

1. The nipple of the female breast.
2. The female breast below the nipple.
3. The genitalia.
4. The pubic hair.
5. The anus.

SECTION ~~XV~~ XIV

Any person who violates any of the provisions hereof shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine for each offense or violation of no less than Ten (\$10.00) Dollars and no more than Five Hundred (\$500.00) Dollars or sentenced to imprisonment for no more than ninety (90) days or any combination of such sentences of fines and imprisonment.

SECTION ~~XVI~~ XV

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

SECTION ~~XVII~~ XVI

Ordinances numbered 785, 1151, 1183, 1268, 1350, 1444, 1458, 1485, 1592, 1616, 1618, 1689, 1707, 1723 and all other Ordinances or portions thereof in conflict with the provisions hereof are hereby repealed to the extent of such conflict.

SECTION ~~XVIII~~ XVII

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

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

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

*Fred Thomas*

\_\_\_\_\_  
FRED THOMAS, MAYOR

12/11/80

ORDINANCE NO. 1864

APR 17 1981

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON, COUNTY, KENTUCKY, PROHIBITING ANY PERSON FROM CAUSING, PERMITTING, 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 ERLANGER IN KENTON COUNTY, KENTUCKY AS FOLLOWS:

SECTION I

As used herein, the following words have the meanings 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 cause, permit, aid, encourage or engage in the consumption or possession of alcoholic beverages by a minor in the City of Erlanger, unless such possession or consumption of alcoholic beverages occurs at the residence of the minor and in the presence of another person who is over twenty-one (21) years of age, and related to the minor, and who resides with the minor at the same residence.

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 Five Hundred (\$500.00) Dollars or imprisonment, according to law, for a period of no more than ninety (90) days, or any 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 effective as soon as possible according to law.

*Fred Thomas*  
\_\_\_\_\_  
FRED THOMAS, MAYOR

C E R T I F I C A T I O N

The undersigned, WILMA LABARE, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1864 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereon on the 18<sup>th</sup> day of November, 1986, and the 2<sup>nd</sup> day of December, 1986, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of a least a majority of a quorum thereof at the meeting thereof on the 2<sup>nd</sup> day of December, 1986, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the city of Erlanger, it was submitted to the Mayor of the City of Erlanger, who approved said Ordinance by affixing his signature thereto within (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 10<sup>th</sup> day of December, 1986, pursuant to K.R.S. Chapter 424.

Wilma Labare  
WILMA LABARE,  
City Clerk

C E R T I F I C A T I O N

The undersigned, WILMA LABARE, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1857 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereon on the 16<sup>th</sup> day of September, 1986, and the 7<sup>th</sup> day of October, 1986, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of a least a majority of a quorum thereof at the meeting thereof on the 7<sup>th</sup> day of October, 1986, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the city of Erlanger, it was submitted to the Mayor of the City of Erlanger, who approved said Ordinance by affixing his signature thereto within (10) days after the submission thereof to him; and

15<sup>th</sup> 3. The foregoing Ordinance was published on the day of October, pursuant to K.R.S. Chapter 424.

Wilma Labare  
WILMA LABARE,  
City Clerk



ORDINANCE NO. 1863

RECEIVED  
NOV 5 4 13 PM '87  
ALDERMAN  
BEVERAGE CONTROL

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY, AMENDING SECTIONS 10.14A, 10.14B, 10.15 AND 10.16 OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF ERLANGER NUMBERED 1850 BY DELETING THEREFROM THE DESIGNATION OF "DRINKING PLACES" AS PERMITTED USES IN THE ZONES DESCRIBED THEREIN; AND ADDING "DRINKING PLACES" AS CONDITIONAL USES IN SUCH ZONES PROVIDED THAT SUCH USE IS NOT WITHIN ONE THOUSAND (1,000) FEET OF ANOTHER TAVERN, SCHOOL OR CHURCH AND THAT SUCH USE COMPLIES WITH ALL OTHER FEDERAL, STATE AND LOCAL LAWS.

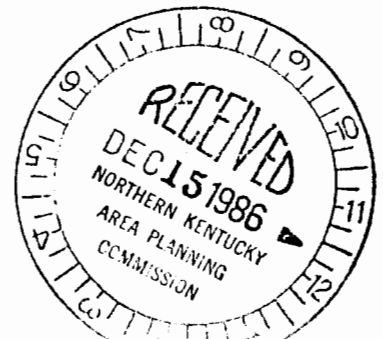
WHEREAS, the City of Erlanger has proposed an amendment to the text of the official Erlanger Zoning Ordinance No. 1850 by deleting "drinking places" as permitted uses in the Neighborhood Shopping Center Zone, Shopping Center Zone, Neighborhood Commercial Zone and Highway Commercial Zone described in Sections 10.14A, 10.14B, 10.15 and 10.16, respectively, thereof and adding "drinking places" as a conditional use therein; and

WHEREAS, the Kenton County & Municipal Planning & Zoning Commission reviewed such proposal (No. 745R) at a public hearing on November 6, 1986; and make certain recommendations to the City of Erlanger in regard thereto;

