

ORDINANCE 15-55

**AN ORDINANCE OF THE CITY OF HICKMAN, KENTUCKY
AMENDING CITY ORDINANCE 14-37 RELATED TO THE
MANUFACTURING AND TRAFFICKING IN ALCOHOLIC
BEVERAGES WITHIN THE CORPORATE CITY LIMITS AND
PROVIDING FOR THE REGULATION OF SUCH ACTIVITIES,
THE LICENSING OF PERSONS OR ENTITIES ENGAGING IN
SUCH MANUFACTURING OR TRAFFICKING, AND FOR THE
ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE
WITHIN THE CITY OF HICKMAN, KENTUCKY**

WHEREAS, the City of Hickman has elected to amend Ordinance 14-37 codified in the City of Hickman Code of Ordinances in Chapter 4 Article 64: FEES

NOW, THEREFORE BE IT HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HICKMAN, KENTUCKY THAT ORDINANCE 14-37 IS HEREBY AMENDED FOR THE SOLE PURPOSE OF ADDING SUB-SECTION 4-64 (e) TO IMPOSE A REGULATORY LICENSE FEE ON GROSS RECEIPTS OF ALL SALES OF ALCOHOLIC BEVERAGES PURSUANT TO APPLICABLE STATUTORY PROVISIONS AND SHALL READ IN ITS ENTIRETY AS FOLLOWS, to-wit:

SECTION 4 SUB-SECTION 64 (E): REGULATORY LICENSE FEE.

- (A) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. As of the time of adoption of this ordinance, which includes the 2016-2017 fiscal budget year, the regulatory license fee shall be five percent (5%) on gross sales of all alcoholic beverages sold by the drink. In the case of retail sales of package distilled spirits and wine, the regulatory license fee shall be five percent (5%) of gross sales. In the case of retail sales of malt beverage by the drink the regulatory license fee shall be five percent (5%) of gross sale The regulatory license fee shall be five percent (5%) on gross retail sales of package malt beverages. These fees shall be paid quarterly. For every fiscal budget year thereafter, the City shall adopt at the budget adoption for each subsequent fiscal year, such annual rate for the regulatory license fee as shall be reasonably estimated to ensure reimbursement to the city for the cost of an additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the city. Should the city fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed until such time as the City shall adjust the fee.

- (B) Payment of such regulatory fee shall be remitted to the City of Hickman ABC Administrator, and shall be held in a separate account maintained for the purpose of

reimbursing the city for the estimated cost of any additional policing, regulatory or administrative expense 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, except that a credit against any regulatory fee required to purchase an license to sell alcoholic beverages within the city of Hickman shall be allowed up to one fourth of the amount of the license fee per quarter of any license fee imposed by the city pursuant to KRS 243.070. Credit of the regulatory license fee shall granted following the submission of the tax return approved for such use by the City. Payments are due on or before the due date posted, the last day of the month following each calendar quarter.

- (C) Failure to pay such quarterly remittance on or before the posted due date constitutes a violation and subjects the licensee to suspension or revocation.
- (D) Penalty for failure to file a return and pay quarterly remittance by the due date shall be five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall the penalty be less than ten dollars (\$10.00)
- (E) Interest at the rate of eight percent (8%) per annum will apply to any late payments.
- (F) The City shall transmit any fees received upon collection into the appropriate designated account.

That this ordinance shall be put before the Commission and shall be effective upon its second reading, adoption and publication as required by law.

FIRST READING: May 24, 2016

SECOND READING: June 1, 2016

PUBLICATION DATE: June 9, 2016



DAVID LATTUS, MAYOR
City of Hickman, Kentucky

ATTEST:



DONNA HANEY, CITY CLERK

ORDINANCE NO. 14-38

AN ORDINANCE OF THE CITY OF HICKMAN, KENTUCKY AMENDING ORDINANCE ARTICLE 4 §4.76 OF THE CITY CODE OF ORDINANCES SO AS TO SET THE TIMES OF OPERATIONS FOR ESTABLISHMENTS HOLDING LICENSES UNDER THE 'ALCOHOLIC BEVERAGE CONTROL ORDINANCE' REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HICKMAN, KENTUCKY AS FOLLOWS:

Section 1. That Ordinance 4 §4.76 of the Code of Ordinances of the City of Hickman, Kentucky shall be amended to read as follows:

Article 4 §4.76 IS hereby AMENDED TO READ AS FOLLOWS:

Section 4.76: WHEN PERMITTED. The following shall apply:

Section 4.76 (a): A licensee for distilled spirits, wine or malt beverages by the drink shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages between the hours of 6:00 8:00 a.m. on each day of the week and until 12:00 a.m. midnight. Except there shall be no sales under this Section on Sunday.

