

ORDINANCE NO. 0-3-14

AN ORDINANCE AMENDING ORDINANCE NO. 0-12-13 TO CHANGE THE ISSUANCE DATE FOR LICENSES.

WHEREAS, it has been determined that the issuance date for licenses should be changed as hereinafter set out.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION A

That Section Two of Ordinance No. 0-12-13 is hereby amended to read as follows:

SECTION TWO

Section E of Ordinance No. 0-02-03 is hereby amended to read as follows:

ISSUANCE DATE FOR NEW LICENSES: The issuance date and due date for fees for all annual licenses shall be as follows:

- a. All new licenses shall be issued when approved under the provisions of Ordinance No. 0-34-82 and the fee shall be due at the time of issuance. Fees due for partial years shall be calculated in accordance with Section VII of Ordinance No. 0-34-82.
- b. The issuance date for all such licenses for which, as of the effective date of this Ordinance, the licensee holds a valid corresponding state license, shall be ~~November~~ December 1. The license fee shall be due at the time of issuance.
- c. Applications for renewal of annual licenses shall be filed in the Finance Department not later than 15 days prior to the issuance date.

SECTION B

If any section, paragraph, clause, provision or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, provisions or phrases of this Ordinance, or this Ordinance as an entirety, it being the legislative intent that this Ordinance shall be valid notwithstanding the invalidity of any section, sentence, clause, provision or phrase.

PASSED AND APPROVED ON FIRST READING THIS 14th DAY OF January, 2014.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 28th DAY OF January, 2014.

APPROVED:
Dean E. Whalen
MAYOR

ATTEST:
[Signature]
CITY CLERK

ORDINANCE NO. 0-12-13

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING PRIOR ORDINANCES.

WHEREAS, the General Assembly has enacted revisions to state law relating to alcoholic beverage control; and

WHEREAS, the Mayor and Council deem it proper to revise the City's alcoholic beverage control provisions to be consistent therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION ONE

That Section III of Ordinance No. 0-34-82 as last amended by Ordinance No. 0-21-12, is hereby amended to read as follows:

SECTION III

TYPES OF LICENSES AND FEES: The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the City of Florence and the fees for each such license shall be:

1. Distilled Spirit licenses:
 - a. Distiller's license, per annum.....\$500.00
 - b. Rectifier's license, per annum.....\$3,000.00
 - c. Blender's license, per annum.....\$3,000.00
 - d. Wholesale's distilled spirits and wine license, per annum.....\$3,000.00
 - e. Distilled spirits and wine retail package license, per annum.....800.00
2. Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum.....\$800.00
3. Distilled spirits and wine special temporary liquor license, per annum.....\$133.33
4. Special temporary wine license, per event.....\$50.00
5. Distilled spirits and wine special temporary auction license, per event.....\$200.00
6. Special private club license, per annum.....\$300.00
7. Distilled spirits and wine special Sunday retail drink license, per annum.....\$300.00
8. Extended hours supplemental license, per annum.....\$2,000.00
9. Nonresident special agent or solicitor's license, per annum.....\$40.00
10. Restaurant wine license, per annum:
 - a. New applicants.....\$600.00
 - b. Applicants for renewal.....\$400.00
11. Caterer's license, per annum.....\$800.00
12. Riverboat license, per annum.....\$1,200.00
13. Horse race track license, per annum.....\$2,000.00
14. Convention center or convention hotel complex license, per annum.....\$2,000.00
15. Bottling house distilled spirits license or wine storage license, per annum.....\$1,000.00
16. Souvenir retail liquor license, per annum.....\$1,000.00
17. Malt Beverage licenses as follows:
 - a. Brewer's license, per annum.....\$500.00
 - b. Microbrewery license, per annum.....\$500.00
 - c. Malt beverage distributor's license, per annum.....\$400.00
 - d. Retail malt beverage license, per annum.....\$200.00
 - e. Special temporary retail malt beverage license, per event.....\$25.00
 - f. Malt beverage brew on premises license, per annum.....\$100.00
18. Automobile racetrack license, per annum.....\$1,000.00

Distilled Spirit licenses as set forth in KRS 243.030:

a. Distiller's license, per annum.....	\$500.00
b. Rectifier's license, per annum.....	\$3,000.00
c. Wholesaler's distilled spirits and wine license, per annum.....	\$3,000.00
d. Quota retail package license, per annum.....	\$800.00
e. Quota retail drink license, per annum.....	\$800.00
f. Special temporary license, per event.....	\$133.33
g. Nonquota type 1 retail drink license (includes distilled spirits, wine and malt beverages), per annum.....	\$2,000.00
h. Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum.....	\$1,000.00
i. Nonquota type 3 retail drink license (includes distilled spirits, wine and malt beverages), per annum.....	\$300.00
j. Distilled spirits and wine special temporary auction license, per event.....	\$200.00
k. Special Sunday retail drink license, per annum.....	\$300.00
l. Extended hours supplemental license, per annum.....	\$2,000.00
m. Caterer's license, per annum.....	\$800.00
n. Bottling house or bottling house storage license, per annum.....	\$1,000.00

Malt Beverage Licenses as follows:

a. Brewer's license, per annum.....	\$500.00
b. Microbrewery license, per annum.....	\$500.00
c. Malt Beverage distributor's license, per annum.....	\$400.00
d. Nonquota retail malt beverage package license, per annum.....	\$200.00
e. Nonquota type 4 retail malt beverage drink license, per annum.....	\$200.00
f. Malt beverage brew-on-premises license, per annum.....	\$100.00

Limited restaurant license (includes distilled spirits, wine, and malt beverages),
per annum..... \$1,200.00

Limited golf course license (includes distilled spirits, wine and malt beverages),
per annum..... \$1,200.00

The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

SECTION TWO

Section E of Ordinance No. 0-02-03 is hereby amended to read as follows:

ISSUANCE DATE FOR NEW LICENSES: The issuance date and due date for fees for all annual licenses shall be as follows:

a. All new licenses shall be issued when approved under the provisions of Ordinance No. 0-34-82 and the fee shall be due at the time of issuance. Fees due for partial years shall be calculated in accordance with Section VII of Ordinance No. 0-34-82.

b. The issuance date for all such licenses for which, as of the effective date of this Ordinance, the licensee holds a valid corresponding state license, shall be July 1, 1999 November 1. The license fee shall be due at the time of issuance.

c. Applications for renewal of annual licenses shall be filed in the Finance Department not later than 15 days prior to the issuance date.

SECTION THREE

Section A of Ordinance No. 0-02-03 is hereby amended to read as follows:

ISSUANCE OF LICENSE: Application for the issuance or renewal of all licenses provided for in this Ordinance shall be made to the Finance Department for approval by the City Alcoholic Beverage Control Administrator on such forms as may be prescribed by the City Administrator. Licenses shall be issued or renewed and fees collected by the Finance Department. No license shall be issued without the approval of the City Administrator. Licenses shall be issued in such form as may be prescribed by the City Administrator. Licenses shall be issued in such form as may be prescribed by the City Administrator. All license fees collected pursuant hereto shall be placed in the General Fund of the City.

SECTION FOUR

Section VI of Ordinance No. 0-34-82 is hereby amended to read as follows:

INFORMATION TO BE CONTAINED IN APPLICATIONS: All applications for licenses shall be on forms furnished by the City. They shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as the City Administrator may require.

In addition to such other information as the City Administrator may require, every application for the issuance of a license shall contain the following information be given under oath:

~~(a) The name, age, address and residence of each applicant, and, if there is more than one and they are partners, the partnership name and address.~~

~~(b) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses and ages of each officer, director and managerial employee, and the state under the laws of which state the corporate applicant is incorporated.~~

~~(c) The premises to be licensed, stating the street and number, if the premises have a street number and otherwise such a description as will reasonably indicate the location of the premises. The applicant shall also state the nature of his interest in the premises, and the name, age and address of any other person, either as principal or associate who is interested with the applicant, either in the premises or in the business to be licensed.~~

~~(d) A statement that neither the applicant nor any other person referred to in this section has been convicted of any misdemeanor director or indirectly attributable to the use, manufacture, sale of or traffic in alcoholic beverages, or any felony, within two (2) years preceding the application; and that he has not had any license that has been issued to him under any alcoholic beverage statute revoked for cause within two (2) years prior to the date of the application.~~

If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the City Administrator within ten (10) days after the change.

In giving any notice, or taking any action in reference to a license, the City Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. Such information, as against the licensee or applicant, shall be conclusively presumed to be correct.

SECTION FIVE

Section VII of Ordinance No. 0-34-82 is hereby amended to read as follows:

TERMS OF LICENSE: All licenses issued hereunder shall expire on ~~June 30th~~ November 30th of each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver of condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee therefor.

When any person applies for a license authorized to be issued hereunder, on or after July June¹ of any year, he shall be charged, if the license is issued, an amount equal to ~~as many twelfths~~ one half of the annual license fee ~~as there are calendar months, including the month in which the license is granted, until the following July 1~~ December 1 ~~that no license shall be issued for a shorter period than six (6) months.~~ No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

SECTION SIX

Section VIII of Ordinance No. 0-34-82 is hereby amended to read as follows:

DISPLAY OF LICENSE: Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license.