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

SECTION I

Sections 10.14A, 10.14B, 10.15 and 10.16 of the official zoning ordinance of the City of Erlanger numbered 1850 is hereby amended as follows, with the words being added indicated by a single solid line drawn underneath them and the words being deleted indicated by single broken lines drawn through them as required by K.R.S. 83A.060 (3):



A. PERMITTED USES: The following retail sales or services businesses:

1. Apparel Shop
2. Art Supplies
3. Bakery and Bakery Goods Store, provided the products are sold exclusively on the premises.
4. Banks and Other Financial Institutions including Savings, loan, Finance Companies, with Drive In Windows
5. Barber Shops
6. Beauty Shops
7. Billiard or Pool Hall, Bowling Lanes
8. Book, Stationary or Gift Shops
9. Camera and Photographic Supplies
10. Candy, Soda Fountain, and Ice Cream Stores, except Drive-Ins
11. Delicatessen
12. Drug Store
13. Dry Cleaning and Laundry Pickup Stations
14. Eating and Drinking Places - Carry-out
15. Florist Shop
16. Food Store and Supermarket - No consumption of food or beverages on premises.
17. Furniture Store
18. Garden Supplies
19. Glass, China, or Pottery Store
20. Haberdashery
21. Hardware Store
22. Health Spas
23. Hobby Shop
24. Household and Electrical Appliance Store including incidental repair
25. Interior Decorating Studio
26. Jewelry Store, including repair
27. Laundromats, Self Service Washing and Drying
28. Leather Goods and Luggage Store
29. Library
30. Locksmith Shop
31. Music, Musical Instruments and Records Store, including incidental repair
32. Offices
33. Off-street Parking Lots and Garages
34. Opticians and Optical Goods
35. Package Liquor and Wine Store
36. Paint and Wallpaper Store
37. Pet Shops excluding Boarding and Outside Runs
38. Police and Fire Stations
39. Pools
40. Post Offices
41. Radio and Television Stores including repair
42. Shoe Store and Shoe Repair
43. Skating Rinks
44. Sporting Goods
45. Studios for Professional Work or Teaching of any form of fine Arts, Photography, Music, Drama, or Dance.

46. Tailor Shop
47. Tennis Courts
48. Theater, Indoor
49. Toy Store
50. Variety Store including Notions and "Five and Ten" Stores
51. Small Printing Establishments

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and Walls as regulated by Article XIII of this ordinance.
3. Signs as regulated by Article XIV of this Ordinance.

**C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this Ordinance:**

1. Taverns provided the conditional use is not within one-thousand (1000) feet of another tavern; A structure used for a public or parochial school; or a church, and complies with all other federal, state and local laws. Distances indicated are as measured in a straight line between those portions of the structure closest to each other.

**D - AREA AND HEIGHT REGULATIONS: No building shall be erected or structurally altered except in accordance with the following regulations:**

1. Minimum Building Site Area - Four (4) acres and shall abut a deeded right-of-way. In the case of this zone (NSC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area.
2. Minimum Yard Requirements - Fifty (50) feet for each front, side (on each side of the building site) and rear yards except where the lot abuts a major arterial, as identified in the adoptive Comprehensive Plan for Erlanger, Kentucky, then there shall be a minimum yard requirement of one hundred (100) feet.
3. Maximum Building Height - Fifty (50) feet

**E D. OTHER DEVELOPMENT CONTROLS:**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.

residential zone, a minimum yard requirement of fifty (50) feet on each side and/or rear yard which abuts said zone shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.

5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicle access) and functional relationship of uses within the shopping center.

SECTION 10.14B SC - SHOPPING CENTER ZONE

A. PERMITTED USES: The following retail sales or services businesses:

1. Apparel Shop
2. Art Supplies
3. Bakery and Bakery Goods Store, provided the products are sold exclusively on the premises.
4. Banks and Other Financial Institutions including Savings, loan, Finance Companies, with Drive In Windows
5. Barber Shops
6. Beauty Shops
7. Billiard or Pool Hall, Bowling Lanes
8. Book, Stationery or Gift Shops
9. Camera and Photographic Supplies
10. Candy, Soda Fountain, and Ice Cream Stores, except Drive-Ins
11. Delicatessen
12. Drug Store
13. Dry Cleaning and Laundry Pickup Stations
14. ~~Eating and Drinking Places~~ Except Drive-Ins
15. Florist Shop
16. Food Store and Supermarket - No consumption of food or beverages
17. Furniture Store
18. Garden Supplies
19. Glass, China, or Pottery Store
20. Haberdashery
21. Hardware Store
22. Health Spas
23. Hobby Shop
24. Household and Electrical Appliance Store including incidental repair
25. Interior Decorating Studio
26. Jewelry Store, including repair
27. Laundromats, Self Service Washing and Drying
28. Leather Goods and Luggage Store
29. Library
30. Locksmith Shop
31. Music, Musical Instruments and Records Store, including incidental repair
32. Offices
33. Off-street Parking Lots and Garages
34. Opticians and Optical Goods
35. Package Liquor and Wine Store
36. Paint and Wallpaper Store
37. Pet Shops excluding Boarding and Outside Runs
38. Police and Fire Stations
39. Pools
40. Post Offices
41. Radio and Television Stores including repair
42. Shoe Store and Shoe Repair
43. Skating Rinks
44. Sporting Goods
45. Studios for Professional Work or Teaching of any form of fine Arts, Photography, Music, Drama, or Dance.