Section 4.76 (b): Retail package distilled spirits and wine sales and package malt beverage sales shall be permitted from 6:00 8:00 a.m. until midnight each day of the week, except no Sunday sales.

Section 4.76 (c): Retail alcohol sales shall be permitted from 6:00 8:00 a.m. until 12:00 a.m. (midnight) on election days. This shall include the hours during which the polls are open on any regular, primary, school or special election day.

~~**Section 4.76 (d): The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, except no Sunday sales. These regulations are contingent upon the licensee having obtained the appropriate licenses from both the City and State ABC Boards.**~~

Section 4.76 (-e)(d): A licensee shall not sell, give away, or deliver any alcoholic beverage or permit any alcoholic beverage to be sold, given away, or delivered on the licensed premises during non-permitted hours for sale and delivery. A licensee shall not permit the consumption of alcoholic beverages on the licensee's premises for a period of more than thirty (30) minutes after the hour it is to close for business or to stop selling and delivering alcoholic beverages.

Section 4.76 (f) (e): All times mentioned in this section are to be determined using the time zone of the locality (i.e., central standard time).

Section 2. All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 3. The provisions hereof are severable. Should any section of part of this ordinance be invalid such invalidity shall not affect the remaining portions hereof.

Section 4. This ordinance shall be in full force and effect after it's second reading and publication as provided by law.

Given first reading the 10th day of November, 2014.

Given second reading the 8th day of December, 2014.



MAYOR DAVID LATTUS
City of Hickman, Kentucky

ATTEST:



CITY CLERK

ORDINANCE 14-36

AN ORDINANCE OF THE CITY OF HICKMAN KENTUCKY REPEALING ORDINANCE 14-32 AND INCORPORATING THE REGULATIONS CONTAINED THEREIN TO ORDINANCE 14-37 AS A COMPREHENSIVE ORDINANCE RELATING TO THE MANUFACTURING AND TRAFFICKING IN ALCOHOLIC BEVERAGES WITHIN THE CORPORATE CITY LIMITS OF THE CITY OF HICKMAN, KENTUCKY.

WHEREAS the City Commission of the city of Hickman, Kentucky notes the need for a comprehensive ordinance concerning the establishment of new Alcohol Beverage Control pursuant to new legislation in the Commonwealth of Kentucky, and realizing the need for all information concerning the manufacturing and trafficking in alcoholic beverages within the city should be in a single Ordinance and in order to accomplish this:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HICKMAN, KENTUCKY AS FOLLOWS:

Section 1. Ordinance 14-32 is hereby repealed.

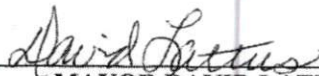
Section 2. All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 3. The provisions hereof are severable. Should any section of part of this ordinance be invalid such invalidity shall not affect the remaining portions hereof.

Section 4. EFFECTIVE DATE: This Ordinance shall be in effect upon its enactment following second separate reading and publication as required by law by the Hickman City Commission .

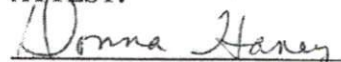
Given first reading this 13th day of October, 2014.

Enacted this 20th day of October, 2014.



MAYOR DAVID LATTUS
City of Hickman, Kentucky

ATTEST:


Donna Haney
CITY CLERK

ORDINANCE 14-37

AN ORDINANCE OF THE CITY OF HICKMAN KENTUCKY RELATED TO THE MANUFACTURING AND TRAFFICKING IN ALCOHOLIC BEVERAGES WITHIN THE CORPORATE CITY LIMITS AND PROVIDING FOR THE REGULATION OF SUCH ACTIVITIES, THE LICENSING OF PERSONS OR ENTITIES ENGAGING IN SUCH MANUFACTURING OR TRAFFICKING, AND FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE.