No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

~~Whenever a license is lost or destroyed without the fault of the licensee or his agents or employees, a duplicate license shall be issued upon proof of loss satisfactory to the City Administrator and upon payment of a fee of ONE DOLLAR (\$1.00).~~

SECTION SEVEN

Section X of Ordinance no. 0-34-82 is hereby amended to read as follows:

HOURS WHEN SALES PERMITTED: A Licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each such license, ~~except that no such retail sale shall be made during the hours the polls are open on any regular, primary, school or special election day:~~

~~(a) — Distilled Spirits and Wine Retail Package License: during the period between the hours of 6:00 a.m. to 1:00 a.m. daily except during the period between the hours of 1:00 a.m. Sunday to 6:00 a.m. Monday.~~

~~—— (b) — Distilled Spirits and Wine Retail Drink License: during the period between the hours of 6:00 a.m. to 2:30 a.m., daily except during the period between the hours of 2:30 a.m. Sunday to 6:00 a.m. Monday.~~

~~—— (c) — Distilled Spirits and Wine Wholesaler's License and Malt Beverage Distributor's License: during the period between the hours of 6:00 a.m. and midnight every day except Sunday.~~

~~(d) Malt Beverage Retailer's License: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 1:00 p.m. to midnight on Sunday.~~

(1) Distilled spirits package license: During the period between 6:00 a.m. to 1:00 a.m. daily, except Sunday and from 11:00 a.m. to midnight on Sunday.

(2) Distilled spirits drink license: During the period between 6:00 a.m. to 2:30 am daily except Sunday and from 1:00 p.m. to midnight on Sunday.

(3) Distilled spirits and wine wholesaler's license and malt beverage distributor's license: During the period between 6:00 a.m. and midnight every day except Sunday.

(4) Retail Malt beverage drink licenses: During the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday.

(5) Extended hours supplemental license: During the period between 6:00 a.m. to 4:30 a.m. daily except Sunday and from 1:00 p.m. to 2:30 a.m. on Sunday.

If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during all times when his premises are open and he is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

SECTION EIGHT

If any section, paragraph, clause, provision or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, provisions or phrases of this Ordinance, or this Ordinance as an entirety, it being the legislative intent that this Ordinance shall be valid notwithstanding the invalidity of any section, sentence, clause, provision or phrase.

SECTION NINE

This Ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING THIS 24th DAY OF September, 2013.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 8th DAY OF October, 2013.

APPROVED:

Dean E. White
MAYOR

ATTEST:

[Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY

READING SUMMARY

ORDINANCE NO. 0-12-13

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING PRIOR ORDINANCES.

SUMMARY

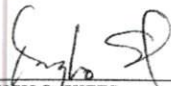
This Ordinance makes changes to existing Alcoholic Beverage Control Ordinances of the City to correspond with the changes in State ABC Statutes enacted at the last session of the General Assembly. The primary change is to revise the types of alcoholic beverage licenses issuable by the City and the fees for each.

Corresponding changes are made to the terms of the licenses and the application process. Alterations are made in the hours of operations for the various types of licenses including removal of the prohibition against the sale of alcoholic beverages on election days.

This Ordinance will be published in full.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 20th day of Sept, 2013, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41022-0756
Phone: (859) 371-7407
Fax: (859) 371-9872

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ALCOHOLIC BEVERAGE CONTROL

CITY OF FLORENCE, KENTUCKY

SUMMARY OF ORDINANCE NO. 0-3-14

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-3-14 on _____, 2014. The title of this Ordinance is as follows:

ORDINANCE NO. 0-3-14

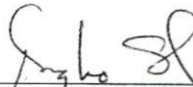
AN ORDINANCE AMENDING ORDINANCE NO. 0-12-13 TO CHANGE THE ISSUANCE DATE FOR LICENSES.

SUMMARY

The purpose of this Ordinance is to change the issuance date for licenses from November 1 to December 1.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of the Ordinance titled above and that it was prepared by me this 10th day of January, 2013, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES, KBA#64730
SKEES, WILSON & NIENABER, PLLC
7699 Ewing Blvd., P.O. Box 756
Florence, KY 41042-0756
Phone: (859) 371-7407/Fax: (859) 371-9872

ORDINANCE NO. 0-21-12

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING PRIOR ORDINANCES TO CHANGE THE LIST OF ALCOHOLIC BEVERAGE LICENSES ISSUABLE BY THE CITY AND TO REVISE THE HOURS WHEN SALES ARE PERMITTED.

WHEREAS, the General Assembly has enacted revisions to state law relating to alcoholic beverage control; and

WHEREAS, the Mayor and Council deem it proper to revise the City's alcoholic beverage control provisions to be consistent therewith.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION ONE

That Section III of Ordinance No. 0-34-82 and Section A of Ordinance No. 0-36-94, as last amended by Ordinance No. 0-9-99, is hereby amended to read as follows:

SECTION III

TYPES OF LICENSES AND FEES: The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the City of Florence and the fees for each such license shall be:

1. Distilled Spirit licenses:
 - a. Distiller's license, per annum \$500.00
 - b. Rectifier's license, per annum \$3,000.00
 - c. Blender's license, per annum \$3,000.00
 - d. Wholesale's distilled spirits and wine license, per annum \$3,000.00
 - e. Distilled spirits and wine retail package license, per annum 800.00
2. Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum \$800.00
3. Distilled spirits and wine special temporary liquor license, per annum .. \$133.33
4. Special temporary wine license, per event \$50.00
5. Distilled spirits and wine special temporary auction license, per event .. \$200.00
6. Special private club license, per annum \$300.00
7. Distilled spirits and wine special Sunday retail drink license, per annum . \$300.00
8. Extended hours supplemental license, per annum \$2,000.00
9. Nonresident special agent or solicitor's license, per annum \$40.00
10. Restaurant wine license, per annum:
 - a. New applicants \$600.00
 - b. Applicants for renewal \$400.00
11. Caterer's license, per annum \$800.00
12. Riverboat license, per annum \$1,200.00
13. Horse race track license, per annum \$2,000.00
14. Convention center or convention hotel complex license, per annum ... \$2,000.00
15. Bottling house distilled spirits license or wine storage license, per annum \$1,000.00
16. Souvenir retail liquor license, per annum \$1,000.00
17. Malt Beverage licenses as follows:
 - a. Brewer's license, per annum \$500.00
 - b. Microbrewery license, per annum \$500.00
 - c. Malt beverage distributor's license, per annum \$400.00
 - d. Retail malt beverage license, per annum \$200.00
 - e. Special temporary retail malt beverage license, per event \$25.00
 - f. Malt beverage brew-on-premises license, per annum \$100.00
18. Automobile racetrack license, per annum \$1,000.00

SECTION TWO

That Section X of Ordinance No. 0-34-82 (as last amended by Ordinance No. 0-30-04) is hereby amended as follows:

SECTION X

HOURS WHEN SALES PERMITTED: A licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each such license except that no such retail sale shall be made during the hours the polls are open on any regular, primary, school or special election day:

(a) Distilled Spirits and Wine Retail Package License: during the period between the hours of 6:00 a.m. to 1:00 a.m. daily except Sunday, and from 11:00 a.m. to midnight on Sunday.

(b) Distilled Spirits and Wine Retail Drink License and Restaurant Wine License: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except ~~during the period between the hours of 2:30 a.m. Sunday and to 6:00 a.m. Monday.~~ Provided, however, that for hotels, motels or restaurants which meet the criteria of K.R.S. 244.290(4), stated as follows, the period shall include the hours from 1:00 p.m. to midnight on Sunday:

~~“(a) Have dining facilities with a minimum seating capacity of one hundred (100) period at tables; and~~

~~“(b) Receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food.”~~

(c) Distilled Spirits and Wine Wholesale's License and Malt Beverage Distributor's License: during the period between the hours of 6:00 a.m. and midnight every day except Sunday and from 11:00 a.m. to midnight on Sunday.

(d) Malt Beverage Retailer's License: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday.

If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and fixtures and apparatus connected with his business as a licensee, and said department is kept locked during all times when his premises are open and he is not authorized to sell alcoholic beverage hereunder, he shall be deemed to have complied with this section.

SECTION THREE

If any section, paragraph, clause, provision or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, provisions or phrases of this Ordinance, or this Ordinance as an entirety, it being the legislative intent that this Ordinance shall be valid notwithstanding the invalidity of any section, sentence, clause, provision or phrase.

PASSED AND APPROVED ON FIRST READING THIS 11th DAY OF December, 2012.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 18th DAY OF December, 2012.

APPROVED:

Deane & Whal
MAYOR

ATTEST:

[Signature]
CITY CLERK

CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-21-12

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-21-12 on December 18, 2012. The title of this Ordinance is as follows:

ORDINANCE NO. 0-21-12

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING PRIOR ORDINANCES TO CHANGE THE LIST OF ALCOHOLIC BEVERAGE LICENSES ISSUABLE BY THE CITY AND TO REVISE THE HOURS WHEN SALES ARE PERMITTED.

This Ordinance makes changes to the City's alcoholic beverage control ordinances to add Automobile Racetrack License at a per annum fee of \$1,000.00 to the list of alcoholic beverage licenses issuable by the City and to allow Sunday sales under all distilled spirits and wine retail drink licenses and restaurant wine licenses from 1:00 p.m. to midnight.

