

CITY OF FORT WRIGHT, KENTUCKY

ORDINANCE NO. 03-14

AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY AMENDING CHAPTER 112 OF THE MUNICIPAL CODE.

WHEREAS, the City of Fort Wright, hereby discerns the need to amend Chapter 112 of the Fort Wright Code of Ordinances to comply with certain provisions of legislation recently enacted by the Kentucky General Assembly regulating alcoholic beverages.

NOW, THEREFORE, BE IT ORDAINED by the City of Fort Wright, in Kenton County, Kentucky, as follows:

SECTION I

That §112.01 of the Fort Wright Code of Ordinances is hereby amended as follows:

§112.01 DEFINITIONS.

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

"DISTILLED SPIRITS" or "SPIRITS." Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242, obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages. (~~KRS 241.010(18)~~) (KRS 241.010(20)).

"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 Chapter 242.~~ (~~KRS 241.010(28)~~) (KRS 241.010(32))

"RETAIL SALE." Any sale where delivery is made in Kentucky to any person not holding a license. (~~KRS 241.010(40)~~) (46)

"WINE." The product of the normal alcoholic fermentation of the juices of fruit, with the usual cellar treatment and necessary conditions to correct defects due to climatic, saccharine, and seasonal changes. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. (~~KRS 241.010(55)~~) (62)

SECTION II

That §112.16 of the Fort Wright Code of Ordinances is hereby amended as follows:

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ALCOHOL
BEVERAGE CONTROL

§112.01 APPLICATION; CONTENTS.

(A) Application for a license under this chapter shall be made to the City Alcoholic Beverage Control Administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation. The application shall be verified by oath or affidavit, and shall contain the following statements and information:

- (1) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership the persons entitled to share in the profits thereof; in the case of a corporation the names and addresses of the officers, directors, and any stockholder who owns 5% or more of the stock of such corporation;
- (2) The location and description of the premises or place of business which is to be operated under such license;
- (3) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of this city;
- (4) Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor.

(B) Application for a temporary license shall be made at least seven days in advance of the beginning of the sales period for which the license is issued.

(C) With regards to Class "B," "E," and "F" licenses With regards to Class "B," "F," and "G" licenses under this chapter, there shall be required a separate application and license for each stationary bar or for each bar for which a license is required by the Commonwealth of Kentucky.

SECTION III

That §112.21 of the Fort Wright Code of Ordinances is hereby amended as follows:

§112.01 CLASSIFICATIONS; FEES.

Licenses issued under this chapter shall be divided into the following classes with the following fees:

(A) Class "A," Retail Distilled Spirits and Wine Package License.

(A) Class "A," Quota Retail Package License.

This license shall only permit the retail sale of distilled spirits in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be \$1000.00.

~~(B) Class "B," Retail Distilled Spirits and Wine Drink License.~~

(B) Class "B," Quota Retail Drink License.

This license shall permit the retail sale of alcoholic beverages for consumption on the premises where sold and not for resale in any form.
The annual fee for such license shall be \$1000.

~~(C) Class "C," Special Sunday Retail Distilled Spirits and Wine Drink License.~~

(C) Class "C," Special Sunday Retail Drink License.

This license shall permit the retail sale of distilled spirits and wine for consumption only on the premises where sold during Sundays, and otherwise in accordance with the Kentucky Revised Statutes and these city ordinances as to the hours during which alcoholic beverages may be sold. The annual fee for such license shall be \$300.00.

~~(D) Class "D," Retail Malt Beverage License. This license shall permit the retail sale of malt beverages for consumption on or off the premises where sold, and not for resale in any form. The annual fee for such license shall be \$200. The renewal fee shall be \$150. The purchase of a Class "A" or Class "B" license issued pursuant to this chapter, shall by the virtue thereof entitle the holders to have a Class "D" retail malt beverage license, without charge.~~

(D) Class "D," NQ-4 Retail Malt Beverage Drink License.

This license shall only permit the retail sale of malt beverages for consumption on the premises where sold, and not for resale in any form. The annual fee for such license shall be \$200.00. The purchase of a Class "A" or Class "B" license issued pursuant to this chapter, shall by virtue thereof entitle the holders to have a Class "D" NQ-4 Retail Malt Beverage Drink License, without charge.

(E) Class "E," NQ Retail Malt Beverage Package License.

This license shall only permit the retail sale of malt beverages for consumption off the premises where sold, and not for resale in any form. The annual fee for such license shall be \$200.00. The purchase of a Class "A" or Class "B" license issued pursuant to this chapter, shall by virtue thereof entitle the holders to have a Class "E" NQ Retail Malt Beverage Package License, without charge.

~~(E) Class "E," Special Temporary License - Malt Beverage Monthly Basis.~~

(F) Class "F," Special Temporary License.

This license shall permit the retail sale of malt beverages for consumption on the premises where sold and not for resale in any form, and shall be limited for a term of 30 days from the date of the issuance of the license, inclusive of that date, and shall not be extended past the 30-day period, nor shall a subsequent special temporary license be issued to the same licensee during the same calendar year. The fee for such license shall be \$25.00.

~~(F) Class "F," Special Private Club License.~~

(G) Class "G," NQ-3 Retail Drink License.

This license shall permit the retail sale of distilled spirits and wine as well as malt beverages for consumption only on the premises where sold, to be issued to a regularly

organized club, such sales to be made only to members of the club or to a duly authorized licensee of the club pursuant to the subject club's bylaws. The license shall further be subject to all restrictions and conditions or prohibitions outlined in the Kentucky Revised Statutes, as well as the regulations of the Commonwealth of Kentucky Alcoholic Beverage Control Board. No ~~Class "F" license~~ Class "G" license shall be issued until the City Alcoholic Beverage Control Administrator has satisfied himself that the club applying for the license was actually, and in fact, organized for some purpose or object other than the sale or consumption of distilled spirits and wine or malt beverages. The annual fee for such license shall be \$300.00.

(H) The holder of a NQ Retail Malt Beverage Package License may obtain a NQ-4 Retail Malt Beverage Drink License for a fee of \$50.00. The holder of a NQ-4 Malt Beverage Drink License may obtain a NQ Retail Malt Beverage Package license for a fee of \$50.00.

(I) 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 premise.

SECTION IV

If any provision of this Ordinance as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

SECTION V

Any and all ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

CITY OF FORT WRIGHT, KENTUCKY
A municipal corporation of the fourth class

BY: _____


MAYOR

ATTEST: _____


CITY CLERK

FIRST READING: _____

SECOND READING: 03-05-14

PUBLISHED: _____

Ordinance 15 - 14

AN ORDINANCE OF THE CITY OF FORT WRIGHT, IN KENTON COUNTY, KENTUCKY, AMENDING §112.50 OF THE CODE TO PERMIT ALCOHOL SALES ON ELECTION DAY

WHEREAS, Senate Bill 13 authorizes alcohol sales on Election Day when approved by the local jurisdiction;

BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTUCKY:

SECTION 1

§112.50 of the Municipal Code is amended as follows:

§112.50 HOURS OF SALE

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold at retail, by the drink, in the city between the hours of 2:30 a.m. and 6:00 a.m. of any day. On Sundays no distilled spirits, wine, or malt beverages may be sold at retail by the drink on Sunday between the hours of 2:30 a.m. and 11:00 a.m. ~~In addition, no distilled spirits, wine, or malt beverages may be sold at retail by the drink in the city during the hours when any polls are open in the city of any election day.~~

(B) All retail sellers that hold a valid license for the sale of distilled spirits, wine, or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink, according to the terms of their individual license, during the hours of 6:00 a.m. to 2:30 a.m. the following day, on every day except for Sundays, ~~and except for any hours when any polls are open in the city on any election day.~~ All retail sellers that hold a valid license for the sale of wine, spirits, or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink, according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays; and between the hours of 11:00 a.m. on Sundays and 2:30 a.m. on Mondays.

SECTION 2

Any and all ordinances in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION 3

If any part of this ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the

effectiveness of the remaining provisions or applications and, to this end, the provisions of this ordinance are severable.