WHEREAS the Board of Commissioners of the City of Hickman, Kentucky desires to amend Chapter 4 entitled "Alcoholic Beverages" to create including, Article V for purposes of complying with KRS 241 through 244 as amended by Senate Bill 13.

Now, therefore, be it ordained by the Board of Commissioners of the City of Hickman, Kentucky as follows:

That Article V: Alcoholic Beverages, Article I. In General shall include, read and be identified for publication and codification purposes as follows:

Section 4.60-1: Titled. This chapter shall be known as the "Alcoholic Beverage Control Ordinance" of the City of Hickman, Kentucky (City).

Section 4.60-2: Purpose: The purpose of this chapter is to establish uniform regulations requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization of KRS 241 through 244.

Section 4.60-3: Definitions: The definitions of the words used throughout this chapter, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control laws (KRS Chapters 241, 242, 243, and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

Section 4.60-4: Scope: This chapter shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this chapter shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties or any other ordinance or ordinances of the City or of any statutes of the state relating to violations pertaining to alcoholic beverages.

That Chapter V: Alcoholic Beverages, Article II. Alcoholic Beverage Control Administrator shall be amended to read as follows:

Section 4.61-1 OFFICE OF ALCOHOLIC BEVERAGE CONTROL OFFICER has been created by 4-12 and said office shall have the same power and authorities under this Ordinance.

That Chapter V: Alcoholic Beverages, Article III. Licenses and Regulations to read as follows:

Section 4.62 REQUIRED. For the privilege of permitting and engaging in the business and transactions authorized herein in regard to traffic in alcoholic beverages in the City of Hickman and pursuant to the KRS 243.070, there is hereby established a city license for each of the state licenses specifically set forth and more particularly described in KRS 243.070. The fee for each city license shall be as set out in the schedule as set forth in Section 4.63 below; provided, however, that in the event KRS 243.070 shall be amended subsequent the adoption of the schedule provided herein and should said amendment authorize additional city licenses, not otherwise identified herein, the fee for each additional city license shall be the maximum fee provided in the statute as amended.

Section 4.63. APPLICATION.

Section 4.63(a). ADVERTISEMENT. Prior to the consideration of any application for a license, the applicant must publish a notice of its intent to apply for an alcoholic beverage license in a newspaper meeting the requirements of KRS Chapter 424 which sets out the requirements for legal notices. Said advertisement shall state the legal name and address of the applicant. It shall state and identify the owners of the business, the members of the partnership if the applicant is a partnership, and membership of the LLC if the applicant is an LLC, as well as the official name of the business and its address. If the applicant is a corporation, the advertisement shall state the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself. All advertisements shall state the location of the premises for which the license is sought, and the type of license for which application is made. A copy of said advertisement and proof of publication pursuant to KRS 424.170 shall be attached to the application.

Section 4.63(b). APPLICATION FEE & BOND. A nonrefundable application fee of \$50.00 shall be assessed and paid with the filing of the application for a city license. In the event a license is granted, the application fee shall be credited against the initial license fee. The application filed shall also be accompanied by a bond to the city, in the penal sum of \$500 executed by the applicant with one or more good and sufficient sureties acceptable to the city, or else a cash bond, conditioned upon the applicant's faithful compliance with and observance of law in respect of the conduct of the proposed business.

Section 4.63 (c): APPLICATION FORM. Applications for the issuance of new licenses and for renewals of existing licenses shall be made in writing on the forms approved and supplied by the City Alcoholic Beverage Control Administrator and the City of Hickman, as amended from time to time. The application shall be verified and shall include such information concerning the applicant and the premises for which the license is sought as required by all applicable Kentucky Revised Statutes, the State ABC Board and the City of Hickman, including, but not limited to the following information:

- (1) Name and address;

- (2) License being sought;
- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Hickman resident indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or LLC, corporation, partnership or other business organization holding a license under this ordinance;
- (7) Extent of stock or company ownership;
- (8) Whether or not he or she has any interest in any license or LLC, corporation, partnership or other business organization holding a license in any other state or province.
- (9) Copy of criminal background check.

Each application shall be accompanied by a certified check, cash or money order for the amount of the license fee, less the \$50.00 application fee.