Pursuant to KRS 83A.060(9)(c) the section of the ordinance levying license fees is set out in full as follows:

SECTION III

TYPES OF LICENSES AND FEES: The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the City of Florence and the fees for each such license shall be:

1. Distilled Spirit licenses:
 - a. Distiller's license, per annum \$500.00
 - b. Rectifier's license, per annum \$3,000.00
 - c. Blender's license, per annum \$3,000.00
 - d. Wholesale's distilled spirits and wine license, per annum \$3,000.00
 - e. Distilled spirits and wine retail package license, per annum 800.00
2. Distilled spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum \$800.00
3. Distilled spirits and wine special temporary liquor license, per annum ... \$133.33
4. Special temporary wine license, per event \$50.00
5. Distilled spirits and wine special temporary auction license, per event ... \$200.00
6. Special private club license, per annum \$300.00
7. Distilled spirits and wine special Sunday retail drink license, per annum .. \$300.00
8. Extended hours supplemental license, per annum \$2,000.00
9. Nonresident special agent or solicitor's license, per annum \$40.00
10. Restaurant wine license, per annum:
 - a. New applicants \$600.00
 - b. Applicants for renewal \$400.00
11. Caterer's license, per annum \$800.00
12. Riverboat license, per annum \$1,200.00
13. Horse race track license, per annum \$2,000.00
14. Convention center or convention hotel complex license, per annum ... \$2,000.00
15. Bottling house distilled spirits license or wine storage license, per annum \$1,000.00
16. Souvenir retail liquor license, per annum \$1,000.00
17. Malt Beverage licenses as follows:
 - a. Brewer's license, per annum \$500.00
 - b. Microbrewery license, per annum \$500.00
 - c. Malt beverage distributor's license, per annum \$400.00
 - d. Retail malt beverage license, per annum \$200.00
 - e. Special temporary retail malt beverage license, per event \$25.00
 - f. Malt beverage brew-on-premises license, per annum \$100.00
18. Automobile racetrack license, per annum \$1,000.00 *New*

The full text of Ordinance No. _____, including its exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, in the Florence Government Center, 8100 Ewing Blvd., Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-21-12 and that it has been prepared by me on the 7th day of December, 2012, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



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ORDINANCE NO. 0-30-04

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING ORDINANCE NO. 0-34-82 (AS LAST AMENDED BY ORDINANCE NO. 0-02-03) TO REVISE THE HOURS WHEN SALES ARE PERMITTED WITH RESPECT TO THE DISTILLED SPIRITS AND WINE RETAIL PACKAGE LICENSE.

WHEREAS, City Council has determined that the alcohol beverage control laws of the City should be revised to permit package sales of distilled spirits and wine from 11:00 a.m. to midnight on Sundays.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION A

That Section X of Ordinance No. 034-82 (as last amended by Ordinance No. 0-02-03) is hereby amended to read as follows:

SECTION X

HOURS WHEN SALES PERMITTED: A licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each such license except that no such retail sale shall be made during the hours the polls are open on any regular, primary, school or special election day:

(a) Distilled Spirits and Wine Retail Package License: during the period between the hours of 6:00 a.m. to 1:00 a.m. daily except ~~during the period between the hours of 1:00 a.m. Sunday to 6:00 a.m. Monday.~~ Sunday, and from 11:00 a.m. to midnight on Sunday.

(b) Distilled Spirits and Wine Retail Drink License: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except during the period between the hours of 2:30 a.m. Sunday to 6:00 a.m. Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of K.R.S. 244.290(4), stated as follows, the period shall include the hours from 1:00 p.m. to midnight on Sunday:

"(a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and

(b) Receive at least fifty percent (50%) or more of their gross annual

(c) Distilled Spirits and Wine Wholesaler's License and Malt Beverage Distributor's License: during the period between the hours of 6:00 a.m. and midnight every day except Sunday.

(d) Malt Beverage Retailer's License: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday.

If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a license, and said department is kept locked during all times when his premises are open and he is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

SECTION B

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

PASSED AND APPROVED ON FIRST READING THIS 23rd DAY OF November, 2004.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS 7th DAY OF December, 2004.

APPROVED:

Deane E. White
MAYOR

ATTEST:

[Signature]
CITY CLERK

TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: SALE OF ALCOHOLIC BEVERAGES

CHAPTER 111: SALE OF ALCOHOLIC BEVERAGES

Section

- 111.01 Definitions
- 111.02 License required
- 111.03 Types of licenses; fees
- 111.04 Issuance of license
- 111.05 Information required in application
- 111.06 Terms of license
- 111.07 Display of license; lost or destroyed license
- 111.08 State license required
- 111.09 Hours when sales permitted
- 111.10 Violations of state or federal law
- 111.11 City alcoholic beverage control administrator
- 111.12 [Reserved]
- 111.13 Minors
- 111.99 Penalty

Statutory reference:

Alcoholic beverages, see KRS Title XX

§ 111.01 DEFINITIONS.

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

"ALCOHOL." Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by

whatever process it is produced.

"ALCOHOLIC BEVERAGE." Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of that permitted under KRS 242 and capable of being consumed by a human being. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing alcohol or not. It does not include the following products if they are unfit for use for beverage purposes: medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopoeia, national formulary, or the American Institute of Homeopathy, patented, patent, and proprietary medicines, toilet, medicinal, and antiseptic preparations and solutions, and flavoring extracts and syrups.

"BUILDING CONTAINING LICENSED PREMISES." The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

"CITY ADMINISTRATOR." The City of Florence Alcoholic Beverage Control Administrator.

"CONVICTED" or "CONVICTION." A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

"DISTILLED SPIRITS" or "SPIRITS."

Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by distilling, mixed with water or other substances in solution, except wine.

"DISTRIBUTOR." Any person who distributes malt beverages for the purpose of being sold at retail.

"LICENSE." Any license issued pursuant to this chapter.

"LICENSEE." Any person to whom a license has been issued, pursuant to this chapter.

"MALT BEVERAGE." Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS 242.

"PREMISES." The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two separate businesses as enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

"RETAIL SALE." Any sale where delivery is made in Kentucky to any person not holding a license.

"RETAILER." Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

"SALE." Any transfer, exchange, or barter for consideration, including all sales made by any person, whether principal, proprietor, agent, servant, or employee of any alcoholic beverage.

"SELL." Solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

"WHOLESALE SALE." A sale to any person for the purpose of resale.

"WHOLESALER." Any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer, or vintner.

"WINE." The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects

due to climatic, saccharine, and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.02 LICENSE REQUIRED.

No person, firm, or corporation shall do any act authorized by any kind of license provided for in this chapter with respect to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless the person, firm, or corporation holds the kind of license from the city which authorizes such act. No person, firm, or corporation which conducts a place of business patronized by the public and which does not hold a license to sell distilled spirits, and wine or malt beverages shall permit any person to sell, barter, loan, give away, or drink distilled spirits, wine, or malt beverages on the premises of his place of business.

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.03 TYPES OF LICENSES; FEES.

(A) The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the city and the fees for each license shall be:

Distilled spirits licenses:

- (a) Distiller's license, per annum \$ 500
- (b) Rectifier's license, per annum 3,000
- (c) Blender's license, per annum 3,000
- (d) Wholesaler's distilled spirits and wine license, per annum 3,000
- (e) Distilled spirits and wine retail package license, per annum 800

Distilled spirits and wine

retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum 800

Distilled spirits and wine

special temporary liquor license, per event 133.33

Special temporary wine license, per event 50

Distilled spirits and wine special temporary auction license, per event 200

Special private club license, per annum 300

Distilled spirits and wine special Sunday retail drink license, per annum 300

Extended hours supplemental license, per annum 2,000

Nonresident, special agent, or solicitor's license per annum 40

Restaurant wine license, per annum

(a) New applicants 600

(b) Applicants for renewal 400

Caterer's license, per annum 800

Riverboat license, per annum 1,200

Horse race track license, per annum 2,000

Convention center or convention hotel complex license, per annum 2,000

Bottling house distilled spirits license or wine storage license, per annum 1,000

Souvenir retail liquor license, per annum 1,000

Malt Beverage Licenses as follows:

(a) Brewer's license, per annum 500

(b) Microbrewery license, per annum 500

(c) Malt beverage distributor's license, per annum 400

(d) Retail malt beverage license, per annum 200

(e) Special temporary retail malt beverage license, per event 25

(f) Malt beverage brew on-premises license, per annum 100

(Ord. O-5-58, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-42-78, passed 11-28-78;

Am. Ord. O-10-79, passed 4-11-79; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-36-94, passed 1-10-95; Am. Ord. O-9-99, passed 6-15-99)

(B) Issuance date for new licenses: The issuance date and due date for fees for all annual licenses shall be as follows:

(1) All new licenses shall be issued when approved under the provisions of this chapter and the fee shall be due at the time of issuance. Fees due for partial years shall be calculated in accordance with § 111.06 of this chapter.

(2) The issuance date for all such licenses for which, as of the effective date of January 10, 1994, the licensee holds a valid corresponding state license, shall be July 1, 1995. The license fee shall be due at the time of issuance.

(3) Applications for renewal of annual licenses shall be filed in the Finance Department not later than 15 days prior to the issuance date.