SECTION 4

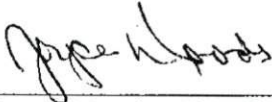
This ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

CITY OF FORT WRIGHT, KENTUCKY

By: 

Joe Nienaber, Mayor

ATTEST:



Joyce Woods, City Clerk

FIRST READING: 12-3-14

SECOND READING: 1-7-15

PUBLICATION: 1-26-15

TITLE XI: BUSINESS REGULATIONS

CHAPTER 112: ALCOHOLIC BEVERAGES

CHAPTER 112: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

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

"DISTILLED SPIRITS" or "SPIRITS." Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242, obtained by distilling, mixed with water or other substances in solution, except wine. (KRS

241.010(13))

"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 Chapter 242. (KRS

241.010(21))

"RETAIL SALE." Any sale where delivery is made in Kentucky to any person not holding a license. (KRS 241.010(27))

"WINE." The product of the normal alcoholic fermentation of the juices of fruit, with the usual cellar treatment and necessary conditions to correct defects due to climatic, saccharine, and seasonal changes. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. (KRS 241.010(36))

('77 Code, § 3-1) (Ord. 125-1975, passed 10-10-75; Am. Ord.

167-1978, passed 7-14-78)

§ 112.02 STATE LAW ADOPTED.

The provisions of the Kentucky Alcohol Beverage Control Act, KRS Chapters 241-244, are hereby adopted and made a part of this chapter by reference as fully as though copied herein; and no person or

premises who or which may be ineligible or disqualified from holding any permit or license pursuant to the provisions thereof shall be eligible or qualified to receive or hold a license under the provisions of this chapter.

('77 Code, § 3-2) (Ord. 19-1968, passed 3-4-68)

§ 112.03 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

The City Administrative Officer shall perform the duties of the Alcoholic Beverage Control Administrator as prescribed under state law.

('77 Code, § 3-3) (Ord. 123-1975, passed 8-8-75)

LICENSES

§ 112.15 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic beverage without having a retail alcoholic beverage dealer's license as provided in this chapter, or to be in violation of the terms of such license.

('77 Code, § 3-15) (Ord. 125-1975, passed 10-10-75) Penalty, see § 112.99

§ 112.16 APPLICATION; CONTENTS.

(A) Application for a license under this chapter shall be made to the City Alcoholic Beverage Control Administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation. The application shall be verified by oath or affidavit, and shall contain the following statements and information:

(1) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership the persons entitled to share in the profits thereof; in the case of a corporation the names and addresses of the officers, directors, and any stockholder who owns 5% or more of the stock of such corporation;

(2) The location and description of the premises or place of business which is to be operated under such license;

(3) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of this city;

(4) Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor.

('77 Code, § 3-16) (Ord. 125-1975, passed 10-10-75)

(B) Application for a temporary license shall be made at least seven days in advance of the beginning of the sales period for which the license is issued.

(C) With regards to Class "B," "E," and "F" licenses under this chapter, there shall be required a separate application and license for each stationary bar or for each bar for which a license is required by the Commonwealth of Kentucky. ('77 Code, § 3-17) (Ord. 125-1975, passed 10-10-75)

§ 112.17 RESTRICTIONS ON ISSUANCE.

No license shall be issued under this chapter to:

(A) A person who has been convicted of a felony;

(B) A person whose license, under this chapter, has been revoked for cause;

(C) A person who at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon a first application;

(D) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(E) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason;

(F) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic beverages;

(G) Any person, firm, or corporation not eligible for a state retail alcoholic beverage dealer's license in accordance with KRS Chapters 243 and 244.

('77 Code, § 3-18) (Ord. 125-1975, passed 10-10-75)

§ 112.18 CONDITIONS FOR CLASS C LICENSES.

All Class "C" licenses issued pursuant to the provisions of this chapter shall be accepted by the applicant subject to the following conditions:

(A) That the premises so licensed shall be subject to the entry of police or other duly authorized representatives of the city, at all reasonable hours for the purpose of inspection and search and to the removal from such premises of all things and articles contained upon such premises in violation of the ordinances of the city and the laws of the state and consent to the introduction of such articles or things in evidence in any prosecution that may be brought involving their necessary use;

(B) That the licensee shall not sell any alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the same from public view, in conformity with the provisions of the laws of the state pertaining thereto;

(C) That the licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises, nor shall violations of any law be permitted thereon;

(D) That no alcoholic beverages shall be sold or dispensed to any minor;

(E) That licensees shall not engage in the sale of alcoholic beverages on Sunday except between the hours of 1:00 p.m. to Sunday midnight.

('77 Code, § 3-19) (Ord. 81-1973, passed 1-12-73; Am. Ord. 167-1978, passed 7-14-78)

(F) That a temporary license may require the licensee to provide security guards to maintain the peace during the period of sales. The requirement shall be based on the following criteria:

- (1) Purpose of the event;
- (2) Number of anticipated participants;
- (3) Amount of the entry fee; and
- (4) Location of the event.

§ 112.19 NUMBER TO BE ISSUED.

The number of all classes of alcoholic beverage licenses issued under this chapter and in force at any one time within the city shall be in accordance with the number of distilled spirits and wine licenses (alcoholic beverages) permissible under state law.

('77 Code, § 3-20) (Ord. 125-1975, passed 10-10-75)

§ 112.20 TERM; RENEWAL.

(A) Each license issued under this chapter shall terminate on June 30 following the issuance thereof. ('77 Code, § 3-21)

(B) Any licensee under this chapter may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege herein provided for shall not be construed as a vested right. ('77 Code, § 3-25)

(Ord. 125-1975, passed 10-10-75)

§ 112.21 CLASSIFICATIONS; FEES.

Licenses issued under this chapter shall be divided into the following classes with the following fees:

(A) Class "A," Retail Distilled Spirits and Wine Package License.

This license shall only permit the retail sale of distilled spirits in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be \$1000.

(B) Class "B," Retail Distilled Spirits and Wine Drink License. This license shall permit the retail sale of alcoholic beverages for consumption on the premises where sold and not for resale in any form.

The annual fee for such license shall be \$1000.

(C) Class "C," Special Sunday Retail Distilled Spirits and Wine Drink License.

This license shall permit the retail sale of distilled spirits and wine for consumption only on the premises where sold during Sundays, and otherwise in accordance with the Kentucky Revised Statutes and these city ordinances as to the hours during which alcoholic beverages may be sold. The annual fee for such license shall be \$300.

(D) Class "D," Retail Malt Beverage License. This license shall permit the retail sale of malt beverages for consumption on or off the premises where sold, and not for resale in any form. the annual fee for such license shall be \$200. The renewal fee shall be \$150. The purchase of a Class "A" or Class "B" license issued pursuant to this chapter, shall by the virtue thereof entitle the holders to have a Class "D" retail malt beverage license, without charge.

(E) Class "E," Special Temporary License - Malt Beverage Monthly Basis.

This license shall permit the retail sale of malt beverages for consumption on the premises where sold and not for resale in any form, and shall be limited for a term of 30 days from the date of the issuance of the license, inclusive of that date, and shall not be extended past the 30-day period, nor shall a subsequent special temporary license be issued to the same licensee during the same calendar year. The fee for such license shall be \$25.

(F) Class "F," Special Private Club License. This license shall permit the retail sale of distilled spirits and wine as well as malt beverages for consumption only on the premises where sold, to be issued to a regularly organized club, such sales to be made only to members of the club or to a duly authorized licensee of the club pursuant to the subject club's bylaws. The license shall further be subject to all restrictions and conditions or prohibitions outlined in the Kentucky Revised Statutes, as well as the regulations of the Commonwealth of Kentucky Alcoholic Beverage Control Board. No Class "F" license shall be issued until the City Alcoholic Beverage Control Administrator has satisfied himself that the club applying for the license was actually, and in fact, organized for some purpose or object other than the sale or consumption of distilled spirits and wine or malt beverages. The annual fee for such license shall be \$300.

('77 Code, § 3-22) (Ord. 125-1975, passed 10-10-75; Am. Ord. 167-1978, passed 7-14-78; Am. Ord. 168-1978, passed 7-14-78; Am. Ord. 191-1979, passed 6-8-79)

§ 112.22 DISPOSITION OF FEES.

All fees collected under this chapter shall be paid to the City Clerk, at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Fund or in such other fund as shall have been designated by the City Council by proper action.