In addition to the requirements set forth above, the City Commission may elect, at any time, to approve and adopt by Municipal Order, a questionnaire consisting of additional questions to be answered by the applicant. In the event, said questionnaire is adopted and approved, it shall become part of the application process. The City Alcoholic Beverage Control Administrator may also require such other information as the Administrator may in his/her discretion deem desirable, reasonable or appropriate to the consideration of the application.

Section 4.64 FEES: Applicants for a license under this article shall, prior to issuance thereof, pay the following license fees:

DISTILLED SPIRITS AND WINE LICENSE FEES.

The following distilled spirits and wine licenses may be issued by the City, the fees

For which shall be:

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|--|------------|
| (1) Distiller's license, per annum | \$500.00 |
| (2) Rectifier's license, per annum | \$3,000.00 |
| (3) Wholesaler's Distilled Spirit and Wine license, per annum..... | \$3,000.00 |
| (4) Quota Retail package license, per annum..... | \$1000.00 |
| (5) Quota Retail drink license, per annum..... | \$630.00 |
| (6) Special temporary liquor license, per event..... | \$166.66 |
| (7) Nonquota Type 1 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum:..... | \$1000.00 |
| (8) Nonquota Type 2 Retail Drink License (includes distilled spirits, wine, and malt beverages, per annum | \$210.00 |
| (9) Nonquota Type 3 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum..... | \$300.00 |
| (10) Distilled Spirits & Wine Special Temp. Auction license, per event | \$200.00 |

- (11) Special Sunday Retail Drink License, per annum \$300.00
- (12) Extended Hours Supplemental License, per annum \$2,000.00
- (13) Bottling House or Bottling House Storage License, per annum.. \$1,000.00

MALT BEVERAGE LICENSE FEES.

The following kinds of malt beverages licenses may be issued by the City, the fees for which shall be:

- (1) Brewer's license, per annum \$500.00
- (2) Microbrewery license, per annum \$500.00
- (3) Malt Beverage Distributor's license, per annum..... \$400.00
- (4) Nonquota Retail Malt Beverage Package License, per annum..... \$200.00
- (5) Nonquota Type 4 Retail Malt Beverage Drink License, per annum \$200.00
- (4) Malt Beverage Brew-on-premises license, per annum \$100.00

OTHER LICENSE FEES.

The following kinds of other licenses may be issued by the City, the fees for which shall be:

- (1) Caterer's License, per annum \$800.00
- (2) Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages) \$1,200.00

CERTAIN SPECIAL LICENSES DEFINED:

(1) **TEMPORARY LICENSES.** A special temporary distilled spirits and wine license or a special temporary wine license may be issued only as set out in KRS. 243.260. This license shall authorize the licensee to exercise the privileges of the license for a specified limited time, not to exceed thirty (30) days. In the case of a nonprofit organization holding a retail malt beverage license, such organization may be issued a distilled spirits and wine special temporary license or a special temporary wine license to sell distilled spirits and wine by the drink on the licenses premises, in conjunction with any public or private event, for a specified and limited time, not to exceed ten (10) days. A malt beverage temporary license maybe issued only as set out in KRS 243.290 and is subject to all conditions and regulations provided at the issuance of the license.

(2) PRIVATE CLUB LICENSE. A special private club license may be issued only as authorized in KRS 243.270 to a nonprofit social, fraternal, military, or political organization of club, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. The privileges of the license shall be exercised only on premises where the general public is excluded.

(3) All restrictions and prohibitions applying to regular retail distilled spirits and wine licenses and retail malt beverages licenses shall apply to the special licenses, unless, otherwise provided by law.

Section 4.65 (d): ADDITIONAL APPLICATION CONDITIONS. In addition to any other inquiries, conditions or considerations required or permitted by law:

(1) The City ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his place of business has been approved by any local City building inspector, code enforcement official, planning and zoning board and any and all other inspections required by the Kentucky Building Code; and

(2) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator; and

(3) No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of issuing the license, nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the City. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension; and

(4) No person, whether an applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the City ABC Administrator, or any member of his or her staff, or any state ABC Administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This paragraph is not intended to stifle expressions of opinion; however, it is intended to make clear that the ABC Administrators are public officials charged with the administration and enforcement of law, both local and state. Any person applying for a license, or contesting the revocation or suspension of a

license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a City or state ABC Administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations or suspensions under this section. This section shall not be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where the ordinance and applicable statutes allow for such payments in settlement.