46. Tailor Shop
47. Tennis Courts
48. Theater, Indoor
49. Toy Store
50. Variety Store including Notions and "Five and Ten" Stores
51. Small Printing Establishments

**B. ACCESSORY USES:**

1. Customary accessory buildings and uses.
2. Fences and Walls as regulated by Article XIII of this ordinance.
3. Signs as regulated by Article XIV of this Ordinance.

**C. CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this Ordinance:

1. Taverns provided the conditional use is not within one-thousand (1000) feet of another tavern; A structure used for a public or parochial school; or a church, and complies with all other federal, state and local laws. Distances indicated are as measured in a straight line between those portions of the structure closest to each other.

**D-C. AREA AND HEIGHT REGULATIONS:** No building shall be erected or structurally altered except in accordance with the following regulations:

1. Minimum Building Site Area - Four (4) acres and shall abut a deeded right-of-way. In the case of this zone (SC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area.
2. Minimum Yard Requirements - Fifty (50) feet for each front, side (on each side of the building site) and rear yards except where the lot abuts a major arterial, as identified in the adoptive Comprehensive Plan for Erlanger, Kentucky, then there shall be a minimum yard requirement of one hundred (100) feet.
3. Maximum Building Height - Fifty (50) feet

**E-D: OTHER DEVELOPMENT CONTROLS:**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (useable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.

5. No use producing objectionable odor, noise, or dust shall be permitted within five hundred ( ) feet from the boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area of the proposed shopping center and shall take into consideration good shopping center design (i.e., internal and external good pedestrian and vehicle access) and functional relationship of uses within the shopping center.

SECTION 10.15 NEIGHBORHOOD COMMERCIAL ZONE

A. PERMITTED USES:

1. Apparel Shop
2. Art Supplies
3. Auto Laundry
4. Bakery and bakery goods store, provided the products are sold exclusively on the premises.
5. Banks and other financial institutions, including savings, loan and finance companies with drive-in windows.
6. Barber and Beauty Shops
7. Billiard or pool hall
8. Book, stationery or gift shop
9. Camera and photographic supplies
10. Candy Store, soda fountain, ice cream store, excluding drive-ins
11. Delicatessen
12. Drug Store
13. Dry cleaning and laundry pick-up station
14. Eating and drinking places, excluding drive-ins
15. Florist shop
16. Food store and supermarkets
17. Furniture store
18. Garden Supplies
19. Glass, China, or pottery store
20. Haberdashery
21. Hardware store
22. Health spas
23. Hobby shop
24. Household and electrical appliance store, including incidental repair
25. Interior decorating studio
26. Jewelry store, including repair
27. Laundromats and self-service washing and drying
28. Leather goods and luggage store
29. Library
30. Locksmith shop
31. Music, musical instruments and records, including incidental repair
32. Offices
33. Off-street parking lots and/or garages
34. Opticians and optical goods
35. Package liquor and wine store
36. Paint and wallpaper store
37. Pet shop, excluding boarding and outside runs
38. Police and fire stations
39. Post office
40. Radio and television store (including repair)
41. Shoe store and shoe repair
42. Sporting goods
43. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance
44. Tailor shop
45. Toy shop
46. Variety store, including notions and "five and ten" stores
47. Funeral parlors



1. Customer accessory buildings and use
2. Fences and walls, as regulated by Article XIII of this ordinance.
3. Signs, as regulated by Article XIV of this ordinance

C. **CONDITIONAL USES:** The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this ordinance:

1. Service stations (including auto repairing, providing all repair except that of minor nature --- e.g., change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, etc. -- is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street, as identified in the adopted comprehensive plan).

2. Taverns provided the conditional use is not within one-thousand (1000) feet of another tavern; A structure used for a public or parochial school; or a church, and complies with all other federal, state and local laws. Distances indicated are as measured in a straight line between those portions of the structure closest to each other.

D. **AREA HEIGHT REGULATIONS:** No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

1. Minimum Lot Area - ten thousand (10,000) square feet.
2. Minimum Lot Width at Building Setback Line - Seventy (70) feet.
3. Minimum Front Yard Depth - Fifty (50) feet.
4. Minimum Side Yard Width - No restrictions, except when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the building code, shall be required. In the event a side is provided, it shall never be less than fifteen (15) feet.
5. Minimum Rear Yard depth - Fifteen (15) feet; except when rail spur forms rear property line no rear yard setback is required.
6. Maximum Building Height - Forty (40) feet.
7. In the case of this zone, more than one principal building as herein defined, may be constructed on one lot.

E. **OTHER DEVELOPMENT CONTROLS:**

1. Off-street parking and loading and/or unloading shall be provided in accordance with Articles XI and XII of this ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

3. No lighting shall be permitted which would glare from this zone onto any street, or into any residential zone.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from boundary of any residential zone.
6. All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.
7. A site plan, as regulated by Section 9.19 of this ordinance, shall be required for any use permitted in this zone.

