

CITY OF GUTHRIE, KENTUCKY
SUMMARY OF ORDINANCE NUMBER 2014- 3

**AN ORDINANCE AMENDING THE TEXT OF ORDINANCE NO. 2011-9, AN
ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES
WITHIN THE CITY OF GUTHRIE**

SUMMARY OF ORDINANCE

Said Ordinance amends the ordinance of the City of Guthrie which regulates the sale of alcoholic beverages within the City. Specifically, said Ordinance removes the prohibition of the sale of alcohol on election days as authorized by KRS 244.290. All provisions of said Ordinance which impose a tax, fee, and/or penalty are set forth in their entirety as follows:

SECTION II. LICENSES

Sec. 4. License Fees

... Sec. 4. License Fees.

- (a) No license under the provisions of this article shall be issued until there has been paid to the city the license fee herein provided.
- (b) The following kinds of alcoholic beverage licenses and no others may be issued upon approval of the administrator, and the fees payable therefore to the city shall be as follows:
 - (1) Quota retail package license, per annum . . . \$600.00
 - (2) Special temporary liquor license per event . . . \$100.00
 - (3) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt[beverages, per annum \$600.00
 - (4) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum..... \$600.00
 - (5) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum\$300.00
 - (6) Special Sunday retail drink license, per annum . . . \$300.00

- (7) Nonquota retail malt beverage package license, per annum . . . \$200.00
- (8) Nonquota Type 4 retail malt beverage license, per event. . . \$25.00
- (9) Caterer's license, per annum . . . \$800.00
- (10) Limited restaurant license(includes distilled spirits, wine and malt beverages), per annum . . . \$800.00

...

Sec. 5. Regulatory Fee.

...

The regulatory license fee shall be six percent (6%) for the licensing year beginning December 1, 2011 and continuing thereafter until amended or repealed.

...

Sec. 13. Transfer.

- (a) No license to sell alcoholic beverages shall be transferable either as to the licensee or the licensed premises except as provided in the alcoholic beverage control laws of the state, and not then until approval by the administrator and payment to the city of a transfer fee of five dollars (\$5.00).

...

**SECTION III
PENALTIES**

Sec. 1.

- (A) Any person who violates any provision of this ordinance for which no specific penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00), or be imprisoned in the county jail for not more than six (6) months or both; and for the second and each subsequent violation shall


be fined not less than Two Hundred Dollars (\$200.00), or more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this Article is a corporation, partnership, joint stock company, association, or fiduciary, then the president and/or the principle officer or partner responsible for such violations may be punished by fine or imprisonment as authorized by this Section.

- (B.) Any person who violates any provision of this ordinance is guilty of a civil offense, and the city may elect to pursue under either paragraph A. or B. The offender, upon conviction, shall be subject to a civil penalty of Two Hundred Fifty Dollars (\$250.00), plus court costs, and reasonable attorney fees, for each violation and offense, which shall be recovered by the city in a civil action in the nature of debt, and if not paid within thirty (30) continuous calendar days after citation for the violation, offense, or other failure to comply with the provisions of this chapter.

...

A copy of the full text of said Ordinance is available for public inspection during regular business hours, Monday through Friday.

As required by KRS 83A.060(9), I hereby certify that the following is a Summary of the above-titled ordinance and that said summary was prepared by Jeffrey B. Traughber, Guthrie City Attorney.


Jeffrey B. Traughber

CITY OF GUTHRIE, KENTUCKY
SUMMARY OF ORDINANCE NUMBER 2013-9

**AN ORDINANCE AMENDING THE TEXT OF ORDINANCE NO. 2011-9, AN
ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES
WITHIN THE CITY OF GUTHRIE**

SUMMARY OF ORDINANCE

Said Ordinance amends the ordinance of the City of Guthrie which regulates the sale of alcoholic beverages within the City. Specifically, said Ordinance reflects the changes made to Kentucky Revised Statutes Chapter 243 by 2013 Senate Bill 13 and the licenses which are authorized by KRS 243.070. All provisions of said Ordinance which impose a tax, fee, and/or penalty are set forth in their entirety as follows:

SECTION II. LICENSES

Sec. 4. License Fees

- ... (b) The following kinds of alcoholic beverage licenses and no others may be issued upon approval of the administrator, and the fees payable therefore to the city shall be as follows:
- (1) ~~[Distilled spirits and wine]~~ Quota retail package license, per annum . . . \$600.00
 - (2) ~~[Distilled spirits and wine]~~ Special temporary liquor license per event . . . \$100.00
 - (3) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages, per annum \$600.00)
 - (4) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum . . . \$600.00
 - (5) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum . . . \$300.00
 - (3) ~~Special temporary wine license per event 50.00~~
 - (4) ~~Special private club license 300.00~~

- ~~(6)(5) Distilled spirits and wine~~ Special Sunday retail drink license,
per annum . . . \$300.00
- ~~(6) Restaurant wine license, per annum:~~
New Applicants 600.00
Applicants for renewal 400.00
- (7) Nonquota retail malt beverage package license, per
annum \$200.00
- (8) ~~Special temporary~~ Nonquota Type 4 retail malt beverage
license, per event . . . \$25.00
- (9) Caterer's license, per annum \$800.00
- (10) Limited restaurant license ~~or limited golf course license, per~~
~~annum~~ (includes distilled spirits, wine and malt beverages),
per annum \$800.00
- ~~(11) License for Sunday sales of distilled spirits and wine and malt~~
~~beverages by the drink in qualified hotels, motels and~~
~~restaurants, per annum 300.00~~

...

Sec. 5. Regulatory Fee.

...

The regulatory license fee shall be six percent (6%) for the licensing year beginning December 1, 2011 and continuing thereafter until amended or repealed.

...

Sec. 13. Transfer.