Section 4.66 (h). REFUSAL, REVOCATION OR SUSPENSION. Before the application for a license under this article is acted upon, the City may review and investigate the application, the character and standing of the applicant and the worth of the sureties on the bond. Any application for a license or a renewal license may be refused, after investigation for any of the reasons set forth in KRS 243.450, 243.390 and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales or the administration thereof. Additionally, any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of the provisions of Kentucky Revised Statutes Chapters 241, 242, 243, or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale, and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this chapter now, therefore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of the intoxicating liquors or any rules or regulations of the City heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241, 242, 243, and 244 to be created, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his sound discretion deems sufficient.

A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known. In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

- (1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- (2) Making any false, material statements in an application for a license.
- (3) If within a period of two (2) consecutive years, any licensee or any clerk, servant, agent or employee of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 242, 243, or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any clerk, servant, agent or employee of the license shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one (1) such felony and one (1) such misdemeanor.

(4) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this chapter or acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(5) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, devise, machine or contrivance, or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, gift enterprise, handbook or facility.

Section 4.67 EXPIRATION OF LICENSE; PRORATION OF FEES. All city licenses, except temporary licenses, shall begin on July 1st of any year and shall expire on June 30th of the following year. Any licenses issued after July 1st of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half (1/2) the amount of the full fee for an annual license of that type.

Section 4.68 PAYMENT OF LICENSE FEES; DELINQUENCY. No licensee shall enter into or begin operating any business for which a license is required by this ordinance until the license fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Failure to pay any license fee within ten (10) days after it becomes due shall result in a penalty equal to ten percent (10%) of the license fee. Any licensee failing to pay the fees, including penalties, within ten (10) days after such fees are due may be subject to revocation of the license and to other penalties as provided in this ordinance.

Section 4.69 REFUND OF FEES. Should any licensee under this chapter be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the Commonwealth with reference to alcoholic beverages or other cause outside licensee's control, then the city shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee. In the event a violation of this chapter occurs that results in the suspension or revocation of the license, the City shall not be required to refund any portion of the license fee.

Section 4.70. DISPOSITION OF FEES. The City shall transmit any fees received upon collection into the appropriate designated account.

Section 4.71 . LICENSE FORM, ISSUANCE AND DISPLAY. All City licenses shall be in such form as may be prescribed by the City Commission and shall contain:

(1) The name and address of the licensee;

- (2) The number of the license;
- (3) The type of license;
- (4) A description by street and number, or otherwise, of the licensed premises;
- (5) The name and address of the owner of the building in which the licensed premises are located;
- (6) The expiration date of the license;
- (7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

Section 4.72 (a): **LICENSE INFORMATION CHANGE.** If there is a change in any fact required to be set forth in the application, subsequent the issuance of a license or license renewal, a verified amendment in writing giving notice of the change shall be filed with the City ABC Administrator within ten (10) days of the change. Since a number of licenses issued by the City are in the name of corporations or other business organization, it is necessary that ownership changes in such organizations be reported to the City ABC Administrator. The City ABC Administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(1) As used with regard to a partnership, corporation, LLC or other business organization herein, directors or officers of the corporation, or change in ownership or stock whereby any person secures ten percent (10%) of the outstanding ownership or stock. Transfer of more than ten percent (10%) of the total ownership or stock shall require a new license.

(2) The following information will be required concerning any new manager, partner or LLC member, new director, officer, or person securing any interest in alcoholic beverage license:

- (a) Name and address;
- (b) Nature of interest;
- (c) Whether or not a citizens of the United States;
- (d) Date of birth;
- (e) Date residence was established in Kentucky, if resident of Kentucky. If a Fulton, resident indicate when residence was established;
- (f) Whether or not he or she has any interest in any other license or LLC, corporation, partnership or other business organization holding a license under this ordinance;
- (g) Extent of stock or company ownership;
- (h) Whether or not he or she has any interest in any license or LLC, corporation, partnership or other business organization holding a license in any other state or province.

(3) This information shall be filed with the City ABC Administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten (10) days of any change of required information.