(C) If the applicant for any city alcoholic beverage license is indebted to the city for any reason such as unpaid taxes, assessments, fees or fines, or similar obligations, the license applied for shall not be issued until all of such indebtedness, together with any penalty or interest associated therewith, shall have been paid in full.

(D) If any section, paragraph or clause of this section is held by a proper Court to be invalid, such invalidity shall not effect the remaining sections, paragraphs or clauses, it being hereby expressly declared that the remainder of this section would have been passed despite such invalidity.

(Ord. O-34-82, passed 9-2-82; Am. Ord. O-9-99, passed 6-15-99; Am. Ord. O-02-03, passed 2-4-03)

Statutory reference:

City licenses; fees, see KRS 243.070

§ 111.04 ISSUANCE OF LICENSE.

Application for the issuance or renewal of all licenses provided for in this chapter shall be made to the City Alcoholic Beverage Control Administrator on forms as may be prescribed by the City Administrator. Licenses shall be issued or renewed and fees collected by the Finance Department. No license shall be issued without the approval of the City Administrator. Licenses shall be issued in such form as may be prescribed by the City Administrator. All license fees collected pursuant hereto shall be placed in the general fund of the city.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03)

§ 111.05 INFORMATION REQUIRED IN APPLICATION.

(A) All applications for licenses shall be on forms furnished by the city. They shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as the City Administrator may require. In addition to other information the City Administrator may require, every application for the issuance of a license shall contain the following information, given under oath:

(1) The name, age, address, and residence of each applicant, and, if there is more than one and they are partners, the partnership name and address.

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses, and ages of each officer, director, and managerial employee, and the state under the laws of which the corporate applicant is incorporated.

(3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise a description that will reasonably indicate the location of the premises. The applicant shall also state the nature of his interest in the premises, and the name, age, and address of any other person, either as principal or associate, who is interested with the applicant either in the premises or in the business to be licensed.

(4) A statement that neither the applicant nor any other person referred to in this section has been convicted of any misdemeanor directly or indirectly attributable to the use, manufacture, sale of, or traffic in alcoholic beverages, or any felony, within two years preceding the application, and that he has not had any license that has been issued to him under any alcoholic beverage statute revoked for cause within two years prior to the date of the application.

(B) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the City Administrator within ten days after the change.

(C) In giving any notice or taking any action in reference to a license, the City Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct.

(Ord. 5, passed 7-22-58; Am. Ord. O-16-71, passed 7-13-71; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.06 TERMS OF LICENSE.

(A) All licenses issued hereunder shall expire on June 30 of each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonation of any violation which occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee therefor.

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

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.07 DISPLAY OF LICENSE; LOST OR DESTROYED LICENSE.

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

(B) No licensee shall post the license or permit it to be posted upon premises other than the licensed premises, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

(C) Whenever a license is lost or destroyed without the fault of the licensee or his agents or employees, a duplicate license shall be issued upon proof of loss satisfactory to the City Administrator and upon payment of a fee of \$1.

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.08 STATE LICENSE REQUIRED.

(A) No license provided for hereunder shall be issued, renewed, or transferred to any person, firm, or corporation until the person, firm, or corporation shall have obtained the issuance, renewal, or transfer of the state license corresponding thereto. In each instance the licensed premises covered by the city license must be the same as the licensed premises covered by the corresponding state license.

(B) The city license issued to any person, firm, or corporation shall remain valid only so long as the state license corresponding thereto, issued to the person, firm, or corporation, shall be valid. Any revocation, suspension, nonrenewal, or other action which makes the state license null and void shall operate to revoke, suspend, make nonrenewable, or null and void the city license corresponding thereto. Any city license which is revoked, suspended, not renewed, or so made invalid shall be immediately surrendered to the City Administrator.

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.09 HOURS WHEN SALES PERMITTED.

(A) A licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each license, except that no retail sale shall be made during the hours the polls are open on any regular, primary, school, or special election day.

(1) Distilled spirits and wine retail package license: During the period between 6:00 a.m. to 1:00 a.m. daily, except Sunday, and from 11:00 a.m. to midnight on Sunday.

(2) Distilled spirits and wine retail drink license: During the period between 6:00 a.m. to 2:30 a.m. daily except during the period between 2:30 a.m. Sunday to 6:00 a.m. Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of KRS 244.290(4), stated as follows, the period shall include the hours from 1:00 p.m. to midnight on Sunday:

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

(b) Receive at least 50% or more of their gross annual income from the dining facilities from the sale of food.

(3) Distilled spirits and wine wholesaler's license and malt beverage distributor's license: During the period between 6:00 a.m. and midnight every day except Sunday.

(4) Malt beverage retailer's license: During the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday.

(B) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a licensee, and this department is kept locked during all times when his premises are open and he is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

(Ord. O-64-60, passed 5-24-60; Am. Ord. O-39-72, passed 11-14-72; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03; Am. Ord. O-30-04, passed 12-7-04)

§ 111.10 VIOLATIONS OF STATE OR FEDERAL LAW.

Nothing herein shall be construed to condone the violation by any person, firm, or corporation within the city of any federal or state statute, law, or regulation, now, heretofore or hereafter in effect applicable to any person, firm, or corporation relating to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages. Any violation of any statute, law, or regulation shall be deemed a violation of this chapter. If any clerk, agent, servant, or employee of any licensee shall violate any provision of this chapter, or such statute, law, or regulation, the violation shall be a violation by the licensee. Any license issued hereunder may be revoked by the City Alcoholic Beverage Control Administrator if the licensee shall have violated any provision of this chapter or any provision of any statute, law, or regulation.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.11 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The duties of the office of the City Alcoholic Beverage Control Administrator are assigned to the City Coordinator or his or her designee.

(B) The City Administrator, before entering upon his duties, shall take the oath prescribed in § 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000.

(C) The City Administrator may require any city employee under his supervision to execute a similar bond in the penal sum he deems necessary. The cost of bonds given under this section shall be borne by the city.

(D) The functions of City Administrator shall be the same with respect to city licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky with respect to state licenses and regulations.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03)

§ 111.12 [RESERVED]

§ 111.13 MINORS.

It shall be unlawful for any person, firm or corporation who is the owner, occupant or who is otherwise in possession of any property located in the city to knowingly allow any other person under the age of 21 years, except members of the immediate family (spouse or children) of such owner, occupant or possessor, to remain on such property while in the possession of any alcoholic beverage or while consuming any alcoholic beverage.

(Ord. O-11-87, passed 6-2-87) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Pursuant to KRS 83A.065(2) the offense of violating any provision of O-34-82 or O-11-87 or O-02-03 is designated as a misdemeanor and a criminal fine not to exceed the amount set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1), or both, may be imposed on any person, firm or corporation who, acting by himself or through another, directly or indirectly, commits the offense.

(B) All ordinances, laws, or resolutions of the city relating to alcoholic beverage control are, subject to the provisions of § 111.12, repealed. However, the repeal of any ordinance, law, or resolution shall not prevent the prosecution, conviction, and imposition of penalties after the date of passage hereof of any person, firm, or corporation which violated such ordinance, law, or resolution prior to the date of passage hereof.

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03)

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CITY OF FLORENCE, KENTUCKY
SUMMARY OF ORDINANCE NO. 0-30-04

The City of Florence, Kentucky, enacted on second reading Ordinance No. 0-30-04. The title of this Ordinance is as follows:

ORDINANCE NO. 0-30-04

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING ORDINANCE NO. 0-34-82 (AS LAST AMENDED BY ORDINANCE NO. 0-02-03) TO REVISE THE HOURS WHEN SALES ARE PERMITTED WITH RESPECT TO THE DISTILLED SPIRITS AND WINE RETAIL PACKAGE LICENSE.

The purpose of this Ordinance is to amend the existing alcoholic beverage control laws of the City relating to Distilled Spirits and Wine Retail Package License to allow sales on Sunday from 11:00 a.m. to midnight.

The full text of Ordinance No. 0-30-04, including exhibits, is available for examination in the office of the City Clerk of the City of Florence, Kentucky, at the Florence Government Center, 8100 Ewing Boulevard, Florence, Kentucky, during regular office hours.

CERTIFICATION

I hereby certify that the foregoing is a summary of the contents of Ordinance No. 0-30-04 and that it has been prepared by me this 17th day of November, 2004, and I am an attorney licensed to practice law in the Commonwealth of Kentucky.



HUGH O. SKEES
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ORDINANCE NO. 0-02-03

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE CONTROL AND AMENDING ORDINANCES NO. 0-34-82, 0-11-87, AND 0-9-99 TO PROVIDE THAT APPLICATIONS FOR ISSUANCE OR RENEWAL OF LICENSES SHALL BE MADE TO THE FINANCE DEPARTMENT AND LICENSE FEES SHALL BE COLLECTED BY THE FINANCE DEPARTMENT; REVISES HOURS WHEN SALES ARE PERMITTED WITH RESPECT TO MALT BEVERAGES AND DISTILLED SPIRITS AND WINE BY THE DRINK; PROVIDES THAT THE CITY COORDINATOR OR HIS DESIGNEE SHALL SERVE AS THE ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR FOR THE CITY; AND DETERMINES THAT PENALTIES FOR VIOLATIONS ARE MISDEMEANORS.