- (a) No license to sell alcoholic beverages shall be transferable either as to the licensee or the licensed premises except as provided in the alcoholic beverage control laws of the state, and not then until approval by the administrator and payment to the city of a transfer fee of five dollars (\$5.00).

...


SECTION III PENALTIES

Sec. 1.

- (A) Any person who violates any provision of this ordinance for which no specific penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00), or be imprisoned in the county jail for not more than six (6) months or both; and for the second and each subsequent violation shall be fined not less than Two Hundred Dollars (\$200.00), or more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this Article is a corporation, partnership, joint stock company, association, or fiduciary, then the president and/or the principle officer or partner responsible for such violations may be punished by fine or imprisonment as authorized by this Section.
- (B.) Any person who violates any provision of this ordinance is guilty of a civil offense, and the city may elect to pursue under either paragraph A. or B. The offender, upon conviction, shall be subject to a civil penalty of Two Hundred Fifty Dollars (\$250.00), plus court costs, and reasonable attorney fees, for each violation and offense, which shall be recovered by the city in a civil action in the nature of debt, and if not paid within thirty (30) continuous calendar days after citation for the violation, offense, or other failure to comply with the provisions of this chapter.
- ...

A copy of the full text of said Ordinance is available for public inspection during regular business hours, Monday through Friday.

As required by KRS 83A.060(9), I hereby certify that the following is a Summary of the above-titled ordinance and that said summary was prepared by Jeffrey B. Traughber, Guthrie City Attorney.



Jeffrey B. Traughber

**City of Guthrie, Kentucky
Ordinance NO. 2011-15**

**AN ORDINANCE IN AND FOR THE CITY OF GUTHRIE,
NUMBERED 2011-15 TITLED:**

LIMITED RESTAURANT SERVICE OF ALCOHOL BY THE DRINK

WHEREAS, prohibition has ended in the City of Guthrie, Kentucky by popular vote of its citizens at a local option election held the 4th day of October 2011;

AND, WHEREAS, the City of Guthrie deems the economic conditions of the City to be in immediate need of support for its growth due to a poor local, state, and national economy;

AND, WHEREAS, the City of Guthrie finds that an economic hardship exists within the City and that the sale of alcoholic beverages by the drink would aid economic growth including without limitation increasing revenues for the existing businesses, the development of new business and promoting tourism;

AND, WHEREAS, the City of Guthrie is so authorized pursuant to KRS 242.185, does hereby adopt certain provisions relating to the sale of alcoholic beverages by the drink for consumption on the premises to aid economic growth;

NOW, THEREFORE, in consideration of the foregoing, **BE IT AND IT IS HEREBY ORDAINED** by the City of Guthrie, Kentucky as follows:

Section 1.1 The City of Guthrie shall issue licenses to restaurants, hotels, motels and inns for the sale of alcoholic beverages by the drink for consumption on the premises in accord with the following:

Section 1.1a Bona Fide restaurants open to the general public with dining having dining facilities for not less than one hundred (100) persons and that shall maintain fifty percent (50%) of their gross revenues in food sales to the sale of alcoholic beverages.

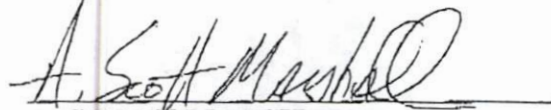
Section 1.2 All licenses shall be subject to provisions of the Guthrie City Alcohol Beverage Control, Ordinance 2011-9, and all licenses issued hereunder shall be issued pursuant and subject to all provisions thereof including any supplements and amendments thereto.

This Ordinance shall take effect and become enforceable upon its final passage and publication. The City Clerk is hereby directed to forthwith publish this Ordinance in the Todd County Standard, Elkton Kentucky.

FIRST READING: November 15, 2011


SECOND READING: November 16, 2011

ADOPTED this 16th day of November, 2011



**A. SCOTT MARSHALL
MAYOR, CITY OF GUTHRIE, KY**

ATTEST:



**ELIZABETH DWYER
CITY CLERK, CITY OF GUTHRIE, KY**

CITY OF GUTHRIE, KENTUCKY
ORDINANCE NO. 2011-9

**AN ORDINANCE REGULATING TO THE SALE OF ALCOHOLIC
BEVERAGES WITHIN THE CITY OF GUTHRIE**

Whereas, a local option election was held October 4th, 2011, the results of which legalized the sale of alcoholic beverages within the city limits of Guthrie, and it is now incumbent upon the city to adopt an ordinance regulating the sale of alcohol within the city; and

Whereas, the city council has reviewed the Kentucky Revised Statutes and the Kentucky Administrative Regulations applicable to the sale of alcoholic beverages, has consulted with attorneys and other authorities, and proposes the following ordinance for adoption for the regulation and administration of the sale of alcoholic beverages within the city;

NOW THEREFORE, BE IT HEREBY ORDAINED by the City of Guthrie as follows:

**SECTION I
IN GENERAL**

Sec. 1. Short Title.

This ordinance shall be known, and may be cited as the "Alcoholic Beverage Control Ordinance of the City of Guthrie.

Sec. 2. Definitions.

The words and phrases used in this ordinance shall have the same meaning as defined in KRS Chapters 241, 243 and 244. As used herein the term "hotels" shall include motels.

Sec. 3. Scope.

The provisions of this ordinance shall be applicable to the sale and traffic in alcoholic beverages within the city limits, unless specifically provided to the contrary.

Sec. 4. Adoption of state alcoholic beverage laws.

The provisions of the Alcoholic Beverage Control Law of the State of Kentucky, including KRS Chapters 241, 243 and 244 and the regulations of the state alcoholic beverage control board, as the same may from time to time be amended, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein.

Sec. 5. City alcoholic beverage control administrator.