A. PERMITTED USES: The following retail stores and service businesses:

1. Automobile, motorcycle and truck sales, new or used.
2. Automotive service and repairs, providing that all business activities shall be conducted within an enclosed building.
3. Banks and other financial institutions, including savings, loan finance companies, with drive-in windows.
4. Boat and other marine equipment sales and service, new and used.
5. Bowling alley.
6. Eating establishments and taverns, including drive-ins.
7. Hotels and motels.
8. Off-street parking lots and garages.
9. Police and fire stations.
10. Service stations (including auto repairing, providing all repair work except that of minor nature (e.g. change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield replacement, etc.) is conducted wholly within a completely enclosed building on a major arterial road).
11. Theaters
12. Offices
13. Package liquor and wine store

B. ACCESSORY USES:

1. Customary accessory buildings and uses.
2. Fences and walls as regulated by Article XIII of this Ordinance.
3. Signs as regulated by Article XIV of this Ordinance.
4. Swimming pools, indoor and outdoor in connection with Motel or Hotel.
5. Uses as listed below included within and entered from within any motel or hotel building as a convenience to the occupants thereof and their customers, providing that the accessory uses shall not exceed ten (10) percent of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building:
  - a. Barber shop
  - b. Beauty shop
  - c. News and confectionery stand.

C. CONDITIONAL USES: The following uses or any customary accessory buildings or uses subject to the approval by the Board of Adjustment, as set forth in Sections 9.14 and 18.7 of this Ordinance:

1. Taverns provided the conditional use is not within one-thousand (1000) feet of another tavern; A structure used for a public or parochial school; or a church, and complies with all other federal, state and local laws. Distances indicated are as measured in a straight line between those portions of the structure closest to each other.

D 4. AREA AND HEIGHT REGULATIONS: No building shall be erected or structure be altered hereafter except in accordance with the following regulations:

1. Minimum Site for a Highway Commercial Zone - Twenty-two thousand five hundred (22,500) square feet.
2. Minimum Front Yard Depth - Fifty (50) feet.
3. Minimum Side Yard Width on each side of the Lot - Fifteen (15) feet.
4. Minimum Rear Yard Depth - Fifteen (15) feet.
5. Maximum Building Height - Fifty (50) feet.

E D. OTHER DEVELOPMENT CONTROLS:

1. Off-street parking loading or unloading shall be provided in accordance with Articles XI and XII this Ordinance.
2. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
3. No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.
4. Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of fifty (50) feet for each side and/or rear yard which abuts said zone shall be provided, ten (10) feet of which shall be maintained by a screening area, as regulated by Section 9.17 of this ordinance.
5. A site plan, as regulated by Section 9.19 of this ordinance shall be required for any use in this zone
6. No use producing objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.

SECTION II

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

SECTION III

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

SECTION IV

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

  
\_\_\_\_\_  
FRED THOMAS, MAYOR

LEGAL NOTICE  
ORDINANCE NO. 1863

Ordinance No. 1863 of the City of Erlanger was enacted by the City Council thereof on December 2, 1986; and the title and a summary thereof are as follows:

T I T L E

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY, AMENDING SECTIONS 10.14A, 10.14B, 10.15 AND 10.16 OF THE OFFICIAL ZONING, ORDINANCE OF THE CITY OF ERLANGER NUMBERED 1850 BY DELETING THEREFROM THE DESIGNATION OF "DRINKING PLACES" AS PERMITTED USES IN THE ZONES DESCRIBED THEREIN; AND ADDING "DRINKING PLACES" AS CONDITIONAL USES IN SUCH ZONES PROVIDED THAT SUCH USE IS NOT WITHIN ONE THOUSAND (1,000) FEET OF ANOTHER TAVERN, SCHOOL OR CHURCH AND THAT SUCH USE COMPLIES WITH ALL OTHER FEDERAL, STATE AND LOCAL LAWS.

S U M M A R Y

Ordinance No. 1863 of the City of Erlanger is summarized as an ordinance which amends the text of the Erlanger zoning ordinance numbered 1850 by deleting "drinking places" as permitted uses in the Neighborhood Shopping Center Zone, Shopping Center Zone, Neighborhood Commercial Zone and Highway Commercial Zone described in sections 10.14A, 10.14B, 10.15 and 10.16, respectively, thereof; and adding "drinking places" as conditional uses therein, provided that such use is not within one thousand (1,000) feet of another tavern, or a school or church and that such use complies with all other federal, state and local laws.

C E R T I F I C A T I O N

The undersigned, WILMA LABARE, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1863 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereon on the 18<sup>th</sup> day of November, 1986, and the 2<sup>nd</sup> day of December, 1986, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of a least a majority of a quorum thereof at the meeting thereof on the 2<sup>nd</sup> day of December, 1986, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the city of Erlanger, it was submitted to the Mayor of the City of Erlanger, who approved said Ordinance by affixing his signature thereto within (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 10<sup>th</sup> day of December, 1986, pursuant to K.R.S. Chapter 424.