WHEREAS, City Council has studied the laws of the City relating to alcoholic beverage control and has determined that it is desirable to make revisions therein as hereinafter set out.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FLORENCE, KENTUCKY, AS FOLLOWS:

SECTION A

That Section V of Ordinance No. 0-34-82 is hereby amended to read as follows:

SECTION V

ISSUANCE OF LICENSE: Application for the issuance or renewal of all licenses provided for in this Ordinance shall be made to the City Alcoholic Beverage Control Administrator on such forms as may be prescribed by the City Administrator. Licenses shall be issued or renewed and fees collected by the ~~City Clerk~~ Finance Department. No license shall be issued by the ~~City Clerk~~ without the approval of the City Administrator. Licenses shall be issued in such form as may be prescribed by the City Administrator. All license fees collected pursuant hereto shall be placed in the General Fund of the City.

SECTION B

That Section X of Ordinance No. 0-34-82 is hereby amended to read as follows:

SECTION X

HOURS WHEN SALES PERMITTED: A licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only

(a) Distilled Spirits and Wine Retail Package License: during the period between the hours of 6:00 a.m. to 1:00 a.m. daily except during the period between the hours of 1:00 a.m. Sunday to 6:00 a.m. Monday.

(b) Distilled Spirits and Wine Retail Drink License: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except during the period between the hours of 2:30 a.m. Sunday to 6:00 a.m. Monday. Provided, however, that for hotels, motels or restaurants which meet the criteria of K.R.S. 244.290(4), stated as follows, the period shall include the hours from 1:00 p.m. to midnight on Sunday:

“(a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and

(b) Receive at least fifty percent (50%) or more of their gross annual income from the dining facilities from the sale of food.”

(c) Distilled Spirits and Wine Wholesaler's License and Malt Beverage Distributor's License: during the period between the hours of 6:00 a.m. and midnight every day except Sunday.

(d) Malt Beverage Retailer's License: during the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from ~~1:00 p.m.~~ 11:00 a.m. to midnight on Sunday.

If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a license, and said department is kept locked during all times when his premises are open and he is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

SECTION C

That Section XIII of Ordinance No. 0-34-82 is hereby amended to read as follows:

SECTION XIII

CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR: The duties of the office of the City of Florence, Kentucky Alcoholic Beverage Control Administrator are hereby

~~The City Councilman to serve as~~ City Administrator before entering upon his duties as such, shall take the oath prescribed in Section 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than ONE THOUSAND DOLLARS (\$1,000.00).

~~The City Councilman to serve as~~ City Administrator may require any City employee under his supervision to execute a similar bond in such penal sum as he deems necessary.

The cost of bonds given under this section shall be borne by the City.

The functions of City Administrator shall be the same with respect to City licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky with respect to state licenses and regulations.

SECTION D

That Section XIV of Ordinance No. 0-34-82 is hereby amended to read as follows:

~~The provisions of Section III hereof shall apply to all licenses issued after the date of passage of this Ordinance without regard to the date when application was made for such licenses; however, the provisions of said Section hereof shall not apply to licenses issued prior to the date of passage of this Ordinance which are valid licenses as of said date until June 30, 1983. Such licenses issued prior to the date of passage of this Ordinance shall continue to be governed by the laws of the City which were in effect as of the date of the issuance of last removal of such license until June 30, 1983.~~

~~All of the other provisions of this Ordinance shall take full force and effect on the date of publication of this Ordinance.~~

SECTION E

That Section B of Ordinance No. 0-9-99 is hereby amended to read as follows:

SECTION B

ISSUANCE DATE FOR NEW LICENSES: The issuance date and due date for fees for all annual licenses shall be as follows:

- a. All new licenses shall be issued when approved under the provisions of

b. The issuance date for all such licenses for which, as of the effective date of this Ordinance, the licensee holds a valid corresponding state license, shall be July 1, 1999. The license fee shall be due at the time of issuance.

c. Applications for renewal of annual licenses shall be filed in the office of the City Administrator Finance Department not later than 15 days prior to the issuance date.

SECTION F

That Section II of Ordinance No. 0-11-87 and XII of Ordinance No. 0-34-82 are hereby amended to read as follows:

SECTION II

~~Any person, firm or corporation found guilty of violating any of the provisions of this Ordinance shall be fined not more than THREE HUNDRED DOLLARS (\$300.00) nor imprisonment for more than ninety (90) days or both.~~

SECTION XII

~~PENALTIES: Any person, firm or corporation who acting by himself or through another, directly or indirectly violates any provisions of this Ordinance shall be fined not less than TWO HUNDRED DOLLARS (\$200.00) nor more than FIVE HUNDRED DOLLARS (\$500.00) or imprisoned not more than twelve months or both. The penalties provided for in this section shall be in addition to the right of the City of Florence, Kentucky to revoke the offender's license.~~

Pursuant to K.R.S. 83A.065(2) the offense of violating any provision of Ordinance No. 0-34-82 or Ordinance No. 0-11-87 or this Ordinance is designated as a misdemeanor and a criminal fine not to exceed the amount set forth in K.R.S. 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in K.R.S. 532.090(1), or both, may be imposed on any person, firm or corporation who, acting by himself or through another, directly or indirectly, commits the offense.

SECTION G

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or

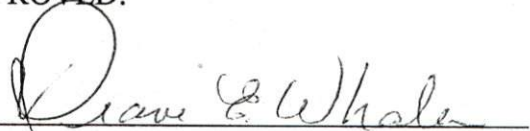
SECTION H

This Ordinance shall be published in full.

PASSED AND APPROVED ON FIRST READING THIS 28 DAY OF JAN., 2003.

PASSED AND APPROVED ON SECOND READING AND PUBLICATION ORDERED THIS
4th DAY OF Feb., 2003.

APPROVED:



MAYOR

ATTEST:


CITY CLERK

RECEIVED

2003 JUL 23 A 9:08

ALCOHOLIC
BEVERAGE CONTROL

Section

- 111.01 Definitions
- 111.02 License required
- 111.03 Types of licenses; fees
- 111.04 Issuance of license
- 111.05 Information required in application
- 111.06 Terms of license
- 111.07 Display of license; lost or destroyed license
- 111.08 State license required
- 111.09 Hours when sales permitted
- 111.10 Violations of state or federal law
- 111.11 City alcoholic beverage control administrator
- 111.12 When chapter applies
- 111.13 Minors

- 111.99 Penalty

Statutory reference:

Alcoholic beverages, see KRS Title XX

§ 111.01 DEFINITIONS.

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

"ALCOHOL." Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

"ALCOHOLIC BEVERAGE." Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of that permitted under KRS 242 and capable of being consumed by a human being. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing alcohol or not. It does not include the following products if they are unfit for use for beverage purposes: medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopoeia, national formulary, or the American Institute of Homeopathy, patented, patent, and proprietary medicines, toilet, medicinal, and antiseptic preparations and solutions, and flavoring extracts and syrups.

"BUILDING CONTAINING LICENSED PREMISES." The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

"CITY ADMINISTRATOR." The City of Florence Alcoholic Beverage Control Administrator.

"CONVICTED" or "CONVICTION." A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a

jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

"DISTILLED SPIRITS" or "SPIRITS." Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by distilling, mixed with water or other substances in solution, except wine.

"DISTRIBUTOR." Any person who distributes malt beverages for the purpose of being sold at retail.

"LICENSE." Any license issued pursuant to this chapter.

"LICENSEE." Any person to whom a license has been issued, pursuant to this chapter.

"MALT BEVERAGE." Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS 242.

"PREMISES." The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two separate businesses as a enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

"RETAIL SALE." Any sale where delivery is made in Kentucky to any person not holding a license.

"RETAILER." Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

"SALE." Any transfer, exchange, or barter for consideration, including all sales made by any person, whether principal, proprietor, agent, servant, or employee of any alcoholic beverage.

"SELL." Solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

"WHOLESALE SALE." A sale to any person for the purpose of resale.

"WHOLESALE." Any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer, or vintner.

"WINE." The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal

conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. (Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.02 LICENSE REQUIRED.

No person, firm, or corporation shall do any act authorized by any kind of license provided for in this chapter with respect to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless the person, firm, or corporation holds the kind of license from the city which authorizes such act. No person, firm, or corporation which conducts a place of business patronized by the public and which does not hold a license to sell distilled spirits, and wine or malt beverages shall permit any person to sell, barter, loan, give away, or drink distilled spirits, wine, or malt beverages on the premises of his place of business. (Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.03 TYPES OF LICENSES; FEES.

(A) The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the city and the fees for each license shall be:

Distilled Spirits and Wine Licenses

Distiller's license, per annum	\$ 500
Rectifier's license, per annum	3,000
Blender's license, per annum	3,000
Wholesaler's license, per annum	3,000
Retail package license, per annum	800
Retail drink license, per annum	800
Special temporary license, per month or part of month	130
Special private club license, per annum	300
Special Sunday retail drink license	300
Nonresident, special agent, or solicitor's license per annum	40
Supplemental bar license	800
Restaurant wine license, per annum	
(a) New applicants	600
(b) Renewals	400
Special temporary wine license	50
Caterer's license, per annum	800

Malt Beverage Licenses

Brewer's license, per annum	500
Microbrewery license, per annum	500
Distributor's license, per annum	400
Retailer's license, per annum	200
Special temporary license, per month or part of month	25

(Ord. O-5-58, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-42-78, passed 11-28-78; Am. Ord. O-10-79, passed 4-11-79; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-36-94, passed 1-10-95)

(B) The business authorized under the various licenses provided for in division (A) above shall be identical to the business authorized by the state licenses to which the license herein so provided for correspond. (Ord. O-34-82, passed 9-2-82)

Statutory reference:

City licenses; fees, see KRS 243.070

§ 111.04 ISSUANCE OF LICENSE.