- (a) Under authority of KRS 241.160 there is hereby created the office of city alcoholic beverage administrator for the city (hereinafter in this ordinance referred to as the administrator), who shall have the duties and functions prescribed by KRS Ordinance 241. The administrator may or may not be an officer or employee of the city, and shall be appointed by the city mayor. He shall also have such further duties and functions as are prescribed in this chapter.
- (b) The administrator, before entering upon his duties as such, shall take the oath as prescribed by Section 228 of the Constitution and shall execute a bond with a good and solvent, corporate surety in the sum of not less than one thousand dollars (\$1,000.00), faithfully to perform the duties of his office pursuant to the provisions of KRS 62.060 et seq.

Sec. 6. Compliance with alcoholic beverage control laws mandatory.

No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this ordinance and all statutes and regulations of the state applicable thereto.

Sec. 7. Nonexclusive application.

Nothing contained in this ordinance shall excuse or relieve any person from the restrictions, requirements and penalties of any other ordinances of the city, or of any statutes or regulations of the state relating to violations pertaining to alcoholic beverages.

Sec. 8. Advertising Restrictions

No sign, banner, poster, ornamental structure, statue, or other type of display or location marker advertising which refers, either directly or indirectly, to alcoholic beverages, shall be displayed on, nor shall it be visible from, the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the window of the licensed premises alcoholic beverage advertisement not larger than 18 inches height and 36 in width (576 square inches) in size.

No flashing, oscillating, rotating, shimmering, or other lights demonstrating movement, or the illusion of movement, shall be used to illuminate, or be visible from, the exterior of any premises licensed under this Ordinance.

It shall be unlawful for any person holding any license under this Ordinance to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

Sec. 9. Advertising by handbills, circulars and cards prohibited.

No licensee under this ordinance shall distribute or cause to be distributed any handbills, circulars or cards as a medium for advertising alcoholic beverages.

Sec. 10. Prizes prohibited.

No licensee under this ordinance shall give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

Sec. 11. Books and records.

Every licensee under this ordinance shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the state alcoholic beverage control board. Such books and records shall be available at all reasonable times for inspection by the administrator.

Sec. 12. Prohibiting intoxicated persons on licensed premises.

No licensee under this ordinance shall permit any person to become drunk or intoxicated on the licensed premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

Sec. 13. Opening of and drinking contents of containers on licensed premises.

No licensee to sell alcoholic beverages at retail under this ordinance shall permit any person, other than employees of the licensee, to open any container of alcoholic beverages, and no container of alcoholic beverages shall be opened nor its contents consumed on the licensed premises, unless the licensee holds a retail drink license.

Sec. 14. Beverages found outside locked compartment when sale prohibited.

If any alcoholic beverages are found on the outside of the locked or closed-off compartment of any licensed premises at which a license is held to sell alcoholic beverages at retail, at any hours during which the licensee is prohibited by law from selling such alcoholic

beverages, a prima facie presumption shall arise that such alcoholic beverages were kept on the outside of the locked or closed-off compartment for the purpose of sale in violation of this ordinance and of the state alcoholic beverage control laws, and such shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for violations of this section, the administrator shall be and he is hereby authorized to confiscate such alcoholic beverages.

Sec. 15. Hours of sale and delivery; Sunday sales.

- (a) No premises for which there has been granted a license for the sale of alcoholic beverages within the corporate limits of the city shall be permitted to remain open for any purpose between 12:00 a.m. and 6:00 a.m., prevailing time, of any week-day, except on New Year's Eve, as provided in subsection (d) below.
- (b) Except as provided in subsection (d) below, no premises described in subsection (a) shall be permitted to remain open for any purpose at any time during the hours from 12:00 a.m., midnight Saturday until 6:00 a.m. Monday, prevailing time, nor during the hours during which the election polls are open on any legal, primary, regular, school, or special election day.
- (c) However, if a licensee provides for a separate compartment within his licensed premises capable of being closed off within which is kept all stocks of alcoholic beverages and all fixtures and appurtenances connected with his business as such licensee, and the compartment is kept locked during the time mentioned above, the above provisions of this section shall not apply.
- (d) All packaged sales of distilled spirits, wine and malt beverages, as well as the sale of distilled spirits and wine by the drink, and malt beverages by individual container, shall be permitted on Sundays from 12:00 p.m., noon, until 11:00 p.m., . . . (New Year's Eve) and on Sundays that fall on December 31 from 1:00 p.m. until 2:00 am. the following Monday.

SECTION II LICENSES

Sec. 1. Required.

No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided for in this article.

Sec. 2. Application.

Any person desiring a license to sell, deal in, traffic or possess for sale, alcoholic beverages as provided for by this article shall make a written application to the administrator, stating the street and number of the premises where he expects to carry on the business sought to be licensed. No license shall be issued to any person or to any premises, or to any part of a building other than that approved by the administrator in such license application.

Sec. 3. Examination of applicants under oath.

The administrator shall have the power to examine or cause to be examined under oath any applicant for a license under the provisions of this article, and to examine or cause to be examined the books and records of such applicant; to hear testimony or to take proof upon the fitness of the applicant for a license or the fitness of his proposed place of business.

Sec. 4. License Fees.