('77 Code, § 3-23) (Ord. 125-1975, passed 10-10-75)

§ 112.23 CHANGE OF LOCATION.

A license issued under this chapter shall permit the sale of alcoholic beverages only on the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the City Alcoholic Beverage Control Administrator after approval by the City Council. No change of location shall be permitted unless the proposed new

location is in compliance with the provisions and regulations of this chapter.

('77 Code, § 3-24) (Ord. 125-1975, passed 10-10-75) Penalty, see § 112.99

§ 112.24 REPLACEMENT WHEN LOST OR DESTROYED.

Whenever a license issued under this chapter shall become lost or destroyed without fault upon the part of the holder, a duplicate of the original shall be issued by the city upon the payment of a fee of \$1 and an affidavit stating the loss or destruction of the original license.

('77 Code, § 3-27) (Ord. 19-1968, passed 3-4-68)

§ 112.25 LICENSE TO BE DISPLAYED.

Licenses issued pursuant to the provisions of this chapter shall, while in force, be posted in a conspicuous place where alcoholic beverages are kept for sale.

('77 Code, § 3-26) (Ord. 19-1968, passed 3-4-68) Penalty, see § 112.99

§ 112.26 CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES.

It shall be unlawful for any employee or independent contractor of an establishment with a liquor-by-the-drink license, to solicit patrons of said establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the liquor-by-the-drink license.

(Ord. 456-1991, passed 4-1-92)

NUDE OR NEARLY NUDE ACTIVITIES

§ 112.35 DEFINITIONS.

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

"BUSINESS ESTABLISHMENT." A business within the city where liquor, beer or wine is sold for consumption on the premises pursuant to a retail drink liquor license or retail cereal malt beverage liquor license that has been issued by the city.

"LICENSE." A retail drink liquor license or a retail cereal malt beverage liquor license issued by the city.

"LICENSEE." Any person to whom a retail drink liquor license or a retail cereal malt beverage liquor license has been issued by the city including the officers and agents of the licensee.

"LIQUOR ADMINISTRATOR." The duly appointed Alcoholic Beverage Control Administrator of the city.

"OCCUPATIONAL LICENSE." The occupational license issued for the business establishment pursuant to the city's Occupational License Ordinance. (See Chapter 110.)

"**PERSON.**" A human being, and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

"**PREMISES.**" The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

"**RETAIL LICENSEE.**" Any licensee including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.

(Ord. 353-1985, passed 1-8-86; Am. Ord. 456-1991, passed 4-1-92)

§ 112.36 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when any person appears on a business establishment's premises in such a manner or attire as to expose to view portions of the breast referred to as the areola, nipple, or simulation thereof. This definition shall include the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(Ord. 353-1985, passed 1-8-86; Am. Ord. 526-1996, passed 5-1-96) Penalty, see § 112.99

§ 112.37 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A licensee or retail licensee is guilty of permitting nude or nearly nude activity when having control of the business establishment's premises which it knows or has reasonable cause to know, is being used by any person to appear on the premises in such a manner or attire as to expose to view portions of the pubic area, anus, vulva, or genitals, or any simulation thereof; or used by any person to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof. This definition shall include the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part. It permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

(Ord. 353-1985, passed 1-8-86; Am. Ord. 526-1996, passed 5-1-96) Penalty, see § 112.99

§ 112.38 LICENSE REVOCATION OR SUSPENSION FOR VIOLATION.

(A) Performing nude or nearly nude activities as set forth in § 112.36 or permitting such activities as set forth in § 112.37, is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes. The second violation of § 112.36 or § 112.37 within a 12-month period shall constitute a Class B Misdemeanor with punishment as set forth in the Kentucky Revised Statutes. Three or more violations of § 112.36 or § 112.37 within a 12-month period shall constitute a Class A Misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

(B) In the event that a violation of § 112.36 or § 112.37 of this chapter occurs, the City Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the liquor licensee, at whose business establishment the activity prohibited by this chapter occurred, shall have his license suspended or

revoked. In the event three or more violations of § 112.36 or § 112.37 occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink license or retail cereal malt beverage liquor license or both.

(C) In the event that a violation of § 112.36 or § 112.37 occurs, the City Administrative Officer shall prefer charges against the retail licensee pursuant to the Code of Ordinances, and after notice and a hearing held by the City Council, the occupational license shall either be revoked or suspended. In the event that three or more violations of § 112.36 or § 112.37 occur at a business establishment within a 12-month period, after notice and hearing pursuant to the Code of Ordinances, the City Council shall revoke the occupational license of the retail licensee.

(D) Any license or permit for a limited time may be revoked by the Mayor at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.

(Ord. 353-1985, passed 1-8-86) Penalty, see § 112.99

RESTRICTIONS ON SALES

§ 112.50 HOURS OF SALE.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold at retail, by the drink, in the city between the hours of 2:30 a.m. and 6:00 a.m. of any day. On Sundays no distilled spirits, wine, or malt beverages may be sold at retail by the drink on Sunday between the hours of 2:30 a.m. and 11:00 a.m. In addition, no distilled spirits, wine, or malt beverages may be sold at retail by the drink in the city during the hours when any polls are open in the city of any election day.

(B) All retail sellers that hold a valid license for the sale of distilled spirits, wine, or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink, according to the terms of their individual license, during the hours of 6:00 a.m. to 2:30 a.m. the following day, on every day except for Sundays, and except for any hours when any polls are open in the city on any election day. All retail sellers that hold a valid license for the sale of wine, spirits, or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink, according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays; and between the hours of 11:00 a.m. on Sundays and 2:30 a.m. on Mondays.

(Ord. 11-04, passed 12-13-04; Am. Ord. 9-05, passed 6-1-05)

§ 112.51 PREMISES MUST CLOSE.

During the restricted hours set forth in § 112.50, no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby unless otherwise provided herein. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such license

was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times.

(Ord. 11-04, passed 12-13-04)

§ 112.52 SEPARATE DEPARTMENTS ON PREMISES.

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

(Ord. 11-04, passed 12-13-04)

§ 112.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

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ORDINANCE 11-04

AN ORDINANCE OF THE CITY OF FORT WRIGHT, KENTON COUNTY, KENTUCKY, PROVIDING FOR THE ESTABLISHMENT OF THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES BY PACKAGE IN THE CITY.

BE IT ORDAINED BY THE CITY OF FORT WRIGHT, KENTUCKY:

WHEREAS, Kentucky Revised Statutes 244.290 was amended to allow cities of the fourth class such as Fort Wright, Kentucky, to establish hours and times in which distilled spirits and wine may be sold within their jurisdictional boundaries;

WHEREAS, the Commonwealth of Kentucky Court of Appeals affirmed the validity of KRS 244.290 regarding the ability of a city to establish the hours for the sale of distilled spirits and wine within its jurisdictional boundaries;

WHEREAS, the city of Fort Wright, Kentucky desires to establish the hours that distilled spirits and wine may be sold, including Sundays, in compliance with KRS 244.290 and related statutory and case law;

NOW THEREFORE BE IT ORDAINED by the City Council of the City Fort Wright, Kentucky as follows:

SECTION I

Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold at retail, by package, in the City between the hours of 2:30 a.m. and 6:00 a.m. of any day. On Sundays no distilled spirits, wine, or malt beverages may be sold at retail by the package on Sunday between the hours of 2:30 a.m. and 11:00 a.m. In addition, no distilled spirits, wine, or malt beverages may be sold at retail by the package in the City during the hours when any polls are open in the City of any election day.

SECTION II

During the restricted hours set forth in Section I, no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby unless otherwise provided herein. During such times, all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such City licenses or any supplements thereto as officers, agents, or employees of the person to whom such license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times.

SECTION III

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

SECTION IV

All retail sellers that hold a valid license for the sale of distilled spirits, wine, or malt beverages within the jurisdictional boundaries of the City, are hereby authorized to sell distilled spirits, wine, and malt beverages, by package, according to the terms of their individual license, during the hours of 6:00 a.m. to 2:30 a.m. the following day, on every day except for Sundays, and except for any hours when any polls are open in the City on any election day. All retail sellers that hold a valid license for the sale of wine, spirits, or malt beverages within the jurisdictional boundaries of the City, are hereby authorized to sell distilled spirits, wine, and malt beverages, by package, according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays, and between the hours of 11:00 a.m. on Sundays and 2:30 a.m. on Mondays.