  
\_\_\_\_\_  
WILMA LABARE,  
City Clerk

9/10/84

ORDINANCE NO. 1849

AN ORDINANCE OF THE CITY OF ERLANGER, IN KENTON COUNTY, KENTUCKY, AMENDING ERLANGER ORDINANCE NO. 1751, WHICH PROVIDES FOR THE REGULATION OF THE BUSINESS AND TRANSACTIONS IN REGARD TO ALCOHOLIC BEVERAGES IN THE CITY OF ERLANGER, BY ADDING THERETO A NEW SECTION WHICH PROHIBITS THE SOLICITATION OF THE PURCHASE OF ANY ALCOHOLIC BEVERAGE FOR CONSUMPTION BY ANY OFFICER, AGENT, EMPLOYEE OR INDEPENDENT CONTRACTOR OF ANY PERSON ISSUED A CITY LICENSE PURSUANT TO THE TERMS THEREOF.

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

ARTICLE I

Section XIII of Erlanger Ordinance No. 1751 is hereby amended as follows, with the words being added indicated by single solid lines drawn underneath them and the words being deleted indicated by single broken lines drawn through them as required by K.R.S. 83A.060 (3):

Section XIII

No person shall cause, permit or encourage or engage in any of the following actions in the City of Erlanger:

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

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

C. The solicitation of the purchase of any alcoholic beverage for consumption by any officer, agent, employee or independent contractor of any person who has been issued a city license pursuant to the terms hereof.

ARTICLE II

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



ARTICLE III

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

ARTICLE IV

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

*Fred Thomas*  
\_\_\_\_\_  
FRED THOMAS, MAYOR


C E R T I F I C A T I O N

The undersigned, WILMA LABARE, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1849 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereon on the 19th day of August, 1986, and the 2nd day of September, 1986, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of a least a majority of a quorum thereof at the meeting thereof on the 2nd day of September, 1986, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the city of Erlanger, it was submitted to the Mayor of the City of Erlanger, who approved said Ordinance by affixing his signature thereto within (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 10th day of September, 1986, pursuant to K.R.S. Chapter 424.

  
\_\_\_\_\_  
WILMA LABARE,  
City Clerk

LEGAL NOTICE  
ORDINANCE NO. 1781

Ordinance No. 1781 of the City of Erlanger in Kenton County, Kentucky was enacted by the City Council thereof on July 19, 1983; and the title and a summary thereof are as follows:

T I T L E

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY AMENDING ORDINANCE 1751 THEREOF IN REGARD TO LICENSES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF ERLANGER BY DELETING THEREFROM THE PROVISION THEREOF IN REGARD TO SUPPLEMENTAL BAR LICENSES AND RESTAURANT WINE LICENSES.

S U M M A R Y

Ordinance No. 1781 of the City of Erlanger in Kenton County, Kentucky is summarized as an ordinance by which Erlanger Ordinance No. 1751 is amended to delete Supplemental Bar Licenses from the schedule of Erlanger licenses established thereby in regard to business and transactions involving alcoholic beverages.

9/11/03

ORDINANCE NO. 1781

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY AMENDING ORDINANCE 1751 THEREOF IN REGARD TO LICENSES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY OF ERLANGER BY DELETING THEREFROM THE PROVISION THEREOF IN REGARD TO SUPPLEMENTAL BAR LICENSES AND RESTAURANT WINE LICENSES.

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

ARTICLE I

Section III of Ordinance 1751 of the City of Erlanger in Kenton County, Kentucky is hereby amended as follows with the words being added indicated by a single solid line drawn underneath them and words being deleted indicated by single broken lines drawn through them as required by K.R.S. 83A.060 (3):

Section III

For the privilege of causing, permitting and engaging in the actions, business and transactions authorized thereby in regard to traffic in alcoholic beverages in the City of Erlanger and pursuant to the authority of K.R.S. 243.070, there is hereby established by, in and for the City of Erlanger a corresponding city license for each of the state licenses described in the following schedule; and the actions, business and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of the Kentucky Revised Statutes indicated in the following schedule; and the fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule; and no person shall cause, permit or engage in any of the actions, business or transactions authorized by such city and state licenses within the City of Erlanger without both a valid city license and a valid state license therefore:

ARTICLE II

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

ARTICLE III

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

ARTICLE IV

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

  
\_\_\_\_\_  
FRED THOMAS, MAYOR

C E R T I F I C A T I O N

The undersigned, PATRICIA FRAKES, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1781 was introduced in writing and read to the City Council of the City of Erlanger a regular or special meetings thereof on the 5<sup>th</sup> day of July, 1983, and the 19<sup>th</sup> day of July, 1983, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of at least a majority of a quorum thereof at the meeting thereof on the 19<sup>th</sup> day of July, 1983, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 11<sup>th</sup> day of August, 1983, in The Kenton County Recorder a newspaper meeting the requirements of K.R.S. Chapter 424.