- (a) No license under the provisions of this article shall be issued until there has been paid to the city the license fee herein provided.
- (b) The following kinds of alcoholic beverage licenses and no others may be issued upon approval of the administrator, and the fees payable therefore to the city shall be as follows:
 - (1) Distilled spirits and wine retail package license, per annum . . . 600.00
 - (2) Distilled spirits and wine special temporary liquor license per event...100.00
 - (3) Special temporary wine license per event . . . 50.00
 - (4) Special private club license . . . 300.00
 - (5) Distilled spirits and wine special Sunday retail drink license, per annum...\$300
 - (6) Restaurant wine license , per annum
New Applicants....600.00
Applicants for renewal.....400.00
 - (7) Retail malt beverage license, per annum....200.00
Applicants for renewal.....100.00
 - (8) Special temporary retail malt beverage license, per event....25.00

- (9) Caterer's license, per annum.....800.00
 - (10) Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine and malt beverages), per annum....\$800
 - (11) License for Sunday sales of distilled spirits and wine and malt beverages by the drink in qualified hotels, motels and restaurants, per annum.. 300.00
- (c) All license fees from licenses issued under this article shall be collected and paid into the general fund of the city for use for the general operating expenses of the city.
- (d) When any applicant applies for a license under the provisions of this article to commence business after the first of July of any year, such applicant shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month within the license is granted; provided, however, that no fractional fee shall be permitted where the applicant has actually been doing business under a similar license during the last month of the preceding license period.
- (e) If any license issued hereto shall be revoked or cancelled for any reason, the licensee shall not be entitled to a refund of any portion of the license fee.

Sec. 5. Regulatory Fee

A regulatory license fee is imposed upon the gross receipts of each establishment licensed to sell alcoholic beverages. The regulatory license fee is for the purpose of insuring full reimbursement to the City of Guthrie for the costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the City of Guthrie. The City Council shall adopt, at the budget adoption for the fiscal year, an annual rate for the regulatory license fee as shall be reasonably estimated to insure full reimbursement to the City for the cost of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the City. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law.

Payments of the Regulatory License Fee shall accompany tax returns approved for use by the City Clerk, submitted to the City Clerk on the 15th day of each month for the preceding month's sales. There shall be a monthly credit representing the pro rata portion of the initial license cost for which provision is made in this Ordinance.

The regulatory license fee shall be six percent (6%) for the licensing year beginning December 1, 2011 and continuing thereafter until amended or repealed.

Sec. 6. Authority of administrator to reject or grant.

The administrator shall be the sole judge of the fitness of any applicant to be granted any of the licenses provided for in this article and of the fitness of the location where any applicant may propose to engage in the business authorized by any of the licenses provided for herein. He shall have the power to authorize any of the licenses provided for herein to such person applying therefor, or shall have the right to reject the application and decline to authorize the issuance of the license. The administrator will authorize issuance of the license provided for in this article only to persons who meet the criteria for issuance of state licenses under KRS 243.100 and KRS 243.450.

Sec. 7. Approval of premises selling by the drink by health department required.

The administrator shall not authorize a license for the retail sale of alcoholic beverages by the drink, until the applicant and his place of business have been approved by the county health department.

Sec. 8. License not to issue where principal trade with school children.

No license shall be issued to any applicant for the sale at retail of any alcoholic beverage at any business premises where a majority of the business conducted therein is with school children who are regularly attending private, public or parochial schools.

Sec. 9. Inspection of licensed premises ~ authority of administrator.

All applicants for a license under the provisions of this article shall, at the time of making an application for a license, make and execute a permit signed by the applicant and providing that the administrator may inspect and search the licensed premises at any time. Such permit for inspection and search shall be attached to and filed with the application and shall be considered a part thereof.

Sec. 10. Conditions of license granted.

All licenses granted under this article shall be granted subject to the following conditions, as well as at other conditions of other ordinances, regulations, statutes, or laws of the city or state applicable thereto.

- (1) Every hotel and private club that procures a license under this article shall be entitled to serve alcoholic beverages as permitted by such license in a separate room or rooms at banquets or dinners or where meals are served; however, no hotel or private club shall maintain or operate, or permit to be operated more than one bar or room where alcoholic beverages are dispensed for sale and which is opened to the general public, without first

obtaining a separate license for each bar or room which is opened to the general public.

- (2) Each 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, and no nuisance suffered, permitted or maintained thereon.
- (3) No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines or any devices of chance are prohibited and shall not be kept on such premises.
- (4) No radio receiving apparatus shall be kept or maintained on the licensed premises which can be adjusted so as to receive police messages broadcast from the police radio station as it now or may hereafter be operated. In addition to the other penalties provided herein, for violation of this section the chief of police or the administrator shall have the authority to confiscate any and all such radio receiving apparatus.
- (5) It shall be unlawful for any licensee under this article to keep or sell, or permit to be kept or sold or used on the licensed premises any controlled substances.

Sec. 11. Mandatory Responsible Beverage Service Training

(1) "Server" for purposes of this section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages where alcoholic beverages are sold or dispensed by the drink or where malt beverages are sold for consumption on the premises and whose job duties include the sale, dispensing or service of alcoholic beverages or the management of the licensed premises.

- a) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a City-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the City, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The City will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this Ordinance.
- b) All persons required to complete training under paragraph (a) above shall complete that training within ninety (90) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in

responsible beverage service training from a program approved by the City not less than once every three years thereafter.

- c) The manager of the restaurant shall be responsible for compliance with the training requirements and shall maintain for inspection by the CABC a record or file on each employee that shall contain the pertinent training information.
- d) Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this section.

Sec. 12. Posting of license mandatory.

Every license issued pursuant to this article shall be posted and shall remain in a conspicuous place in the room where the business is carried on. Should any license be lost or destroyed without fault of the licensee, a duplicate in lieu thereof shall be issued at the direction of the administrator on being satisfied of the facts. A fee of one dollar (\$1.00) shall be charged for such duplicate.

Sec. 13. Transfer.

- (a) No license to sell alcoholic beverage shall be transferable either as to the licensee or the licensed premises except as provided in the alcoholic beverage control laws of the state, and not then until approval by the administrator and payment to the city of a transfer fee of five dollars (\$5.00).
- (b) No assignment of any license issued under this article shall be made except by order of any court of competent jurisdiction and with the approval of the administrator.

Sec. 14. Revocation or suspension.