SECTION V

Penalties shall be enforced pursuant to applicable sections of the Code of Ordinances of Fort Wright, Kentucky.

SECTION VI

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

SECTION VII

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the City Council this 8th day of December 2004.

City of Fort Wright, Kentucky
A Municipal Corporation of the Fourth Class

Mayor, Gene Weaver

Attest: _____
City Clerk

First Reading: _____
Second Reading: _____
Published: _____

ORDINANCE NO. 191 - 1979

AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES OF THE CITY OF FORT WRIGHT, KENTUCKY, REGARDING ALCOHOLIC BEVERAGES

THE CITY COUNCIL OF THE CITY OF FORT WRIGHT, KENTUCKY, DOES ORDAIN AS FOLLOWS:

SECTION I

That there shall be added a new Section to Chapter 3, Article II, of the Code of Ordinances of the City of Fort Wright, Kentucky, to read as follows:

"Sec. 3-28. That the purchase of a Class "A", or Class "B" license, issued pursuant to this Chapter, shall by the virtue thereof entitle the holders to have a Class "D" - Retail Malt Beverage License, without charge."

SECTION II

That Sec. 3-22 of the Code of Ordinances of the City of Fort Wright, Kentucky, is hereby amended to read as follows:

- "(1) Class "A", Retail Distilled Spirits and Wine Package License, which shall only permit the retail sale of distilled spirits in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be Five Hundred (\$500.00) Dollars.
- (2) Class "B", Retail Distilled Spirits and Wine Drink License, which shall permit the retail sale of alcoholic beverages for consumption on the premises where sold and not for resale in any form. The annual fee for such license shall be Five Hundred (\$500.00) Dollars."

SECTION III

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

SECTION IV

This ordinance shall take effect and be in full force and effect from and after its passage and publication, according to law.

PASSED BY the City Council this 8th day of June, 1979.

CITY OF FORT WRIGHT, KENTUCKY
a municipal corporation of the
fourth class.

By Thomas H. Litzler
MAYOR

ATTEST:
Elmer Math
CITY CLERK

PUBLISHED: June 18, 1979 APPROVED: June 8, 1979



ORDINANCE NO. 167 -1978

AN ORDINANCE AMENDING THE CODE OF ORDINANCES
FOR THE CITY OF FORT WRIGHT, KENTUCKY,
AS TO ALCOHOLIC BEVERAGES

THE CITY COUNCIL OF THE CITY OF FORT WRIGHT, KENTUCKY, DOES ORDAIN
AS FOLLOWS:

That Chapter 3, ALCOHOLIC BEVERAGES, Articles I and II of the
Code of Ordinances, City of Fort Wright, Kentucky, is hereby amend-
ed to read as follows:

SECTION I

"Section 3-1. Definitions.

Unless the context otherwise requires, the following
terms as used in the Chapter shall be construed according
to the definitions given below:

Distilled Spirits or Spirits means any product capable
of being consumed by a human being which contains alcohol
in excess of the amount permitted by Kentucky Revised Statute,
Chapter 242, obtained by distilling, mixed with water or
other substances in solution, except wine.

Malt Beverage means 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
the Kentucky Revised Statute, Chapter 242.

Retail Sale means any sale where delivery is made in
Kentucky to any person not holding a license.

Wine means the product of the normal alcoholic ferment-
ation of the juices of fruit, with the usual cellar treatment
and necessary conditions to correct defects due to climactic,
saccharine and seasonal changes. It includes champagne and
sparkling and fortified wine of an alcoholic content not to
exceed twenty-four (24%) percent by volume."

SECTION II

"Section 3-19. Conditions to Issuance of Class "C" License.

All Class "C" licenses issued pursuant to the provisions
of this Article shall be accepted by the applicant subject to
the following conditions:

- (1) That the premises so licensed shall be subject to
the entry of police or other duly authorized rep-
resentatives of the city, at all reasonable hours
for the purpose of inspection and search and to
the removal from such premises of all things and

- articles contained upon such premises in violation of the ordinances of the city and the laws of the state and consent to the introduction of such articles or things in evidence in any prosecution that may be brought involving their necessary use;
- (2) That the licensee shall not sell any alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the same from public view in conformity with the provisions of the laws of the state pertaining thereof;
 - (3) That the licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises, nor shall violations of any law be permitted thereon;
 - (4) Treating shall be unlawful and is forbidden;
 - (5) No alcoholic beverages shall be sold or dispensed to any minor;
 - (6) Licensees shall not engage in the sale of alcoholic beverages on Sunday except between the hours of 1:00 p.m. to Sunday midnight. (Ord. No. 81-1973, §§ I, II, 1-12-73)"

SECTION III

"Section 3-22. Classification; fees.

Licenses issued under this article shall be divided into the following classes with the following fees:

- (1) Class "A" - Retail Distilled Spirits and Wine Package License - which shall only permit the retail sale of distilled spirits in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be One Thousand (\$1,000.00) Dollars.
- (2) Class "B" - Retail Distilled Spirits and Wine Drink License - which shall permit the retail sale of alcoholic beverages for consumption on the premises where sold and not for resale in any form. The annual fee for such license shall be One Thousand (\$1,000.00) Dollars.
- (3) Class "C" - Special Sunday Retail Distilled Spirits and Wine Drink License - which shall permit the retail sale of distilled spirits and wine for consumption only on the premises where sold during Sundays, and otherwise in accordance with the Kentucky Revised Statutes and these city ordinances as to the hours during which alcoholic beverages may be sold. The annual fee for such license shall be Three Hundred (\$300.00) Dollars.

- (4) Class "D" - Retail Malt Beverage License - which shall permit the retail sale of malt beverages for consumption on or off the premises where sold, and not for resale in any form. The annual fee for such license shall be Two Hundred (\$200.00) Dollars.
- (5) Class "E" - Special Temporary License-Malt Beverage Monthly Basis - which shall permit the retail sale of malt beverages for consumption on the premises where sold and not for resale in any form, and shall be limited for a term of thirty (30) days from the date of the issuance of the license inclusive of said date, and shall not be extended past said thirty day period nor shall a subsequent special temporary license be issued to the same licensee during the same calendar year. The fee for such license shall be Five (\$5.00) Dollars.
- (6) Class "F" - Special Private Club License - which shall permit the retail sale of distilled spirits and wine as well as malt beverages for consumption only on the premises where sold, to be issued to a regularly organized club; such sales to be made only to members of the club or to duly authorized licensee of the club pursuant to the subject club by-laws. Said license shall further be subject to all restrictions and conditions or prohibitions outlined in the Kentucky Revised Statutes as well as the regulations of the Commonwealth of Kentucky Alcoholic Beverage Control Board. No Class "F" License shall be issued until the City Alcoholic Beverage Control Administrator has satisfied himself that the club applying for the license was actually, and in fact, organized for some purpose or object other than the sale or consumption of distilled spirits and wine and/or malt beverages. The annual fee for such license shall be Five (\$5.00) Dollars."

SECTION IV

That each and every section of this ordinance is separable from the remainder, and if any section or provision of this ordinance shall be determined by appropriate authority to be illegal or unconstitutional based upon state or federal law, that determination shall not affect the remainder of this ordinance's application and enforcement; and, furthermore, as to any section or provision that may be determined to be unenforceable by law, shall by said operation re-enact those comparable provisions of the licensing ordinance which this ordinance repeals or supersedes.

ORDINANCE NO. 193 -1978

AN ORDINANCE ESTABLISHING A NEW SECTION TO THE CODE OF ORDINANCES OF THE CITY OF FORT WRIGHT, KENTUCKY, WITH REGARD TO ALCOHOLIC BEVERAGES

THE CITY COUNCIL OF THE CITY OF FORT WRIGHT, KENTUCKY, DOES ORDAIN AS FOLLOWS:

SECTION I

That a new provision shall be added to Article II of Chapter 3 of the Code of Ordinances of the City of Fort Wright, which shall provide for the licensing of restaurants, and to provide for a new classification of alcoholic beverage licenses under Section 3-22 to be known as Class "G" - Restaurant Wine License, to-wit:

- (7) Class "G" - Restaurant Wine License - which shall permit the retail sale of wine for consumption on the premises where sold and not for resale in any form where the applicant licensee is the owner or lessee of a restaurant which received fifty (50%) percent or more of its gross annual income from the sale of food and has a minimum seating capacity of fifty (50) people at tables. The annual fee for such license shall be Six Hundred (\$600.00) Dollars.