  
\_\_\_\_\_  
PATRICIA FRAKES, CITY CLERK

ORDINANCE NO. 1751

AN ORDINANCE OF THE CITY OF ERLANGER IN KENTON COUNTY, KENTUCKY AUTHORIZING AND ESTABLISHING LICENSES AND FEES THEREFOR FOR THE PRIVILEGE OF CAUSING, PERMITTING AND ENGAGING IN CERTAIN ACTIONS, BUSINESS AND TRANSACTIONS IN REGARD TO ALCOHOLIC BEVERAGES IN THE CITY OF ERLANGER; AND PROVIDING FOR THE ADMINISTRATION AND REGULATION THEREOF; AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF.

BE IT ORDAINED BY THE CITY OF ERLANGER IN KINTON COUNTY, KENTUCKY AS FOLLOWS:

SECTION I

Definitions:

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

1. The word "City" means the City of Erlanger in Kenton County, Kentucky.
2. The words "City Administrator" means the person appointed to the office of alcoholic beverage control administration created and established by the City of Erlanger pursuant to K.R.S. 241.160.
3. The words "City license" means a license established and authorized pursuant to the terms hereof.
4. The word "State" means the Commonwealth of Kentucky.
5. The word "Board" means the State Alcoholic Beverage Control Board established pursuant to K.R.S. 241.030.
6. The words "State license" means a license authorized by K.R.S. 243.030 to K.R.S. 243.680.
7. The words "City licensee" means a person who has been issued a City license pursuant to the terms hereof.
8. The word "premises" means the premises described in City license issued pursuant to the terms hereof and the application therefor.
9. The letters "K.R.S." means Kentucky Revised Statutes.

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BEVERAGE CONTROL

10. "Traffic in alcoholic beverages" means any action, business or transactions in regard to the production, storage, transportation, distribution, sale and delivery and transfer of alcoholic beverages.

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

#### SECTION II

The licenses and fees therefor and the administration and regulation thereof and the prohibitions and penalties described herein are hereby established by, in and for the City of Erlanger.

#### SECTION III

For the privilege of causing, permitting and engaging in the actions, business and transactions authorized thereby in regard to traffic in alcoholic beverages in the City of Erlanger and pursuant to the authority of K.R.S. 243.070, there is hereby established by, in and for the City of Erlanger a corresponding city license for each of the state licenses described in the following schedule; and the actions, business and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of the Kentucky Revised Statutes indicated in the following schedule; and the fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule; and no person shall cause, permit or engage in any of the actions, business or transactions authorized by such city and state licenses within the City of Erlanger without both a valid city license and a valid state license therefor:



<u>License Description</u>	<u>Statutory Authorization</u>	<u>Statutory Description of Authorized Business and Transactions</u>	<u>Annual Expiration date K.R.S. 243.090</u>	<u>Fee</u>
<u>Distilled Spirits and Wine Licenses</u>				
Distillers	K.R.S. 243.030 (1)	243.120 243.130	June 30	\$ 500 per annum
Rectifier	K.R.S. 243.030 (2)	243.120 243.130	June 30	\$3,000 per annum
Blenders	K.R.S. 243.020 (3)	243.140	June 30	\$1,000 per annum
Wholesaler	K.R.S. 243.030 (6)	243.160 243.170	June 30	\$2,000 per annum
Retail Package	K.R.S. 243.030 (7)	243.240	June 30	\$1,000 per annum
Retail Drink	K.R.S. 243.030 (8)	243.250	June 30	\$1,000 per annum
Special Temporary	K.R.S. 243.030 (16)	243.260	NA	\$ 333 per month
Special Private Club	K.R.S. 243.303 (17)	243.270	June 30	\$ 300 per annum
Special Sunday Retail Drink	K.R.S. 243.030 (18)	244.290	June 30	\$ 300 per annum
Non-resident Spe- cial Agent	K.R.S. 243.030 (19)	243.340	June 30	\$ 40 per annum
Supplemental Bar License	K.R.S. 243.030 (23)	243.250 804 KAR 4:210	June 30	\$1,000 per annum
Restaurant Wine License	K.R.S. 243.030 (24)	243.032	June 30	
a) New applicant				\$ 600 per annum
b) Renewal				\$ 400 per annum
<u>Malt Beverage Licenses</u>				
Brewers	K.R.S. 243.040 (1)	243.150	June 30	\$ 500 per annum
Distributors	K.R.S. 243.040 (3)	243.180	June 30	\$ 200 per annum
Retailers	K.R.S. 243.040 (3)	243.280	June 30	\$ 200 per annum
Special Temporary	K.R.S. 243.040 (6)	243.290	NA	\$ 25 per month

#### SECTION IV

The City licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator; provided, however, that such documents must be of the same color and designation as those of the State licenses to which the City licenses corresponds and must:

A. Comply with all of the provisions for State licenses required by K.R.S. 243.440; and

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

#### SECTION V

Subject to the quotas, limitations and restrictions described herein, City licenses shall be originally issued by the City Clerk and renewed by the City Clerk upon the expiration thereof upon receipt of the following documents and fees by the City Clerk more than thirty (30) days prior to the effective date of an original license and more than fifteen (15) days prior to the expiration date of any license to be renewed:

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

1. All information required by K.R.S. 243.390 to be contained in the application for State Licenses.

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

3. The names, addresses, photographs and fingerprints of the applicant and all shareholders, officers, agents, servants and employees thereof; and

B. The approval of the applicant, the application and the premises described therein by the City Administrator.

C. Documentary evidence of a valid state license to which the City license which is the subject of the application corresponds.