- (a) Whenever any licensee shall violate any of the provisions of this article or any other ordinance relating to the subject of alcoholic beverage control, or any of the rules and regulations of the administrator, or any of the provisions of the alcoholic beverage control law of the state, or any amendments or supplements thereto, or any of the rules and regulations adopted by the state alcoholic beverage control board, or any acts of Congress, or rule or regulation of any federal board, agency or commission relative to the regulation and taxation of alcoholic beverages, or upon conviction by a court of competent jurisdiction of any such violation, the administrator is hereby authorized and empowered to order the revocation or suspension of any licenses issued under this article. For purpose of this section, a

violation by any duly authorized agent or employee of a licensee shall constitute a violation by the licensee.

- (b) Any revocation of the authorization of the state of any licensee to engage in the sale or traffic of alcoholic beverages shall automatically revoke the licenses issued therefor by the city.

Sec. 15. Expiration date.

The licenses permitted under the provisions of this article shall be issued for a period of not more than one year, and every license issued hereunder shall expire on the thirtieth day of June of each year.

SECTION III PENALTIES

Sec. 1.

(A.) Any person who violates any provision of this ordinance for which no specific penalty is otherwise provided shall, upon conviction, be guilty of a misdemeanor and shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) and not more than Two Hundred Dollars (\$200.00), or be imprisoned in the county jail for not more than six (6) months or both; and for the second and each subsequent violation shall be fined not less than Two Hundred Dollars (\$200.00), or more than Five Hundred Dollars (\$500.00), or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this Article is a corporation, partnership, joint stock company, association, or fiduciary, than the president and/or the principle officer or partner responsible for such violations may be punished by fine or imprisonment as authorized by this Section.

(B.) Any person who violates any provision of this ordinance is guilty of a civil offense, and the city may elect to pursue under either paragraph A. or B. The offender, upon conviction, shall be subject to a civil penalty Two Hundred Fifty Dollars (\$250.00), plus court costs, and reasonable attorney fees, for each violation and offense, which shall be recovered by the city in a civil action in the nature of debt, and if not paid within thirty (30) continuous calendar days after citation for the violation, offense, or other failure to comply with the provisions of this chapter.

SECTION IV

Any and all existing ordinances inconsistent with this ordinance are repealed.

SECTION V

If any section, subsection, sentence, clause or phrase of this ordinance is held unconstitutional or otherwise invalid, such infirmities shall not affect the validity of the

remaining portions of this ordinance.

SECTION VI

This ordinance shall become effective upon its passage, approval and publication according to law.

PUBLICLY READ FOR FIRST READING: November 10th, 2011

PUBLICLY READ FOR SECOND READING: November 15th, 2011

APPROVED:

A. Scott Marshall
MAYOR

ATTEST:

Elizabeth A. Dwyer
CITY CLERK

THIS INSTRUMENT WAS PREPARED BY:

John P. Kirkham
John P. Kirkham
1404 South Virginia St., P.O. Box 585
Hopkinsville, KY 42241
(270) 885-1121

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ORDER

RE: LOCAL OPTION ELECTION FOR THE CITY OF GUTHRIE, KENTUCKY

WHEREAS, a Petition has been submitted to the Todd County Court Clerk pursuant to KRS 242.020 and all other applicable law, requesting an election be held regarding the sale of alcoholic beverages in Guthrie, Kentucky;

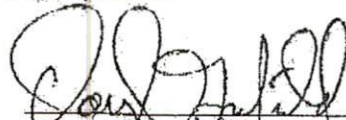
WHEREAS, Honorable Kimberly Chapman, Todd County Court Clerk has certified to the undersigned the Petition meets the requirements of KRS 242.020 and all other applicable law;

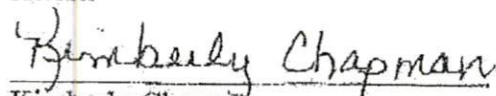
NOW, THEREFORE, pursuant to the authority of KRS 242.020, the undersigned directs an election be held in the City of Guthrie, Kentucky on the 4th day of October, 2011 presenting to the voters of the City the following proposition:

"Are you in favor of the sale of alcoholic beverages in the City of Guthrie, Kentucky?"

So ordered this 3rd day of August, 2011.

RECEIVED
AUG 08 2011
State Board of Elections


Daryl Greenfield
Todd County Judge Executive

Attest:

Kimberly Chapman
Todd County Clerk

KIM CHAPMAN
TODD COUNTY CLERK
2011 AUG -8 PM 12:57

CITY OF GUTHRIE, KENTUCKY
ORDINANCE NO. 2001-C-02

AN ORDINANCE ESTABLISHING LICENSING REQUIREMENTS AND REGULATORY LICENSE FEES REGARDING THE SALE OF ALCOHOLIC BEVERAGES BY THE DRINK AT CERTAIN RESTAURANTS AND DINING FACILITIES PURSUANT TO KRS 242.185(6).

1. PURPOSE.

It is the purpose of this ordinance to promote economic development and tourism within the City by making provision for the sale of alcoholic beverages by the drink at certain restaurants and dining facilities in a manner consistent with the local option election heretofore conducted pursuant to Chapter 242 of the Kentucky Revised Statutes.

2. GENERAL PROVISIONS.

The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the Alcoholic Beverage Control law of the city, except as otherwise lawfully provided herein.

3. CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

3.01 The City Alcoholic Beverage Control Administrator (the "City Administrator") shall be appointed by the Mayor with the consent of a majority of the members of the City Council, and may be removed by the Mayor with or without cause. No conflict of interest shall be deemed to arise if the individual appointed as City Administrator is also employed by the city in some other capacity.