SECTION II

That all ordinance in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION III

This ordinance shall take effect and be in full force and effect from and after its passage and publication, according to law.

PASSED BY the City Council this 14th day of July, 1978.

CITY OF FORT WRIGHT, KENTUCKY
a municipal corporation of the
fourth class.

By Thomas H. Litzler
MAYOR

ATTEST:

Elmer Math, City Clerk

PUBLISHED: July 24, 1978

APPROVED: July 14, 1978

LEGAL NOTICE
ORDINANCE No. 168
1978
An Ordinance establishing a new section to the Code of Ordinances of the City of Fort Wright, Kentucky, with regard to alcoholic beverages by the City Council of the City of Fort Wright, Kentucky, does ordain as follows:
Section I
That a new provision shall be added to Article II of Chapter 3 of the Code of Ordinances of the City of Fort Wright, which shall provide for the licensing of restaurants, and to provide for a new classification of alcoholic beverage licenses under Section 3-22 to be known as Class "G" - Restaurant Wine License, to-wit:
(7) Class "G" - Restaurant Wine License - which shall permit the retail sale of wine for consumption on the premises where sold and not for resale in any form where the applicant licensee is the owner or lessee of a restaurant which received fifty (50%) percent or more of its gross annual income from the sale of food and has a minimum seating capacity of fifty (50) people at tables. The annual fee for such license shall be Six Hundred (\$600.00) Dollars.
Section II
That all ordinance in conflict with this ordinance shall be, and hereby are, repealed to the extent of said conflict.
Section III
This ordinance shall take effect and be in full force and effect from and after its passage and publication, according to law.
PASSED BY the City Council this 14th day of July, 1978.
CITY OF FORT WRIGHT, KENTUCKY
a municipal corporation of the fourth class.
By Thomas H. Litzler, Mayor
Attest: Elmer Math, City Clerk
Approved July 14, 1978
#1978-168-1: July 24, 1978

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

General Provisions

- 112.01 Definitions
- 112.02 State law adopted
- 112.03 Alcoholic Beverage Control Administrator

Licenses

- 112.15 License required
- 112.16 Application; contents
- 112.17 Restrictions on issuance
- 112.18 Conditions for Class C licenses
- 112.19 Number to be issued
- 112.20 Term; renewal
- 112.21 Classifications; fees
- 112.22 Disposition of fees
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BEVERAGE CONTROL

Nude or Nearly Nude Activities

- 112.35 Definitions
- 112.36 Performing nude or nearly nude activities
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- 112.50 Hours of sale
- 112.51 Premises must close
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GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

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

"DISTILLED SPIRITS" or "SPIRITS." Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242, obtained by distilling, mixed with water or other substances in solution, except wine. (KRS 241.010(13))

"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 Chapter 242. (KRS 241.010(21))

"RETAIL SALE." Any sale where delivery is made in Kentucky to any person not holding a license. (KRS 241.010(27))

"WINE." The product of the normal alcoholic fermentation of the juices of fruit, with the usual cellar treatment and necessary conditions to correct defects due to climatic, saccharine, and seasonal changes. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. (KRS 241.010(36)) ('77 Code, § 3-1) (Ord. 125-1975, passed 10-10-75; Am. Ord. 167-1978, passed 7-14-78)

§ 112.02 STATE LAW ADOPTED.

The provisions of the Kentucky Alcohol Beverage Control Act, KRS Chapters 241-244, are hereby adopted and made a part of this chapter by reference as fully as though copied herein; and no person or premises who or which may be ineligible or disqualified from holding any permit or license pursuant to the provisions thereof shall be eligible or qualified to receive or hold a license under the provisions of this chapter.

('77 Code, § 3-2) (Ord. 19-1968, passed 3-4-68)

§ 112.03 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

The City Administrative Officer shall perform the duties of the Alcoholic Beverage Control Administrator as prescribed under state law.

('77 Code, § 3-3) (Ord. 123-1975, passed 8-8-75)

LICENSES

§ 112.15 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic beverage without having a retail alcoholic beverage dealer's license as provided in this chapter, or to be in violation of the terms of such license.

('77 Code, § 3-15) (Ord. 125-1975, passed 10-10-75) Penalty, see § 112.99

§ 112.16 APPLICATION; CONTENTS.

(A) Application for a license under this chapter shall be made to the City Alcoholic Beverage Control Administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation. The application shall be verified by oath or affidavit, and shall contain the following statements and information:

(1) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership the persons entitled to share in the profits thereof; in the case of a corporation the names and addresses of the officers, directors, and any stockholder who owns 5% or more of the stock of such corporation;

(2) The location and description of the premises or place of business which is to be operated under such license;

(3) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of this city;

(4) Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor.

('77 Code, § 3-16) (Ord. 125-1975, passed 10-10-75)

(B) Application for a temporary license shall be made at least seven days in advance of the beginning of the sales period for which the license is issued.

(C) With regards to Class "B," "E," and "F" licenses under this chapter, there shall be required a separate application and license for each stationary bar or for each bar for which a license is required by the Commonwealth of Kentucky. ('77 Code, § 3-17) (Ord. 125-1975, passed 10-10-75)

§ 112.17 RESTRICTIONS ON ISSUANCE.

No license shall be issued under this chapter to:

(A) A person who has been convicted of a felony;

(B) A person whose license, under this chapter, has been revoked for cause;

(C) A person who at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon a first application;

(D) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(E) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason;

(F) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic beverages;

(G) Any person, firm, or corporation not eligible for a state retail alcoholic beverage dealer's license in accordance with KRS Chapters 243 and 244.

('77 Code, § 3-18) (Ord. 125-1975, passed 10-10-75)

§ 112.18 CONDITIONS FOR CLASS C LICENSES.

All Class "C" licenses issued pursuant to the provisions of this chapter shall be accepted by the applicant subject to the following conditions:

(A) That the premises so licensed shall be subject to the entry of police or other duly authorized representatives of the city, at all reasonable hours for the purpose of inspection and search and to the removal from such premises of all things and articles contained upon such premises in violation of the ordinances of the city and the laws of the state and consent to the introduction of such articles or things in evidence in any prosecution that may be brought involving their necessary use;

(B) That the licensee shall not sell any alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the same from public view, in conformity with the provisions of the laws of the state pertaining thereto;

(C) That the licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises, nor shall violations of any law be permitted thereon;

(D) That no alcoholic beverages shall be sold or dispensed to any minor;

(E) That licensees shall not engage in the sale of alcoholic beverages on Sunday except between the hours of 1:00 p.m. to Sunday midnight.

('77 Code, § 3-19) (Ord. 81-1973, passed 1-12-73; Am. Ord. 167-1978, passed 7-14-78)

(F) That a temporary license may require the licensee to provide security guards to maintain the peace during the period of sales. The requirement shall be based on the following criteria:

- (1) Purpose of the event;
- (2) Number of anticipated participants;
- (3) Amount of the entry fee; and
- (4) Location of the event.

§ 112.19 NUMBER TO BE ISSUED.

The number of all classes of alcoholic beverage licenses issued under this chapter and in force at any one time within the city shall be in accordance with the number of distilled spirits and wine licenses (alcoholic beverages) permissible under state law.

('77 Code, § 3-20) (Ord. 125-1975, passed 10-10-75)

§ 112.20 TERM; RENEWAL.

(A) Each license issued under this chapter shall terminate on June 30 following the issuance thereof. ('77 Code, § 3-21)

(B) Any licensee under this chapter may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege herein provided for shall not be construed as a vested right. ('77 Code, § 3-25)

(Ord. 125-1975, passed 10-10-75)

§ 112.21 CLASSIFICATIONS; FEES.

Licenses issued under this chapter shall be divided into the following classes with the following fees:

(A) Class "A," Retail Distilled Spirits and Wine Package License. This license shall only permit the retail sale of distilled spirits in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be \$1000.

(B) Class "B," Retail Distilled Spirits and Wine Drink License. This license shall permit the retail sale of alcoholic beverages for consumption on the premises where sold and not for resale in any form. The annual fee for such license shall be \$1000.