D. The applicable fee for the City license which is the subject of the application in cash or by certified or cashiers check therefor.

#### SECTION VI

The City Administrator shall not approve any application for a City license if:

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

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

C. The applicant and/or any shareholder, officer, agent, servant or employee thereof had a State license or City license which was revoked within two (2) years of the date of the application or the premises described therein were the premises or any portion thereof described in a State license or City license revoked during such time; or

D. Any statement or representation in the application is false:  
or

E. In the exercise of a sound discretion, the City Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this Ordinance and the State laws and regulations of the Board.

#### SECTION VII

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

#### SECTION VIII

Notwithstanding any other provision hereof to the contrary, the City licenses authorized and established hereby are subject to the following quotas, limitations and restrictions; and the City Administrator shall not approve any application for a City license in violation thereof and the City Clerk shall not issue any City license in violation thereof any any City license issued in violation thereof is void ab initio; provided however, that renewals of existing City licenses shall not be prohibited thereby:

A. The total number of valid City retail distilled spirits and wine package licenses issued at any time shall be and is hereby limited to six (6); and

B. The total number of valid City retail malt beverage licenses shall be and is hereby limited to fifteen (15); and

C. The total number of valid City retail distilled spirits and wine drink licenses shall be and is hereby limited to eight (8); provided, however, that applications for licenses in excess of the limitations established hereby may be approved by the City Administrator in his discretion and City licenses issued pursuant thereto by the City Clerk if the premises described in the application:

1. Have facilities that will accommodate sufficient patrons to sustain the operations of a distilled spirits and wine retail drink outlet and are located within and designed primarily to serve transient patrons of a hotel, inn or motel for accommodation of the traveling public with a least fifty (50) sleeping units and dining facilities for at least one hundred-fifty (150) persons and at least twenty-five thousand square feet of parking space; or

2. Are operated as a restaurant in which sixty (60%) per cent or more of the gross annual income thereof is from the sale of food and there is a minimum seating capacity of one hundred (100) people at tables; provided that the application for such license and each renewal thereof shall contain satisfactory proof that the restaurant complies with the provisions hereof including, but not limited to, a certification of the seating capacity thereof by the Erlanger Fire Inspector and a report indicating separately the gross receipts thereof from the sale of food and from the sale of alcoholic beverages and from all other sales during the twelve (12) month period preceding the date of such application.

D. No City license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than Five Thousand Dollars (\$5,000.00) of food, groceries and related products valued at cost.

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

F. No City retail distilled spirits or wine license shall be issued for any premises within one thousand (1,000) feet of a structure used for a public or parochial school, church or any activity for which a City license has been issued. No City retail malt beverage license shall be issued for any premises within two hundred (200) feet of a structure used for a public or parochial school, church or any activity for which a City license has been issued. All distances indicated herein shall be measured in a straight line between those portions of the following structures closest to each other:

1. The structure or portion thereof for which a City license is requested; and

2. The structure which is used for a public or parochial school, church or any activity for which a City license has been issued.

## SECTION IX

A. Pursuant to the authority of K.R.S. 244.290 and K.R.S. 244.480, the times and hours during which distilled spirits and wine and malt beverages may be sold at retail in the City of Erlanger are hereby established to be the hours after 6:00 A.M. and before 2:30 A.M. prevailing time, on any day except Sunday and the hours after 1:00 P.M. and before 2:30 A.M., prevailing time, on any Sunday except that no distilled spirits or wine or malt beverages shall be sold at retail in the City of Erlanger during the hours the polls are open in the City on any election day.

B. During the hours before 6:00 A.M. and after 2:30 A.M. prevailing time, on any day except Sunday and the hours after 2:30 A.M. and before 1:00 P.M., prevailing time, on any Sunday and the hours when any polls are open in the City on any election day, no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit or engage in any of the actions, business or transactions authorized and permitted thereby; and during such times all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such City licenses or any supplements thereto as officers, agents or employees of the person to whom such City license was issued; and all other persons shall vacate the licensed premises and remove themselves therefrom during such times; provided, however, that any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within thirty (30) minutes prior to any such times may remain upon the premises for a period not to exceed thirty (30) minutes thereafter for the sole purpose of the consumption of the drink purchased; and, provided, however, that if a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off and separated from the remainder of the licensed premises and all distilled spirits, wine and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine and malt beverages from such premises as located within such approved department and such approved department is continuously kept locked, physically separated and closed off from the remainder of the licensed premises during such times, then the remainder of the licensed premises may remain open and any lawful activity conducted thereon during such times.