3.02 The City Administrator and his assistants and investigators shall have the full police powers of peace officers, and their jurisdiction shall be

coextensive with the boundaries of the City. They, and any City of Guthrie law enforcement officer, may inspect any premises where alcoholic or malt beverages are sold, stored, or otherwise trafficked without first obtaining a search warrant.

3.03 The City Administrator and his assistants and investigators are authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. In addition to the reports otherwise required by this Ordinance, the licensee shall submit to the City Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

3.04 The City Administrator shall have the same powers and duties with respect to suspension and revocation for cause of City licenses as the State Alcoholic Beverage Control Board has with respect to State licenses under KRS 241.010. The City Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this Chapter.

4. LICENSE.

4.01 No alcoholic beverages shall be sold in the City except as permitted by the Kentucky Revised Statutes and except by a duly authorized licensee in compliance with the terms and conditions of this Ordinance.

4.02 Restaurants and dining facilities shall be eligible for the license for which provision is made herein if they comply with all of the following requirements:

a. Such restaurants and dining facilities shall seat a minimum of 100 (one hundred) persons.

b. Restaurants and dining facilities licensed under this Ordinance shall have articulated and convincing reasons to anticipate that they will derive a minimum of 70% (seventy percent) of their gross receipts from the sale of food as certified by periodic documentation.

5. LICENSE APPLICATION.

5.01 Representatives of restaurants and dining facilities seeking the license for which provision is made herein shall submit a complete application to the City Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Commission (ABC).

5.02 Applicants for a license under this Ordinance shall pay a license fee of \$600.00 (which is less than the total of the maximum charge for a malt beverage license and the maximum charge for a restaurant wine license under KRS 243.070).

5.03 A verified statement of the applicant shall accompany the Application, containing the affirmation of the applicant that the applicant anticipates that the gross receipts at the licensed premises through the sale of food shall be equal to or greater than 70% of its total gross receipts.

5.04 The Applicant for a City license shall tender with its application a consent document, which shall state:

"The undersigned Applicant hereby grants its irrevocable consent to the City Alcoholic Beverage Control Administrator, and his duly appointed agents, to come upon and inspect and search the licensed premises at any reasonable time."

6. PERIODIC INFORMATION TO BE PROVIDED BY LICENSEE.

Applicants to whom a license is issued authorizing the sale of alcoholic beverages pursuant to this Ordinance shall provide periodic information demonstrating compliance with the continuing requirement that 70% (seventy percent) of the applicant's gross income is earned from the sale of food. Such information shall be provided on or before March 31 and on or before September 30 of each year, and shall consist of a certificate from a Certified Public Accountant familiar with the applicant's pertinent business records, which shall state:

"I have conducted a limited scope audit according to accepted accounting principles of the pertinent records of _____, licensee under Ordinance _____, and certify that the licensee earned at least 70% (seventy percent) of its gross receipts from the sale of food during the half year ending _____ (March 1 or September 1)."

The certificate shall contain a brief description of the methodology used in the determination of the certified percentage.

7. LICENSE RENEWAL.

The license issued pursuant to this Ordinance shall authorize the sale of alcoholic beverages until the next following 30th day of June. The license may be renewed annually thereafter upon a showing that the criteria therefor have been met, the filing and approval of a renewal application, and the payment of a renewal fee of \$600.00.

8. REGULATORY LICENSE FEE IMPOSED.

8.01 For the purpose of full reimbursement to the City of the cost of any police, regulatory, legal, or administrative expenses related to the sale of alcoholic beverages in a manner consistent with this Ordinance, a Regulatory License Fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued pursuant to this Ordinance. The amount of this fee shall be adjusted from time to time by Ordinance so that the same shall be reasonably estimated to insure full reimbursement to the City of the police, regulatory, administrative, or legal expenses herein referred to. The Regulatory License Fee shall be in addition to any other taxes, fees, or licenses permitted by law.

8.02 Until adjusted by Ordinance as hereinbefore required, the Regulatory License Fee shall be 5% of all sales of alcoholic beverages beginning January 1, 2001.

8.03 Payment of the Regulatory License Fee shall accompany tax returns approved for use by the City Administrator, submitted to the City Clerk of the 20th day of each month for the preceding month's sales. There shall be a monthly credit of \$50.00 (fifty dollars), representing the pro rata portion of the initial license cost for which provision is made in this Ordinance.

8.04 Failure to pay the monthly remittance within 10 (ten) days after the due date shall constitute a violation of this Ordinance, and in addition, shall constitute grounds for an immediate thirty day suspension of the license for which provision is made herein.

9. ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE.

At no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 1:30 a.m. and 6:30 a.m., nor on Sundays, between 1:30 a.m. and 12:01 p.m.

10. VIOLATION.

The sale of alcoholic beverages within the City not in conformity with this Ordinance shall constitute a violation, punishable by fine of up to \$500.00 for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.

11. CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR SUSPENSION AND REVOCATION OF LICENSE.

Causes for the refusal to issue or renew a license or for the suspension or revocation of a license shall be the same as provided for state licenses according to KRS 243.450, 243.490, and 243.500, and in addition thereto, shall include the following:

- a. The failure to obtain or retain a State license;
- b. The failure to comply with the provisions of this Ordinance regarding gross receipts from the sale of food or the provisions of this Ordinance regarding periodic certification from a Certified Public Accountant;
- c. The failure to pay the "Regulatory License Fee" when due; and
- d. The failure to pay any fine for which provision is made herein.

12. REVOCATION OR SUSPENSION OF THE LICENSE.

Upon the occurrence of one or more of the causes for revocation and suspension, the City Alcoholic Beverage Control Administrator may, upon his own initiative or upon complaint, give notice requiring the licensee to show cause why a revocation or suspension should not occur and give notice of the time and place of a hearing on possible revocation or suspension. Upon the Licensee's failure to show cause, such a suspension or revocation may be ordered by the City Administrator. The licensee shall be afforded the right to:

- a. Reasonable notice of the charge;
- b. Representation;
- c. Presentation of such evidence and witnesses as in its discretion are appropriate to the issues; and
- d. A finding reasonably supported by the evidence.