(C) Class "C," Special Sunday Retail Distilled Spirits and Wine Drink License. This license shall permit the retail sale of distilled spirits and wine for consumption only on the premises where sold during Sundays, and otherwise in accordance with the Kentucky Revised Statutes and these city ordinances as to the hours during which alcoholic beverages may be sold. The annual fee for such license shall be \$300.

(D) Class "D," Retail Malt Beverage License. This license shall permit the retail sale of malt beverages for consumption on or off the premises where sold, and not for resale in any form. the annual fee for such license shall be \$200. The renewal fee shall be \$150. The purchase of a Class "A" or Class "B" license issued pursuant to this chapter, shall by the virtue thereof entitle the holders to have a Class "D" retail malt beverage license, without charge.

(E) Class "E," Special Temporary License - Malt Beverage Monthly Basis. This license shall permit the retail sale of malt beverages for consumption on the premises where sold and not for resale in any form, and shall be limited for a term of 30 days from the date of the issuance of the license, inclusive of that date, and shall not be extended past the 30-day period, nor shall a subsequent special temporary license be issued to the same licensee during the same calendar year. The fee for such license shall be \$25.

(F) Class "F," Special Private Club License. This license shall permit the retail sale of distilled spirits and wine as well as malt beverages for consumption only on the premises where sold, to be issued to a regularly organized club, such sales to be made only to members of the club or to a duly authorized licensee of the club pursuant to the subject club's bylaws. The license shall further be subject to all restrictions and conditions or prohibitions outlined in the Kentucky Revised Statutes, as well as the regulations of the Commonwealth of Kentucky Alcoholic Beverage Control Board. No Class "F" license shall be issued until the City Alcoholic Beverage Control Administrator has satisfied himself that the club applying for the license was actually, and in fact, organized for some purpose or object other than the sale or consumption of distilled spirits and wine or malt beverages. The annual fee for such license shall be \$300.

('77 Code, § 3-22) (Ord. 125-1975, passed 10-10-75; Am. Ord. 167-1978, passed 7-14-78; Am. Ord. 168-1978, passed 7-14-78; Am. Ord. 191-1979, passed 6-8-79)

§ 112.22 DISPOSITION OF FEES.

All fees collected under this chapter shall be paid to the City Clerk, at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Fund or in such other fund as shall have been designated by the City Council by proper action.

('77 Code, § 3-23) (Ord. 125-1975, passed 10-10-75)

§ 112.23 CHANGE OF LOCATION.

A license issued under this chapter shall permit the sale of alcoholic beverages only on the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the City Alcoholic Beverage Control Administrator after approval by the City Council. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

('77 Code, § 3-24) (Ord. 125-1975, passed 10-10-75) Penalty, see § 112.99

§ 112.24 REPLACEMENT WHEN LOST OR DESTROYED.

Whenever a license issued under this chapter shall become lost or destroyed without fault upon the part of the holder, a duplicate of the original shall be issued by the city upon the payment of a fee of \$1 and an affidavit stating the loss or destruction of the original license.

('77 Code, § 3-27) (Ord. 19-1968, passed 3-4-68)

§ 112.25 LICENSE TO BE DISPLAYED.

Licenses issued pursuant to the provisions of this chapter shall, while in force, be posted in a conspicuous place where alcoholic beverages are kept for sale.

('77 Code, § 3-26) (Ord. 19-1968, passed 3-4-68) Penalty, see § 112.99

§ 112.26 CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES.

It shall be unlawful for any employee or independent contractor of an establishment with a liquor-by-the-drink license, to solicit patrons of said establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the liquor-by-the-drink license.

(Ord. 456-1991, passed 4-1-92)

NUDE OR NEARLY NUDE ACTIVITIES

§ 112.35 DEFINITIONS.

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

"BUSINESS ESTABLISHMENT." A business within the city where liquor, beer or wine is sold for consumption on the premises pursuant to a retail drink liquor license or retail cereal malt beverage liquor license that has been issued by the city.

"LICENSE." A retail drink liquor license or a retail cereal malt beverage liquor license issued by the city.

"LICENSEE." Any person to whom a retail drink liquor license or a retail cereal malt beverage liquor license has been issued by the city including the officers and agents of the licensee.

"LIQUOR ADMINISTRATOR." The duly appointed Alcoholic Beverage Control Administrator of the city.

"OCCUPATIONAL LICENSE." The occupational license issued for the business establishment pursuant to the city's Occupational License Ordinance. (See Chapter 110.)

"PERSON." A human being, and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

"PREMISES." The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

"RETAIL LICENSEE." Any licensee including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.

(Ord. 353-1985, passed 1-8-86; Am. Ord. 456-1991, passed 4-1-92)

§ 112.36 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It shall be unlawful for and a person is guilty of performing nude or nearly nude activity when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when any person appears on a business establishment's premises in such a manner or attire as to expose to view portions of the breast referred to as the areola, nipple, or simulation thereof. This definition shall include the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.

(Ord. 353-1985, passed 1-8-86; Am. Ord. 526-1996, passed 5-1-96)
Penalty, see § 112.99

§ 112.37 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A licensee or retail licensee is guilty of permitting nude or nearly nude activity when having control of the business establishment's premises which it knows or has reasonable cause to know, is being used by any person to appear on the premises in such a manner or attire as to expose to view portions of the pubic area, anus, vulva, or genitals, or any simulation thereof; or used by any person to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof. This definition shall include the entire lower portion of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part. It permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

(Ord. 353-1985, passed 1-8-86; Am. Ord. 526-1996, passed 5-1-96)
Penalty, see § 112.99

§ 112.38 LICENSE REVOCATION OR SUSPENSION FOR VIOLATION.

(A) Performing nude or nearly nude activities as set forth in § 112.36 or permitting such activities as set forth in § 112.37, is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes. The second violation of § 112.36 or § 112.37 within a 12-month period shall constitute a Class B Misdemeanor with punishment as set forth in the Kentucky Revised Statutes. Three or more violations of § 112.36 or § 112.37 within a 12-month period shall constitute a Class A Misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

(B) In the event that a violation of § 112.36 or § 112.37 of this chapter occurs, the City Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the liquor licensee, at whose business establishment the activity prohibited by this chapter occurred, shall have his license suspended or revoked. In the event

three or more violations of § 112.36 or § 112.37 occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink license or retail cereal malt beverage liquor license or both.

(C) In the event that a violation of § 112.36 or § 112.37 occurs, the City Administrative Officer shall prefer charges against the retail licensee pursuant to the Code of Ordinances, and after notice and a hearing held by the City Council, the occupational license shall either be revoked or suspended. In the event that three or more violations of § 112.36 or § 112.37 occur at a business establishment within a 12-month period, after notice and hearing pursuant to the Code of Ordinances, the City Council shall revoke the occupational license of the retail licensee.

(D) Any license or permit for a limited time may be revoked by the Mayor at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.

(Ord. 353-1985, passed 1-8-86) Penalty, see § 112.99

RESTRICTIONS ON SALES

§ 112.50 HOURS OF SALE.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, no distilled spirits, wine, or malt beverages may be sold at retail, by the drink, in the city between the hours of 2:30 a.m. and 6:00 a.m. of any day. On Sundays no distilled spirits, wine, or malt beverages may be sold at retail by the drink on Sunday between the hours of 2:30 a.m. and 11:00 a.m. In addition, no distilled spirits, wine, or malt beverages may be sold at retail by the drink in the city during the hours when any polls are open in the city of any election day.

(B) All retail sellers that hold a valid license for the sale of distilled spirits, wine, or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink, according to the terms of their individual license, during the hours of 6:00 a.m. to 2:30 a.m. the following day, on every day except for Sundays, and except for any hours when any polls are open in the city on any election day. All retail sellers that hold a valid license for the sale of wine, spirits, or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink, according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays; and between the hours of 11:00 a.m. on Sundays and 2:30 a.m. on Mondays.

(Ord. 11-04, passed 12-13-04; Am. Ord. 9-05, passed 6-1-05)

§ 112.51 PREMISES MUST CLOSE.