Section 4.72 (b). **RENEWAL OF LICENSE.** Every year, except in the case of temporary licenses, each licensee shall renew its license. All renewal licenses must be on file with the City ABC Administrator no less than thirty (30) days prior to the expiration of the

license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; provided that said license shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location. The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

Section 4.72 (c). **GUIDELINES FOR APPROVAL OF QUOTA LICENSES.** In the case of quota licenses, before approving an application, the City ABC Administrator is hereby directed to consider, in addition to the factors set out in KRS 243.450, 243.490 and 243.500, and any other factors the Administrator determines in his or her discretion to be reasonable and pertinent to the license application, the following criteria:

- (1) **Ownership:** The City of Hickman places great value on business owners who are invested in the Hickman community.
- (2) **Economic Impact:** The City of Hickman desires businesses which make the most positive impact on the community, in number of jobs, payroll, property investment and revenues to the city.
- (3) **Site of Business:** The City of Hickman is interested in serving all geographic areas of the City. Therefore, the City does not wish to cluster all licensed ABC outlets in one area.
- (4) **Aesthetics:** The City of Hickman is committed to protecting the character and beauty of our community.
- (5) **Capital:** The City of Hickman values businesses that demonstrate their ability to financially support and sustain their viability.
- (6) **Public Support of Licensed Business in the Area:** The City of Hickman intends that public sentiment and safety be considered in deciding upon the approval of retail liquor sales licenses in any area of the City.

An applicant who has been refused a license by the City ABC Administrator may appeal the refusal to the ABC Board pursuant to KRS 241.200.

Section 4.72 (d). **LOST, DESTROYED OR MISPLACED LICENSE.** When a license shall be lost, destroyed or misplaced without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the City ABC Administrator after the Administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee of ten dollars (\$10.00) for the duplicate license.

Section 4.72 (e). **DISPLAY.** Upon issuance of any license, the licensee shall, at all times, keep said license posted in a conspicuous place at the office or place of business mentioned in the license.

Section 4.73. **SEPARATE LICENSE FOR EACH PLACE OF BUSINESS; TRANSFERABILITY.** No license issued under this article shall authorize the sale of an alcoholic beverage at more than one place; a separate license must be obtained for each place where the alcoholic beverages is proposed to be sold; provided, however, that, a license may cover more than one room or place in the same building or on the same premises. No license issued under the terms of this article shall authorize the licensee to discontinue selling at one place and transfer his or her place of sale to another place, without the consent of the city and of the sureties upon the licensee's bond; nor shall any license be transferred from one person to another without the consent of the city, to be obtained only upon the filing of a new application, a new bond by the proposed transferee, and payment of (\$100.00) to the City for transfer administrative fees.

Section 4.74. **PRORATION; RENEWAL.** No license provided for by this article shall be issued for less than the full amount prescribed for a full year. Renewal licenses for succeeding years shall be due and payable on January 1 of every year.

Section 4.75. **REVOCAION AND SUSPENSION.** Upon the verified complaint of any person, or on the initiative of any law enforcement officer or of the City ABC Administrator, the City ABC Administrator may institute proceedings to revoke or suspend any license granted under this ordinance. A license may be revoked or suspended only after the licensee shall have been given written notice, by certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the application, whether or not the mailing is receipted for or claimed. The specific procedures to be followed in hearings on actions for revocation or suspension shall be prescribed by the City Commission of the City of Hickman by municipal order. Such order shall be maintained on file in the office of the City ABC Administrator and a copy furnished with any notice of proposed revocation or suspension sent to a licensee. If the

City Commission shall fail to adopt such municipal order, the procedures shall be those set out in the Kentucky Administrative Procedure Act (KRS Chapter 13B). A decision of the City ABC Administrator revoking or suspending a license may be appealed as provided in KRS 243.550.

Within three (3) days after any order of revocation or suspension of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the City ABC Administrator. If the revoked or suspended license is not forthwith surrendered by the licensee, the Chief of Police at the request of the City ABC Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the City ABC Administrator. When a license has been revoked or suspended, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity. Appeal from the decision of the City ABC Administrator revoking or suspending a license shall be to the ABC Board. The timely filing of an appeal shall stay further proceedings for revocation. If a license is revoked or suspended by an order of the City ABC Administrator, and the decision is not appealed, the licensee shall at once suspend all operations authorized under his license. Upon the entry of a final order of the ABC Board sustaining or ordering revocation or suspension on appeal, the licensee shall at once suspend all operation authorized under this license. If a license is revoked or suspended by an order of the City ABC Administrator, and the decision is not appealed, the licensee shall at once suspend all operations authorized under his license. Upon the entry of a final order of the ABC Board sustaining or ordering revocation or suspension on appeal, the licensee shall at once suspend all operations authorized under this license.