Application for the issuance or renewal of all licenses provided for in this chapter shall be made to the City Alcoholic Beverage Control Administrator on forms as may be prescribed by the City Administrator. Licenses shall be issued or renewed and fees collected by the City Clerk. No license shall be issued by the City Clerk without the approval of the City Administrator. Licenses shall be issued in such form as may be prescribed by the City Administrator. All license fees collected pursuant hereto shall be placed in the general fund of the city. (Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

§ 111.05 INFORMATION REQUIRED IN APPLICATION.

(A) All applications for licenses shall be on forms furnished by the city. They shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as the City Administrator may require. In addition to other information the City Administrator may require, every application for the issuance of a license shall contain the following information, given under oath:

(1) The name, age, address, and residence of each applicant, and, if there is more than one and they are partners, the partnership name and address.

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses, and ages of each officer, director, and managerial employee, and the state under the laws of which the corporate applicant is incorporated.

(3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise a description that will reasonably indicate the location of the premises. The applicant shall also state the nature of his interest in the premises, and the name, age, and address of any other person, either as principal or associate, who is interested with the applicant either in the premises or in the business to be licensed.

(4) A statement that neither the applicant nor any other person referred to in this section has been convicted of any misdemeanor directly or indirectly attributable to the use, manufacture, sale of, or traffic in alcoholic beverages, or any felony, within two years preceding the application, and that he has not had any license that has been issued to him under any alcoholic beverage statute revoked for cause within two years prior to the date of the application.

(B) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the City Administrator within ten days after the change.

(C) In giving any notice or taking any action in reference to a license, the City Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct. (Ord. 5, passed 7-22-58; Am. Ord. 0-16-71, passed 7-13-71; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.06 TERMS OF LICENSE.

(A) All licenses issued hereunder shall expire on June 30 of each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonation of any violation which occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued hereunder after July 1 of any year, he shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1, except that no license shall be issued for a shorter period than six months. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period. (Ord. 5, passed 7-22-58; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.07 DISPLAY OF LICENSE; LOST OR DESTROYED LICENSE.

(A) Before commencing or doing any

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

(B) No licensee shall post the license or permit it to be posted upon premises other than the licensed premises, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

(C) Whenever a license is lost or destroyed without the fault of the licensee or his agents or employees, a duplicate license shall be issued upon proof of loss satisfactory to the City Administrator and upon payment of a fee of \$1. (Ord. 5, passed 7-22-58; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.08 STATE LICENSE REQUIRED.

(A) No license provided for hereunder shall be issued, renewed, or transferred to any person, firm, or corporation until the person, firm, or corporation shall have obtained the issuance, renewal, or transfer of the state license corresponding thereto. In each instance the licensed premises covered by the city license must be the same as the licensed premises covered by the corresponding state license.

(B) The city license issued to any person, firm, or corporation shall remain valid only so long as the state license corresponding thereto, issued to the person, firm, or corporation, shall be valid. Any revocation, suspension, nonrenewal, or other action which makes the state license null and void shall operate to revoke, suspend, make nonrenewable, or null and void the city license corresponding thereto. Any city license which is revoked, suspended, not renewed, or so made invalid shall be immediately surrendered to the City Administrator. (Ord. 5, passed 7-22-58; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.09 HOURS WHEN SALES PERMITTED.

(A) A licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each license, except that no retail sale shall be made during the hours the polls are open on any regular, primary, school, or special election day.

(1) Distilled spirits and wine retail package license: During the period between 6:00 a.m. to 1:00 a.m. daily, except during the period between 1:00 a.m. Sunday to 6:00 a.m. Monday.

(2) Distilled spirits and wine retail drink license: During the period between 6:00 a.m. to 2:30 a.m. daily except during the period between 2:30 a.m. Sunday to 6:00 a.m. Monday.

(3) Distilled spirits and wine wholesaler's license and malt beverage distributor's license: During the period between 6:00 a.m. and midnight every day except Sunday.

(4) Malt beverage retailer's license: During the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 1:00 p.m. to midnight on Sunday.

(B) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a licensee, and this department is kept locked during all times when his premises are open and he is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section. (Ord. 0-64-60, passed 5-24-60; Am. Ord. 0-39-72, passed 11-14-72; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.10 VIOLATIONS OF STATE OR FEDERAL LAW.

Nothing herein shall be construed to condone the violation by any person, firm, or corporation within the city of any federal or state statute, law, or regulation, now, heretofore or hereafter in effect applicable to any person, firm, or corporation relating to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages. Any violation of any statute, law, or regulation shall be deemed a violation of this chapter. If any clerk, agent, servant, or employee of any licensee shall violate any provision of this chapter, or such statute, law, or regulation, the violation shall be a violation by the licensee. Any license issued hereunder may be revoked by the City Alcoholic Beverage Control Administrator if the licensee shall have violated any provision of this chapter or any provision of any statute, law, or regulation. (Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.11 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The duties of the office of the City Alcoholic Beverage Control Administrator are assigned to the office of City Councilman. The City Councilman to serve as City Administrator shall be appointed by the Mayor.

(B) The City Administrator, before entering upon his duties, shall take the oath prescribed in § 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000.

(C) The City Councilman to serve as City Administrator may require any city employee under his supervision to execute a similar bond in the penal sum he deems necessary. The cost of bonds given under this section shall be borne by the city.

(D) The functions of City Administrator shall be the same with respect to city licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky with respect to state licenses and regulations. (Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.12 WHEN CHAPTER APPLIES.

The provisions of §§ 111.03 shall apply to all licenses issued after September 2, 1982 without regard to the date when application was made for these licenses; however, the provisions of these sections shall not apply to licenses issued prior to September 2, 1982 which are valid licenses as of that date until June 30, 1983. Licenses issued prior to September 2, 1982 shall continue to be governed by the laws of this city which were in effect as of the date of the issuance of last removal of the license until June 30, 1983. All of the other provisions of this chapter shall take full force and effect on September 2, 1982. (Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

§ 111.13 MINORS.

It shall be unlawful for any person, firm or corporation who is the owner, occupant or who is otherwise in possession of any property located in the city to knowingly allow any other person under the age of 21 years, except members of the immediate family (spouse or children) of such owner, occupant or possessor, to remain on such property while in the possession of any alcoholic beverage or while consuming any alcoholic beverage. (Ord. 0-11-87, passed 6-2-87) Penalty, see § 111.99

§ 111.99 PENALTY.

(A) Any person, firm, or corporation who, acting by himself or through another, directly or indirectly violates any provision of this chapter, shall be fined not less than \$200 nor more than \$500, or be imprisoned for not more than 12 months, or both. The penalties provided for in this section shall be in addition to the right of the city to revoke the offender's license.

(B) All ordinances, laws, or resolutions of the city relating to alcoholic beverage control are, subject to the provisions of § 111.12, repealed. However, the repeal of any ordinance, law, or resolution shall not prevent the prosecution, conviction, and imposition of penalties after the date of passage hereof of any person, firm, or corporation which violated such ordinance, law, or resolution prior to the date of passage hereof.

(Ord. 5, passed 7-22-58; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82)

(C) Any person, firm or corporation found guilty of violating any of the provisions of § 111.13 shall be fined not more than \$300, imprisoned for not more than 90 days, or both. (Ord. 0-11-87, passed 6-2-87)

FLORENCE CITY COUNCIL

MINUTES - REGULAR MEETING

FEBRUARY 13, 1996

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, February 13, 1996 at 7:30 p.m. in the Florence Municipal Building with Mayor Evelyn Kalb presiding in the Chair.

Mayor Kalb called the meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following members registered present: Mel Carroll, Robert O. Hay, Carl Howard, Dr. Ferd Metzger, David A. Osborne and Linda Schaffer.

Also present were City Coordinator Roger Rolfes, City Attorney Hugh O. Skees, Assistant Police Chief Thomas Kathman, Public Services Director Jeffrey Koenig and City Clerk Betsy R. Conrad.

Mayor Kalb called for a motion to approve the minutes of the January 23, 1996, Regular Meeting of Council. Councilmember Schaffer so moved, with second from Councilmember Howard and unanimous approval of Council.

Mayor Kalb presented the following Ordinance for second reading:

ORDINANCE NO. O-25-95: AN ORDINANCE STATING THE INTENTION OF THE CITY OF FLORENCE, KENTUCKY, TO ANNEX CERTAIN TERRITORY CONSISTING OF A PARCEL OF APPROXIMATELY 47.1 ACRES LOCATED ON VALLEY VIEW DRIVE, MEADOW VIEW DRIVE AND SKY VIEW DRIVE, SOUTH OF PLEASANT VALLEY ROAD, ADJACENT TO THE CITY LIMITS. (THE PLEASANT VALLEY ACRES PROPERTY)

Mayor Kalb then read the following Summary of the Ordinance: This ordinance states the intent of the City to annex a parcel of approximately 47.1 acres located in the Pleasant Valley Acres Subdivision on Valley View Drive, Meadow View Drive and Sky Drive, south of Pleasant Valley Road adjacent to the City limits. Zoning of the parcel will remain the same as before annexation.