## SECTION X

At all times during which any person has a valid City license issued pursuant to the provisions hereof, such person shall fully comply with all of the following rules, regulations, requirements and prohibitions:

A. A City licensee shall maintain the State license to which the City license corresponds and fully comply with all State statutes and the rules and regulations of the Board in regard thereto; and

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

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

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

1. A sign or placard with the following message printed or displayed thereon in thirty (30) point or larger type:

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

a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or

b. Possess, purchase or attempt to purchase any alcoholic beverages; or

c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

2. All valid City licenses issued therefor and the State licenses to which they correspond; and the failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the State statutes and regulations of the Board in regard thereto.

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

F. A City licensee who has a valid City wholesale or retail distilled spirits, wine or malt beverage license must conduct the actions, business and transactions authorized thereby upon the licensed premises and when no such actions, business or transactions are conducted thereon for a period of ninety (90) consecutive calendar days then the City license therefor shall become null and void and revoked by the City Administrator unless:

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

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

G. A City licensee shall not assign or transfer any City license to any other person or premises unless such person and/or premises comply with all of the provisions of this Ordinance and the transfer of such license is approved by the City Administrator, and the transfer of the State license to which the City license corresponds is approved by the State. A transfer fee of Ten Dollars (\$10.00) shall be paid to the City for the transfer of the City license

#### SECTION XI

Pursuant to the procedure therefor described herein, City licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

A. Any violation of the provisions of this Ordinance or any other ordinance of the City of Erlanger; or

B. Any violation of any provision of State laws in regard to alcoholic beverages or the rules and regulations of the Board in regard thereto; or

C. Any other cause, reason or circumstance for which a State license may be revoked or suspended by the Board; provided, however, that City licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of State licenses pursuant to K.R.S. 243.500 or the revocation of a State license to which a City license corresponds; and, provided further, that with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the City: Distillers, rectifiers, vintners, brewers and blenders, one thousand dollars (\$1,000.00) per day; wholesale liquor licensees, four hundred dollars (\$400.00) per day; wholesale beer licenses, one hundred dollars (\$100.00) per day; retail drink liquor licenses, twenty-five dollars (\$25.00) per day; retail package liquor licensees, twenty-five dollars (\$25.00) per day; retail beer licensees, ten dollars (\$10.00) per day; all remaining licensees, ten dollars (\$10.00) per day.

#### SECTION XII

The procedure for the revocation or suspension of a City license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance or occurrence and the time and date thereof for which the City license may be revoked and indicating the time and place of a hearing in regard thereto at least five (5) days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the City of Erlanger and according to the procedure prescribed by the Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City

Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of such hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

#### SECTION XIII

No person shall cause, permit or encourage or engage in any of the following actions in the City of Erlanger:

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

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

#### SECTION XIII

No person shall cause, permit, encourage or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

A. Sexual conduct as defined in K.R.S. 531.010 (4).

B. The appearance of any human being clothed or unclothed in such a manner that any portion of the following body members are exposed to view:

1. The nipple of the female breast.
2. The female breast below the nipple.
3. The genitalia.
4. The pubic hair.
5. The anus.

#### SECTION XIV

Any person who violates any of the provisions hereof shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine for each offense or violation of no less than Ten (\$10.00) Dollars and no more than Five Hundred (\$500.00) Dollars or sentenced to imprisonment for no more than ninety (90) days or any combination of such sentences of fines and imprisonment.

#### SECTION XV

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

#### SECTION XVI

Ordinances numbered 785, 1151, 1183, 1268, 1350, 1444, 1458, 1485, 1592, 1616, 1618, 1689, 1707, 1723 and all other Ordinances or portions thereof in conflict with the provisions hereof are hereby repealed to the extent of such conflict.



SECTION XVII

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

*Fred Thomas*  
\_\_\_\_\_  
FRED THOMAS, MAYOR

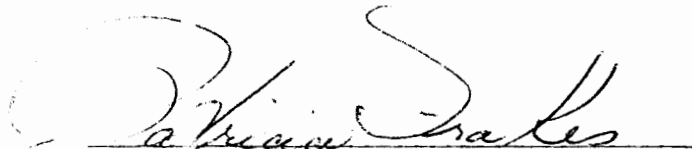
C E R T I F I C A T I O N

The undersigned, PATRICIA FRAKES, City Clerk of the City of Erlanger in Kenton County, Kentucky, hereby certifies as follows:

1. The foregoing Ordinance No. 1751 was introduced in writing and read to the City Council of the City of Erlanger at regular or special meetings thereof on the 16<sup>th</sup> day of Feb, 1982, and the 6<sup>th</sup> day of March 1982, at which a quorum was present; and said Ordinance was passed and adopted by the City Council of the City of Erlanger upon the affirmative vote of at least a majority of a quorum thereof at the meeting thereof on the 6<sup>th</sup> day of March 1982, with the vote of each member of the City Council entered upon the official record of said meeting; and

2. After the passage and adoption of the foregoing Ordinance by the City Council of the City of Erlanger, it was submitted to the Mayor of the City of Erlanger who approved said Ordinance by affixing his signature thereto within ten (10) days after the submission thereof to him; and

3. The foregoing Ordinance was published on the 12<sup>th</sup> day of March 1982, in The Kentucky Post edition of The Cincinnati Post, a newspaper meeting the requirements of K.R.S. Chapter 424.

  
PATRICIA FRAKES, CITY CLERK