During the restricted hours set forth in § 112.50, no person who has a valid city license for the sale of distilled spirits or wine or

malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby unless otherwise provided herein. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times.
(Ord. 11-04, passed 12-13-04)

§ 112.52 SEPARATE DEPARTMENTS ON PREMISES.

If a separate department of such licensed premises is maintained in a manner previously approved in writing by the ABC Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, closed off and separated from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.
(Ord. 11-04, passed 12-13-04)

§ 112.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

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ALCOHOLIC
BEVERAGE CONTROL

CHAPTER 112: ALCOHOLIC BEVERAGES

Section

FT. WRIGHT MUNICIPAL BLDG.
409 Kyles Lane
Ft. Wright, KY 41011

General Provisions

- 112.01 Definitions
- 112.02 State law adopted
- 112.03 Alcoholic Beverage Control Administrator

Licenses

- 112.15 License required
- 112.16 Application; contents
- 112.17 Restrictions on issuance
- 112.18 Conditions for Class C licenses
- 112.19 Number to be issued
- 112.20 Term; renewal
- 112.21 Classifications; fees
- 112.22 Disposition of fees
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- 112.25 License to be displayed
- 112.26 Consumption of alcoholic beverages by employees

Nude or Nearly Nude Activities

- 112.35 Definitions
- 112.36 Performing nude or nearly nude activities
- 112.37 Permitting nude or nearly nude activities
- 112.38 License revocation or suspension for violation

- 112.99 Penalty

GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

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

"DISTILLED SPIRITS" or "SPIRITS." Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242, obtained by distilling, mixed with water or other substances in solution, except wine. (KRS 241.010(13))

"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 Chapter 242. (KRS 241.010(21))

"RETAIL SALE." Any sale where delivery is made in Kentucky to any person not holding a license. (KRS 241.010(27))

§ 112.02

ALCOHOLIC BEVERAGES

"WINE." The product of the normal alcoholic fermentation of the juices of fruit, with the usual cellar treatment and necessary conditions to correct defects due to climatic, saccharine, and seasonal changes. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. (KRS 241.010(36)) ('77 Code, § 3-1) (Ord. 125-1975, passed 10-10-75; Am. Ord. 167-1978, passed 7-14-78)

§ 112.02 STATE LAW ADOPTED.

The provisions of the Kentucky Alcohol Beverage Control Act, KRS Chapters 241-244, are hereby adopted and made a part of this chapter by reference as fully as though copied herein; and no person or premises who or which may be ineligible or disqualified from holding any permit or license pursuant to the provisions thereof shall be eligible or qualified to receive or hold a license under the provisions of this chapter.

('77 Code, § 3-2) (Ord. 19-1968, passed 3-4-68)

§ 112.03 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

The City Administrative Officer shall perform the duties of the Alcoholic Beverage Control Administrator as prescribed under state law. ('77 Code, § 3-3) (Ord. 123-1975, passed 8-8-75)

LICENSES

§ 112.15 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at retail in the city any alcoholic beverage without having a retail alcoholic beverage dealer's license as provided in this chapter, or to be in violation of the terms of such license.

('77 Code, § 3-15) (Ord. 125-1975, passed 10-10-75) Penalty, see § 112.99

§ 112.16 APPLICATION; CONTENTS.

(A) Application for a license under this chapter shall be made to the City Alcoholic Beverage Control Administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation. The application shall be verified by oath or affidavit, and shall contain the following statements and information:

(1) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership the persons entitled to share in the profits thereof; in the case of a corporation the names and addresses of the officers, directors, and any stockholder who owns 5% or more of the stock of such corporation;

(2) The location and description of the premises or place of business which is to be operated under such license;

(3) A statement that the applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this chapter, laws of this state, or the ordinances of this city;

(4) Whether a previous license by any state or subdivision thereof, or by the federal government, has been revoked, and the reasons therefor.

('77 Code, § 3-16) (Ord. 125-1975, passed 10-10-75)

(B) Application for a temporary license shall be made at least seven days in advance of the beginning of the sales period for which the license is issued.

(C) With regards to Class "B," "E," and "F" licenses under this chapter, there shall be required a separate application and license for each stationary bar or for each bar for which a license is required by the Commonwealth of Kentucky. ('77 Code, § 3-17) (Ord. 125-1975, passed 10-10-75)

§ 112.17 RESTRICTIONS ON ISSUANCE.

No license shall be issued under this chapter to:

(A) A person who has been convicted of a felony;

(B) A person whose license, under this chapter, has been revoked for cause;

(C) A person who at the time of application for renewal of any license issued under this chapter would not be eligible for such license upon a first application;

(D) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;

(E) A corporation, if any officer, manager, or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation, would not be eligible to receive a license hereunder for any reason;

(F) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic beverages;

(G) Any person, firm, or corporation not eligible for a state retail alcoholic beverage dealer's license in accordance with KRS Chapters 243 and 244.

('77 Code, § 3-18) (Ord. 125-1975, passed 10-10-75)

§ 112.18

ALCOHOLIC BEVERAGES§ 112.18 CONDITIONS FOR CLASS C LICENSES.

All Class "C" licenses issued pursuant to the provisions of this chapter shall be accepted by the applicant subject to the following conditions:

(A) That the premises so licensed shall be subject to the entry of police or other duly authorized representatives of the city, at all reasonable hours for the purpose of inspection and search and to the removal from such premises of all things and articles contained upon such premises in violation of the ordinances of the city and the laws of the state and consent to the introduction of such articles or things in evidence in any prosecution that may be brought involving their necessary use;

(B) That the licensee shall not sell any alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the same from public view, in conformity with the provisions of the laws of the state pertaining thereto;

(C) That the licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises, nor shall violations of any law be permitted thereon;

(D) That no alcoholic beverages shall be sold or dispensed to any minor;

(E) That licensees shall not engage in the sale of alcoholic beverages on Sunday except between the hours of 1:00 p.m. to Sunday midnight.

('77 Code, § 3-19) (Ord. 81-1973, passed 1-12-73; Am. Ord. 167-1978, passed 7-14-78)

(F) That a temporary license may require the licensee to provide security guards to maintain the peace during the period of sales. The requirement shall be based on the following criteria:

- (1) Purpose of the event;
- (2) Number of anticipated participants;
- (3) Amount of the entry fee; and
- (4) Location of the event.

§ 112.19 NUMBER TO BE ISSUED.

The number of all classes of alcoholic beverage licenses issued under this chapter and in force at any one time within the city shall be in accordance with the number of distilled spirits and wine licenses (alcoholic beverages) permissible under state law.

('77 Code, § 3-20) (Ord. 125-1975, passed 10-10-75)

§ 112.20 TERM; RENEWAL.

(A) Each license issued under this chapter shall terminate on June 30 following the issuance thereof. ('77 Code, § 3-21)

(B) Any licensee under this chapter may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose. The renewal privilege herein provided for shall not be construed as a vested right. ('77 Code, § 3-25)

(Ord. 125-1975, passed 10-10-75)

§ 112.21 CLASSIFICATIONS; FEES.

Licenses issued under this chapter shall be divided into the following classes with the following fees:

(A) Class "A," Retail Distilled Spirits and Wine Package License. This license shall only permit the retail sale of distilled spirits in sealed packages, but not for consumption on the premises where sold. The annual fee for such license shall be \$1000.

(B) Class "B," Retail Distilled Spirits and Wine Drink License. This license shall permit the retail sale of alcoholic beverages for consumption on the premises where sold and not for resale in any form. The annual fee for such license shall be \$1000.

(C) Class "C," Special Sunday Retail Distilled Spirits and Wine Drink License. This license shall permit the retail sale of distilled spirits and wine for consumption only on the premises where sold during Sundays, and otherwise in accordance with the Kentucky Revised Statutes and these city ordinances as to the hours during which alcoholic beverages may be sold. The annual fee for such license shall be \$300.

(D) Class "D," Retail Malt Beverage License. This license shall permit the retail sale of malt beverages for consumption on or off the premises where sold, and not for resale in any form. The annual fee for such license shall be \$200. The renewal fee shall be \$150. The purchase of a Class "A" or Class "B" license issued pursuant to this chapter, shall by the virtue thereof entitle the holders to have a Class "D" retail malt beverage license, without charge.