This Ordinance is the first step in the procedure to annex this territory. Following first reading of this Ordinance the City Clerk will mail notice of the proposed annexation to each property owner who property is proposed to be annexed. The notice will contain a copy of this Ordinance and will give the date, time and location of the meeting at which second reading of this Ordinance will be given.

Following second reading of this Ordinance it will be published one time. After that publication, affected resident voters and property owners have a period of 60 days in which to petition the Mayor in opposition to the annexation. If at least fifty percent (50%) of these resident voters or property owners so petition, then an election will be held on the question of annexation. If less than fifty percent (50%) of the affected resident voters or owners petition in opposition then the City may proceed to complete the annexation by the enactment of a second Ordinance to that effect.

Councilmember Metzger moved, with second from Councilmember Carroll, that Ordinance No. O-25-95 be approved on second and final reading and be published in accordance with the law. Council approved by unanimous vote.

Councilmember Carroll pointed out that this is a friendly annexation and these property owners have requested to come into the City.

Mr. Skees advised that pursuant to Kentucky Statutes, the City Clerk had prepared a Certificate stating Notice of Proposed Annexation was mailed to each of the property owners on the list. Mr. Skees noted that this Certificate of Notice of Proposed Annexation will become part of the minutes of this meeting.

Mayor Kalb presented the following Ordinance for first reading:

ORDINANCE NO. O-1-96: AN ORDINANCE ADOPTING AND APPROVING AN ALCOHOL AND DRUG ABUSE POLICY PERTAINING TO CITY PUBLIC SERVICES DEPARTMENT EMPLOYEES HOLDING A KENTUCKY COMMERCIAL DRIVERS LICENSE (CDL).

Mayor Kalb then read the following Summary of the Ordinance: This Ordinance adopts and approves an alcohol and drug abuse policy in compliance with regulations of the Federal Highway Administration ("FHWA"). It includes definitions of terms set forth in the policy; prohibitions relating to alcohol and controlled substances; it provides consequences for refusal to submit to a drug or alcohol test; it provides guidelines for drug and alcohol testing; it provides for testing controls and sets forth the process under which testing may occur; and provides for the retention of records and sets forth standards of confidentiality of employee's records. This policy applies to City Public Services Department employees who operate a commercial motor vehicle in interstate or intrastate commerce and are subject to the CDL licensing requirement. Mayor Kalb noted that the purpose of this Ordinance is to comply with Federal Regulations.

Councilmember Howard moved, with second from Councilmember Carroll, that Ordinance No O-1-96 be approved on first reading and be held for second and final reading at the next meeting of Council. Council approved by unanimous vote.

Mayor Kalb presented the following Municipal Order for approval:

MUNICIPAL ORDER NO. O-2-96: A MUNICIPAL ORDER APPROVING THE APPOINTMENT OF DANNY PERKINS TO A THREE (3) YEAR TERM AS A MEMBER OF THE CITY OF FLORENCE, KENTUCKY, BOARD OF ETHICS UNDER THE PROVISIONS OF ORDINANCE NO. O-35-94.

Councilmember Metzger moved, with second from Councilmember Carroll, that Municipal Order No. O-2-96 be approved. Council approved by unanimous vote.

Mayor Kalb presented the following Municipal Order for approval:

MUNICIPAL ORDER NO. O-3-96: A MUNICIPAL ORDER APPROVING THE APPOINTMENT OF KEWMARS TAYBI TO FILL THE REMAINDER OF AN UNEXPIRED TWO (2) YEAR TERM AS A MEMBER OF THE CINCINNATI/NORTHERN KENTUCKY INTERNATIONAL AIRPORT AVIATION NOISE ABATEMENT COMMITTEE.

Councilmember Metzger moved, with second from Councilmember Schaffer, that Municipal Order No. O-3-96 be approved. Councilmember Metzger related that Mr. Taybi, a personal friend of his for over twenty years, could not be present due to receiving an Outstanding Service Award tonight from Circuit City (noting this is a job he took following retirement). Councilmember Metzger praised Mr. Taybi's contributions to the community and noted that he should represent Florence well on this Committee. Council approved by unanimous vote.

Mayor Kalb presented the following Municipal Order for approval:

MUNICIPAL ORDER NO. O-4-96: A MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF ED SHAFER TO THE WATER AND SEWER COMMISSION OF THE CITY OF FLORENCE, KENTUCKY, FOR A THREE (3) YEAR TERM.

Councilmember Osborne moved, with second from Councilmember Carroll, that Municipal Order No. O-4-96 be approved. Council approved by unanimous vote.

Mayor Kalb presented the following Municipal Order for approval:

MUNICIPAL ORDER NO. O-5-96: A MUNICIPAL ORDER APPROVING THE REAPPOINTMENT OF RODNEY CRICE TO THE FLORENCE MAIN STREET DESIGN REVIEW BOARD UNDER THE PROVISIONS OF THE ORDINANCE NO. O-29-94 ADOPTING AND APPROVING THE FLORENCE MAIN STREET ZONING STUDY.

Councilmember Carroll moved, with second from Councilmember Howard, that Municipal Order No. O-5-96 be approved. Council approved by unanimous vote.

Mayor Kalb presented the following Resolution for approval:

RESOLUTION NO. R-1-96: A RESOLUTION APPOINTING AN AUTHORIZED AGENT TO EXECUTE ON BEHALF OF THE CITY OF FLORENCE, KENTUCKY, APPLICATIONS FOR THE PURPOSE OF OBTAINING AND ADMINISTERING CERTAIN FEDERAL FINANCIAL ASSISTANCE UNDER THE DISASTER RELIEF ACT OF 1974.

Councilmember Carroll moved, with second from Councilmember Schaffer, that Resolution No. R-1-96 be approved. Mr. Rolfes explained that this is a formality required to authorize Boone County Emergency Management to pursue Federal financial assistance for the City and County in regard to monies expended on the blizzard of '96. Council approved by unanimous vote.

Mayor Kalb requested a Motion to approve her appointments: Roger Rolfes, ABC Administrator; Ronald Epling, Deputy ABC Administrator and Ferd Metzger, Liaison to the Water & Sewer Commission. Councilmember Hay moved, with second from Councilmember Schaffer and unanimous approval of Council.

MAYOR'S REPORT:

Mayor Kalb encouraged everyone to attend the Boone County Theatre's production of "Blithe Spirit." She noted that the performances will be at 8:00 p.m. on February 22, 23, 24, 29 and March 1, and 2, 1996 at the Ryle High School Auditorium.

Mayor Kalb reported on a Boone County Consolidation survey, which was commissioned by the Consolidation Commission, noting the preliminary results were received on February 5, 1996. Mayor Kalb shared that the survey indicates that a majority of citizens (between 56% to 94%) in the Cities and also in the unincorporated areas of the County are satisfied with the quality of the services that they now receive. She noted that the survey shows that the citizens overwhelmingly oppose city/county government consolidation: Florence - 71%; Union - 71%; Walton - 69% and the unincorporated area of the County - 60%. Mayor Kalb stated that anyone who desired a copy of this survey could stop by the City Municipal Building. Mayor Kalb encouraged everyone to attend the Consolidation Commission meeting at 7:00 p.m. this Thursday.

Mayor Kalb congratulated all the Department Heads, noting that all the Departments received overwhelming approval, according to the study.

COORDINATOR'S REPORT:

Mr. Rolfes congratulated the City of Florence Fire/EMS Department on being reclassified from class four to class three by the Insurance Service Rating Office. He noted this was a combined effort and the Water & Sewer Department also deserves credit. Mr. Rolfes explained that this would primarily affect commercial and industrial facilities.

Mr. Rolfes also commended Fire/EMS on the success of their most recent EMS Seminar which was held this past weekend and provided emergency medical training for emergency medical personnel in the area. Mr. Rolfes related that there were over 300 people in attendance and noted that there was a presentation by persons who worked in and experienced the Oklahoma City bombing tragedy.

Mayor Kalb expressed her thanks to St. Luke Hospital for co-sponsoring the Fire/EMS Seminar.

Mayor Kalb recognized several Boy Scouts from Troop No. 845 of Florence which meets at St. Paul's Church. Jason Norris related that they were working on a Merit Badge called Communications and that they were at Council to observe. Also present were Nicholas Morning and Erin Barnhill.

Councilmember Carroll noted these young men are students of Ockerman Middle School.

Mayor Kalb asked if anyone in the audience desired recognition; no one responded.

Mayor Kalb asked if anyone on Council desired recognition; Councilmember Metzger, thanked Council for again electing him to serve as the City's representative to OKI. Councilmember Metzger noted that he recently attended an OKI meeting and one of the items on the Agenda was the Federal Certification Report regarding the OKI Transportation planning process. He related that this is the first time that local communities have been given the opportunity for input on Federal highway processes and planning. He noted that last fall the Federal Highway and the Federal Transportation Administration teams reviewed the OKI's planning process to insure that it was consistent with Federal requirements. Councilmember Metzger noted that our community (Cincinnati and Northern Kentucky) was singled out as having an outstanding program to involve the region and the public. OKI and Bernie Moorman, Chairman of the Committee received commendation from the Federal Highway and Transportation Administration.