The City Administrator may designate a city employee or other person

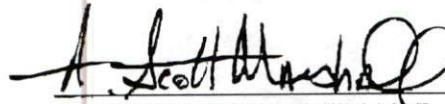
to act as a hearing officer to conduct the hearing for which provision is hereinbefore made. In the event of such a designation, the Hearing Officer's determination shall be in the form of a recommendation upon which the City Administrator shall determine appropriate action.

13. APPEAL.

Appeals from determination of the City Administrator with respect to Orders of that Officer, including denial of applications or Orders suspending or revoking the same, shall be addressed to the State Alcoholic Beverage Control Board in a manner consistent with KRS 241.200.

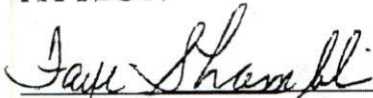
14. EFFECTIVE DATE.

This Ordinance will take effect upon passage and publication.



A. SCOTT MARSHALL
MAYOR, CITY OF GUTHRIE

ATTEST:



FAYE SHAMBLIN
CITY CLERK, CITY OF GUTHRIE

ADOPTED:

18 April 2001

CHAPTER 115: ALCOHOLIC BEVERAGE CONTROL

Section

- 115.01 Purpose
- 115.02 General provisions
- 115.03 City Alcoholic Beverage Control Administrator
- 115.04 License
- 115.05 License application
- 115.06 Periodic information to be provided by licensee
- 115.07 License renewal
- 115.08 Regulatory license fee imposed
- 115.09 Additional restrictions on sale by licensee
- 115.10 Causes for refusal to issue or renew license and for suspension and revocation of license
- 115.11 Revocation or suspension of license
- 115.12 Appeal

- 115.99 Penalty

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ALCOHOLIC
BEVERAGE CONTROL

§ 115.01 PURPOSE.

It is the purpose of this chapter to promote economic development and tourism within the city by making provision for the sale of alcoholic beverages by the drink at certain restaurants and dining facilities in a manner consistent with the local option election heretofore conducted pursuant to KRS Chapter 242.

(Ord. 2001-C-02, passed 4-18-01)

§ 115.02 GENERAL PROVISIONS.

The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided herein.

(Ord. 2001-C-02, passed 4-18-01)

§ 115.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) The City Alcoholic Beverage Control Administrator (the "City Administrator") shall be appointed by the Mayor with the consent of a majority of the members of the City Council, and may be removed by the Mayor with or without cause. No conflict of interest shall be deemed to arise if the individual appointed as City Administrator is also employed by the city in some other capacity.

(B) The City Administrator and his assistants and investigators shall have the full police powers of peace officers, and their jurisdiction shall be coextensive with the boundaries of the city. They, and any city law enforcement officer, may inspect any premises where alcoholic or malt beverages are sold, stored, or otherwise trafficked without first obtaining a search warrant.

(C) The City Administrator and his assistants and investigators are authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. In addition to the reports otherwise required by this chapter, the licensee shall submit to the City Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(D) The City Administrator shall have the same powers and duties with respect to suspension and revocation for cause of city licenses as the State Alcoholic Beverage Control Board has with respect to State licenses under KRS 241.010. The City Administrator, on his own initiative or on the complaint of any person, may institute proceedings to revoke or suspend any license issued under this chapter. (Ord. 2001-C-02, passed 4-18-01)

§ 115.04 LICENSE.

(A) No alcoholic beverages shall be sold in the city except as permitted by the Kentucky Revised Statutes and except by a duly authorized licensee in compliance with the terms and conditions of this chapter.

(B) Restaurants and dining facilities shall be eligible for the license for which provision is made herein if they comply with all of the following requirements:

(1) Such restaurants and dining facilities shall seat a minimum of 100 persons.

(2) Restaurants and dining facilities licensed under this chapter shall have articulated and convincing reasons to anticipate that they will derive a minimum of 70% of their gross receipts from the sale of food as certified by periodic documentation.

(Ord. 2001-C-02, passed 4-18-01)

§ 115.07 LICENSE RENEWAL.

The license issued pursuant to this chapter shall authorize the sale of alcoholic beverages until the next following June 30. The license may be renewed annually thereafter upon a showing that the criteria therefor have been met, the filing and approval of a renewal application, and the payment of a renewal fee of \$600.

(Ord. 2001-C-02, passed 4-18-01)

§ 115.08 REGULATORY LICENSE FEE IMPOSED.

(A) For the purpose of full reimbursement to the city of the cost of any police, regulatory, legal, or administrative expenses related to the sale of alcoholic beverages in a manner consistent with this chapter, a regulatory license fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued pursuant to this chapter. The amount of this fee shall be adjusted from time to time by ordinance so that the same shall be reasonably estimated to insure full reimbursement to the city of the police, regulatory, administrative, or legal expenses herein referred to. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law.

(B) Until adjusted by ordinance as hereinbefore required, the regulatory license fee shall be 5% of all sales of alcoholic beverages beginning January 1, 2001.

(C) Payment of the Regulatory License Fee shall accompany tax returns approved for use by the City Administrator, submitted to the City Clerk of the 20th day of each month for the preceding month's sales. There shall be a monthly credit of \$50, representing the pro rata portion of the initial license cost for which provision is made in this chapter.

(D) Failure to pay the monthly remittance within ten days after the due date shall constitute a violation of this chapter, and in addition, shall constitute grounds for an immediate 30 day suspension of the license for which provision is made herein.

(Ord. 2001-C-02, passed 4-18-01)

§ 115.09 ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE.