(E) Class "E," Special Temporary License - Malt Beverage Monthly Basis. This license shall permit the retail sale of malt beverages for consumption on the premises where sold and not for resale in any form, and shall be limited for a term of 30 days from the date of the issuance of the license, inclusive of that date, and shall not be extended past the 30-day period, nor shall a subsequent special temporary license be issued to the same licensee during the same calendar year. The fee for such license shall be \$25.

§ 112.22

ALCOHOLIC BEVERAGES

(F) Class "F," Special Private Club License. This license shall permit the retail sale of distilled spirits and wine as well as malt beverages for consumption only on the premises where sold, to be issued to a regularly organized club, such sales to be made only to members of the club or to a duly authorized licensee of the club pursuant to the subject club's bylaws. The license shall further be subject to all restrictions and conditions or prohibitions outlined in the Kentucky Revised Statutes, as well as the regulations of the Commonwealth of Kentucky Alcoholic Beverage Control Board. No Class "F" license shall be issued until the City Alcoholic Beverage Control Administrator has satisfied himself that the club applying for the license was actually, and in fact, organized for some purpose or object other than the sale or consumption of distilled spirits and wine or malt beverages. The annual fee for such license shall be \$300.

('77 Code, § 3-22) (Ord. 125-1975, passed 10-10-75; Am. Ord. 167-1978, passed 7-14-78; Am. Ord. 168-1978, passed 7-14-78; Am. Ord. 191-1979, passed 6-8-79)

§ 112.22 DISPOSITION OF FEES.

All fees collected under this chapter shall be paid to the City Clerk, at the time application is made, and shall be forthwith turned over to the Treasurer. In the event the license applied for is denied, the fee shall be returned to the applicant. If the license is granted, then the fee shall be deposited in the General Fund or in such other fund as shall have been designated by the City Council by proper action.

('77 Code, § 3-23) (Ord. 125-1975, passed 10-10-75)

§ 112.23 CHANGE OF LOCATION.

A license issued under this chapter shall permit the sale of alcoholic beverages only on the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the City Alcoholic Beverage Control Administrator after approval by the City Council. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

('77 Code, § 3-24) (Ord. 125-1975, passed 10-10-75) Penalty, see § 112.99

§ 112.24 REPLACEMENT WHEN LOST OR DESTROYED.

Whenever a license issued under this chapter shall become lost or destroyed without fault upon the part of the holder, a duplicate of the original shall be issued by the city upon the payment of a fee of \$1 and an affidavit stating the loss or destruction of the original license.

('77 Code, § 3-27) (Ord. 19-1968, passed 3-4-68)

§ 112.25 LICENSE TO BE DISPLAYED.

Licenses issued pursuant to the provisions of this chapter shall, while in force, be posted in a conspicuous place where alcoholic beverages are kept for sale.

('77 Code, § 3-26) (Ord. 19-1968, passed 3-4-68) Penalty, see § 112.99

§ 112.26 CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES.

It shall be unlawful for any employee or independent contractor of an establishment with a liquor-by-the-drink license, to solicit patrons of said establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the liquor-by-the-drink license.

(Ord. 456-1991, passed 4-1-92)

NUDE OR NEARLY NUDE ACTIVITIES

§ 112.35 DEFINITIONS.

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

"BUSINESS ESTABLISHMENT." A business within the city where liquor, beer or wine is sold for consumption on the premises pursuant to a retail drink liquor license or retail cereal malt beverage liquor license that has been issued by the city.

"LICENSE." A retail drink liquor license or a retail cereal malt beverage liquor license issued by the city.

"LICENSEE." Any person to whom a retail drink liquor license or a retail cereal malt beverage liquor license has been issued by the city including the officers and agents of the licensee.

"LIQUOR ADMINISTRATOR." The duly appointed Alcoholic Beverage Control Administrator of the city.

"OCCUPATIONAL LICENSE." The occupational license issued for the business establishment pursuant to the city's Occupational License Ordinance. (See Chapter 110.)

"PERSON." A human being, and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

"PREMISES." The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

"RETAIL LICENSEE." Any licensee including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.

(Ord. 353-1985, passed 1-8-86; Am. Ord. 456-1991, passed 4-1-92)

§ 112.36

ALCOHOLIC BEVERAGES

§ 112.36 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

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

(Ord. 353-1985, passed 1-8-86) Penalty, see § 112.99

§ 112.37 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

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

(Ord. 353-1985, passed 1-8-86) Penalty, see § 112.99

§ 112.38 LICENSE REVOCATION OR SUSPENSION FOR VIOLATION.

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(B) In the event that a violation of § 112.36 or § 112.37 of this chapter occurs, the City Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the liquor licensee, at whose business establishment the activity prohibited by this chapter occurred, shall have his license suspended or revoked. In the event three or more violations of § 112.36 or § 112.37 occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink license or retail cereal malt beverage liquor license or both.

(C) In the event that a violation of § 112.36 or § 112.37 occurs, the City Administrative Officer shall prefer charges against the retail licensee pursuant to the Code of Ordinances, and after notice and a hearing held by the City Council, the occupational license shall either be revoked or suspended. In the event that three or more violations of

§ 112.36 or § 112.37 occur at a business establishment within a 12-month period, after notice and hearing pursuant to the Code of Ordinances, the City Council shall revoke the occupational license of the retail licensee.

(D) Any license or permit for a limited time may be revoked by the Mayor at any time during the life of such license or permit for any violation by the licensee or permittee of the ordinance provisions relating to the license or permit, the subject matter of the license or permit, or to the premises occupied; such revocation may be in addition to any fine imposed.

(Ord. 353-1985, passed 1-8-86) Penalty, see § 112.99

§ 112.99 PENALTY.

Whoever violates any provision of this chapter shall be guilty of a misdemeanor and shall be fined not more than \$500.

ALCOHOLIC BEVERAGES

30
FT. WRIGHT MUNICIPAL BLDG.
409 Kyles Lane
Ft. Wright, KY 41011

PAUL E. PATTON
GOVERNOR

*Please
Not Corrections*



COMMONWEALTH OF KENTUCKY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

COMMONWEALTH OF KENTUCKY

123 WALNUT STREET
FRANKFORT 40601
(502) 573-4850
FAX (502) 573-5672

GREG GINTER
COMMISSIONER-CHAIRMAN

OFF. FT. WRIGHT
FEB 26 1996

February 22, 1996

~~Joseph E. Nienaber~~
~~400 Kyles Ln.~~
Ft. Wright, KY 41011

MARC G. BERGMAN
409 KYLES LANE

Dear ~~Joseph E. Nienaber~~:

It is an honor to have been appointed by Governor Paul Patton as Commissioner of The Department of Alcoholic Beverage Control last month. It has been a very exciting and busy month trying to become acquainted with my new position. During this time, I have been reviewing our board's prior approval of various regulations passed by counties, cities and the urban-county pursuant to KRS 241.140, 241.190 and 241.250.

It has come to my attention that the administration of my predecessor, Don Grugin, chose not to approve any proposed regulations offered by any local governments. (Our records show that the last local regulations were approved by our board on February 14, 1992 with Don W. Stephens as Chairman).

To insure that our board and your jurisdiction are effectively working together, please send our General Counsel, Pam Carroll Farmer, a copy of your current local regulations. If our board has not yet approved them, we will review and consider your proposed regulations for adoption.

Thank you for your cooperation on this matter.

Sincerely,

Greg Ginter
Greg Ginter
Chairman

*Send
5/26/96*

enclosed



*Please
not corrections*



PAUL E. PATTON
GOVERNOR

GREG GINTER
COMMISSIONER-CHAIRMAN

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

123 WALNUT STREET
FRANKFORT 40601
(502) 573-4850
FAX (502) 573-5672

CITY OF FT. WRIGHT
FEB 26 1996
RECEIVED

February 22, 1996

~~Joseph E. Nicnaber~~
400 Kyles Ln.
Ft. Wright, KY 41011

MARC G. BERGMAN
409 KYLES LANE

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Thank you for your cooperation on this matter.

Sincerely,

Greg Ginter
Greg Ginter
Chairman

*sent
5/26/96*

Inclosed



DEPARTMENT OF AGRICULTURE

WASHINGTON, D.C. 20250

THURSDAY

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The third part of the report...

The fourth part of the report...

The fifth part of the report...

The sixth part of the report...