Councilmember Metzger also noted that there was a Public Planning Hearing last night at Ockerman Middle School and noted the lack of public attendance. He emphasized the importance of having input at the early stages of planning for the I-71 corridor improvements. He advised that this improvement plan includes four stages and is in its second or third stage now and will continue through April of '97 and the goal is to establish preferred alternatives to address the transportation corridor on I-71 from King's Island to Florence. He noted that this includes such things as light rail systems, high occupancy vehicle lanes on I-71 and alternate ways of transportation, bus ways, bicycles ways and anything that will facilitate transportation.

Councilmember Metzger related that beginning March 4, 1996, another year of major interstate highway construction activities will begin with more than 200 construction workers covering I-71 and I-275 between U.S. 25 and the AA Highway in northern Kentucky and noted the necessity for alternate routes, car pooling and buses

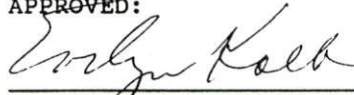
to reduce traffic congestion.

Mayor Kalb requested a motion to go into **Closed Executive session pursuant to K.R.S. 61.810(1)(b) in regard to land acquisition.** Councilmember Osborne so moved, with second from Councilmember Schaffer and **unanimous approval of Council,** the time being 7:55 p.m.

Mayor Kalb requested a motion to reconvene the meeting at 8:11 p.m. stating that the Closed Executive Session had been called pursuant to K.R.S. 61.810(1)(b) in regard to land acquisition and that no action will be taken. Councilmember Hay so moved, with second from Councilmember Schaffer and **unanimous approval of Council.**


There being no further business to come before the Council, Mayor Kalb called for a motion to adjourn. Councilmember Hay so moved, with second from Councilmember Carroll, and **unanimous approval of Council,** the time being 8:12 p.m.

APPROVED:



Evelyn Kalb, Mayor

ATTEST:



Betsy R. Conrad, City Clerk

FLORENCE CITY COUNCIL

MINUTES - REGULAR MEETING

JANUARY 10, 1995

The City Council of the City of Florence, Kentucky met in Regular Session on Tuesday, January 10, 1995 at 7:30 p.m. in the Florence Municipal Building with Mayor Evelyn Kalb presiding in the Chair.

Mayor Kalb called the meeting to order and declared the Regular Session to be open for the presentation of all City business.

The roll was called and the following members registered present: Mel Carroll, Robert O. Hay, Carl Howard, William Hudson, Dr. Ferd Metzger and David A. Osborne.

Also present were City Coordinator Roger Rolfes, City Attorney Hugh O. Skees, Finance Director Ronald Epling, Assistant Police Chief Thomas Kathman, Public Services Director Jeffrey Koenig, Fire/EMS Chief Richard Albers, and City Clerk Betsy R. Conrad.

Mayor Kalb recognized Officer Bruce McVay. Officer McVay commended two brothers, Mike and Jamie Roberts, who acting on instinct without regard for their own safety, chased and subdued two men who had robbed Martha Wallace who was exiting Walmart. Officer McVay emphasized that he does not recommend an attempt by citizens to subdue criminals fleeing from a crime scene, but noted that in this instance without their intervention the criminals probably would have been successful in their robbery attempt. Mayor Kalb presented the brothers each with a Certificate of Appreciation from the City for their assistance in the apprehension of the two robbers.

Mayor Kalb called for a motion to approve the minutes of the December 13, 1994, Regular Meeting of Council. Councilmember Howard so moved, with second from Councilmember Hudson, and unanimous approval of Council.

Mayor Kalb requested a motion for authorization to negotiate a contract with the architectural firm CDS in regard to the building of the new Municipal Building and the development of the 44 acres on Ewing Boulevard. Councilmember Osborne so moved, with second from Councilmember Hudson.

Mayor Kalb commended Councilmember Metzger and the previous Councils who recognized the need for a larger municipal facility and were responsible for the purchase of the 44 acres in 1986. She noted that in 1964, when the current facility was built, there were only nine employees.

Councilmember Metzger related that after consulting with staff this past week his concerns regarding the selection of the architect had been alleviated. Roll call vote was taken. Voting Yes: Councilmembers Howard, Carroll, Hudson, Metzger, Hay and Osborne. Voting No: None. Council approved by unanimous vote. Mayor Kalb congratulated Council on this important decision and thanked Council for all their time and effort in reaching this decision.

Mayor Kalb presented the following Ordinance for second reading:

ORDINANCE NO. O-36-94: AN ORDINANCE AMENDING ORDINANCE NO. O-34-82 TO CHANGE THE LIST OF ALCOHOLIC BEVERAGE LICENSES ISSUABLE BY THE CITY AND THE LICENSE FEES IMPOSED FOR EACH AS AUTHORIZED BY THE 1994 AMENDMENT TO K.R.S. 243.070.

FLORENCE CITY COUNCIL
MINUTES - JANUARY 10, 1995
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Councilmember Hudson moved, with second from Councilmember Carroll, that Ordinance No. 0-36-94 be approved on second reading and be published in accordance with the law. Council approved by unanimous vote.

Mayor Kalb presented a consideration of recommendation from the Boone County Planning Commission in regard to the request of Ken and Trudy Rogers (applicants) for Liberty National Bank of Northern Kentucky and the Commonwealth of Kentucky (owners) for a Zoning Map Amendment on a ±.40 acre site generally located at Curtis Avenue and Turfway Road, Florence, Kentucky. The request is to rezone the site from Suburban Residential Two (SR-2) to Commercial One (C-1) to allow a retail flower center. (Flowerama)

Councilmember Metzger moved, with second from Councilmember Hay that this request be placed on the Agenda for action. Council approved by unanimous vote.

Mayor Kalb presented the following Ordinance for first reading:

ORDINANCE NO. 0-1-95: AN ORDINANCE ADOPTING AND APPROVING A REZONING OF CERTAIN REAL ESTATE LOCATED IN THE CITY OF FLORENCE, KENTUCKY, FOR AN APPROXIMATE .4 ACRE SITE LOCATED GENERALLY AT OR NEAR THE INTERSECTION OF TURFWAY ROAD AND CURTIS AVENUE IN THE CITY OF FLORENCE, KENTUCKY, THIS REZONING BEING FROM ITS PRESENT ZONE OF SUBURBAN RESIDENTIAL TWO (SR-2) TO COMMERCIAL ONE (C-1) SUBJECT TO AN AGREED DEVELOPMENT PLAN. (KEN AND TRUDY ROGERS PROPERTY)

Councilmember Osborne, moved with second from Councilmember Howard, that Ordinance No. 0-1-95 be approved on first reading and held for the second and final reading at next meeting of Council.

Mayor Kalb recognized Attorney Skees, who advised that he and Mr. Nienaber had worked out language in regard to the waiver of the conditional uses as well as the permitted uses. This Waiver of Conditional Uses has been documented, signed by the applicants and is attached to the Ordinance as an Exhibit B.

Mr. Skees advised that after a Public Hearing Council has the choice of either approving the Planning Commission's recommendation or rejecting Planning Commission's recommendation, in which event Council would need to make findings of fact different from the findings of fact made by the Planning Commission and findings which would support a denial of the zoning request. Roll call vote was taken. Voting Yes: Councilmembers Howard, Carroll, Metzger and Osborne. Voting No: Councilmembers Hudson and Hay. Council approved by a vote of four (4) to two (2).

MAYOR'S REPORT:

Mayor Kalb requested a motion to appoint Shirley Millar as Deputy ABC Administrator. Councilmember Hudson so moved, with second from Councilmember Howard and unanimous approval of Council.

Mayor Kalb requested a motion to appoint William G. Noble - a local attorney, Dorothy Rettay - a CPA, Owen Dolan - a minister, Mary Carroll - a housewife and a long time activist in local governmental affairs and Thomas O'Daniel - a former member of Council and a semi-retired businessman to the Ethics Board. Councilmember Metzger so moved, with second from Councilmember Hudson and unanimous approval of Council.

FLORENCE CITY COUNCIL
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Mayor Kalb requested a motion to reappoint Raymond Ashcraft to the Florence Board of Adjustments. Councilmember Hudson so moved, with second from Councilmember Metzger and unanimous approval of Council.

Mayor Kalb related that the American Heart Association had requested that Council declare February - American Heart Month in Florence, Kentucky. Councilmember Hay so moved, with second from Councilmember Hudson and unanimous approval of Council.

Mayor Kalb referred to a letter in the Kentucky Post from Judge Stan Billingsly commending Officer Rick White and noted Council's pride in the Florence officers.

COORDINATOR'S REPORT:

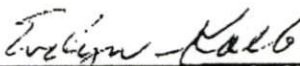
NONE

Mayor Kalb asked if anyone on Council desired recognition; no one responded.

Mayor Kalb asked if anyone in the audience desired recognition; no one responded.

There being no further business to come before the Council, Mayor Kalb called for a motion to adjourn. Councilmember Hudson so moved, with second from Councilmember Osborne, and unanimous approval of the Council, the time being 7:51 p.m.

APPROVED:



Evelyn Kalb, Mayor

ATTEST:



Betsy R. Conrad, City Clerk