At no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 1:30 a.m. and 6:30 a.m., nor on Sundays, between 1:30 a.m. and 12:01 p.m.

(Ord. 2001-C-02, passed 4-18-01)

§ 115.05 LICENSE APPLICATION.

(A) Representatives of restaurants and dining facilities seeking the license for which provision is made herein shall submit a complete application to the City Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Commission (ABC).

(B) Applicants for a license under this chapter shall pay a license fee of \$600 (which is less than the total of the maximum charge for a malt beverage license and the maximum charge for a restaurant wine license under KRS 243.070).

(C) A verified statement of the applicant shall accompany the application, containing the affirmation of the applicant that the applicant anticipates that the gross receipts at the licensed premises through the sale of food shall be equal to or greater than 70% of its total gross receipts.

(D) The applicant for a city license shall tender with its application a consent document, which shall state:

"The undersigned Applicant hereby grants its irrevocable consent to the City Alcoholic Beverage Control Administrator, and his duly appointed agents, to come upon and inspect and search the licensed premises at any reasonable time."

(Ord. 2001-C-02, passed 4-18-01)

§ 115.06 PERIODIC INFORMATION TO BE PROVIDED BY LICENSEE.

Applicants to whom a license is issued authorizing the sale of alcoholic beverages pursuant to this chapter shall provide periodic information demonstrating compliance with the continuing requirement that 70% of the applicant's gross income is earned from the sale of food. Such information shall be provided on or before March 31 and on or before September 30 of each year, and shall consist of a certificate from a certified public accountant familiar with the applicant's pertinent business records, which shall state:

"I have conducted a limited scope audit according to accepted accounting principles of the pertinent records of _____, licensee under Ordinance _____, and certify that the licensee earned at least 70% (seventy percent) of its gross receipts from the sale of food during the half year ending (March 1 or September 1)."

The certificate shall contain a brief description of the methodology used in the determination of the certified percentage.

(Ord. 2001-C-02, passed 4-18-01)

§ 115.10 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE AND FOR SUSPENSION AND REVOCATION OF LICENSE.

Causes for the refusal to issue or renew a license or for the suspension or revocation of a license shall be the same as provided for state licenses according to KRS 243.450, 243.490, and 243.500, and in addition thereto, shall include the following:

- (A) The failure to obtain or retain a state license;
- (B) The failure to comply with the provisions of this chapter regarding gross receipts from the sale of food or the provisions of this chapter regarding periodic certification from a certified public accountant;
- (C) The failure to pay the "Regulatory License Fee" when due; and
- (D) The failure to pay any fine for which provision is made herein.
(Ord. 2001-C-02, passed 4-18-01)

§ 115.11 REVOCATION OR SUSPENSION OF LICENSE.

Upon the occurrence of one or more of the causes for revocation and suspension, the City Alcoholic Beverage Control Administrator may, upon his own initiative or upon complaint, give notice requiring the licensee to show cause why a revocation or suspension should not occur and give notice of the time and place of a hearing on possible revocation or suspension. Upon the licensee's failure to show cause, such a suspension or revocation may be ordered by the City Administrator. The licensee shall be afforded the right to:

- (A) Reasonable notice of the charge;
- (B) Representation;
- (C) Presentation of such evidence and witnesses as in its discretion are appropriate to the issues; and
- (D) A finding reasonably supported by the evidence.

The City Administrator may designate a city employee or other person to act as a hearing officer to conduct the hearing for which provision is hereinbefore made. In the event of such a designation, the hearing officer's determination shall be in the form of a recommendation upon which the City Administrator shall determine appropriate action.
(Ord. 2001-C-02, passed 4-18-01)

§ 115.12 APPEAL.

Appeals from determination of the City Administrator with respect to orders of that officer, including denial of applications or orders suspending or revoking the same, shall be addressed to the State Alcoholic Beverage Control Board in a manner consistent with KRS 241.200.
(Ord. 2001-C-02, passed 4-18-01)

§ 115.99 PENALTY.

The sale of alcoholic beverages within the city not in conformity with this chapter shall constitute a violation, punishable by fine of up to \$500 for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.
(Ord. 2001-C-02, passed 4-18-01)

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BEVERAGE CONTROL

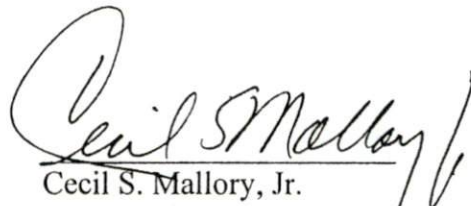
BILLY FOWLER
TODD COUNTY CLERK
03 SEP 11 AM 9:54

ORDER

The undersigned, County Judge Executive of Todd County Kentucky, having received a Petition calling for a vote upon the question of the sale of beer and wine by the drink in restaurants seating more than 100 people and deriving more than 70% of its income from the sale of food and the County Court Clerk having certified to the undersigned that more than the requisite number of valid signatures appear on the petition;

Now, therefore, pursuant to KRS 242.020(5), the undersigned directs that an election be held in the City of Guthrie, Kentucky on the 7th day of November, 2000 presenting to the voters of the City of Guthrie the following question, to wit: "Are you in favor of the sale of alcoholic beverages by the drink in the City of Guthrie at restaurants and dining facilities with a seating capacity of at least 100 persons and which derive at least 70% of their gross receipts from the sale of food?"

So ordered this 11th day of September, 2000.


Cecil S. Mallory, Jr.
Todd County Judge Executive

Legal Documents Order Guthrie Alcohol

STATE OF KENTUCKY }
COUNTY OF TODD } Sci
I, B. J. FOWLER, Clerk of the Todd County Court, certify
that the foregoing instrument of writing was this day lodged
in my office for record. At 9:54 A M
recorded in Book # B15 Page # 678
day of SEPT 2000