Section 4.75 (b). DORMANCY.

(1) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.

(2) Any license under which no business is transacted during a period of ninety (90) days shall be deemed inactive and, unless the conditions set forth in paragraph (3) below are proved to the satisfaction of the City ABC Administrator, the license shall be surrendered to the City ABC Administrator. If the license is not voluntarily surrendered, it shall be revoked by the City ABC Administrator.

(3) The provisions of paragraph (2) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Prior to the

expiration of ninety (90) days of inactivity, such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business, for any of the specific reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted there under within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his sound discretion.

Section 4.76: WHEN PERMITTED. The following shall apply:

Section 4.76 (a): A licensee for distilled spirits, wine or malt beverages by the drink shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages between the hours of 6:00 a.m. on each day of the week and until 12:00 a.m. midnight. Except there shall be no sales under this Section on Sunday.

Section 4.76 (b): Retail package distilled spirits and wine sales and package malt beverage sales shall be permitted from 6:00 a.m. until midnight each day of the week, except no Sunday sales.

Section 4.76 (c): Retail alcohol sales shall be permitted from 6:00 a.m. until 12:00 a.m. (midnight) on election days. This shall include the hours during which the polls are open on any regular, primary, school or special election day.

Section 4.76(d): The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, except no Sunday sales. These regulations are contingent upon the licensee having obtained the appropriate licenses from both the City and State ABC Boards.

Section 4.76(e): A licensee shall not sell, give away, or deliver any alcoholic beverage or permit any alcoholic beverage to be sold, given away, or delivered on the licensed premises during non-permitted hours for sale and delivery. A licensee shall not permit the consumption of alcoholic beverages on the licensee's premises for a period of more than thirty (30) minutes after the hour it is to close for business or to stop selling and delivering alcoholic beverages.

Section 4.76(f): All times mentioned in this section are to be determined using the time zone of the locality (i.e., central standard time).

Section 4.77: CONDITIONS, PROHIBITIONS AND RESTRICTIONS.

Section 4.77(a): No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises.

Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

Section 4.77(b): It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in Fulton County as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator, or his designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

Section 4.77(c): The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

Section 4.77(d): It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages nor shall any licensee give away any alcoholic beverage in any quantity for less than a full monetary consideration.

Section 4.77(e): No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee sell alcoholic beverages to any person who is actually or apparently under the influence of alcoholic beverages, or known to the seller or server to be an habitual drunkard or any person known to the seller or server to have been convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period. No licensee shall permit any person who is actually or apparently under the influence of alcoholic beverages to remain on the licensed premises. As used herein, whether a person is actually or apparently under the influence of alcoholic beverages shall be determined by the licensee or server with specific reference to the principles and guidelines established in mandatory alcohol server training as to the signs of alcohol intoxication.

Section 4.77(f): The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age. The licensee shall check all id's to ascertain that every person attempting to purchase or consume alcoholic beverages is a least 21 years of age.

Section 4.77(g): The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.

2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.

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

Section 4.77(h): The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee or knowingly deface, destroy or alter the license in any respect.

Section 4.77(i): The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars (\$10.00) no more than fifty dollars (\$50.00). KRS 243.895

Section 4.77(j): No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or case terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for case at time of purchase.

Section 4.77(k): No licensee shall knowingly employ in connection with his or her business any person who:

1. Has been convicted of any felony within the last two (2) years;
2. Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;
3. Is under the age of twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute;
4. Within two (2) years prior to the date of his or her employment, has had any City license under this Ordinance revoked for cause.

Section 4.77(l): Licensees shall be prohibited from offering reduced price drink specials (e.g. discounts, two-for-one, happy hours) from 6:00 p.m. to closing.

Section 4.77(m): All retail beer and retail drink licenses shall be required to provide indoor or outdoor lavatory facilities for their customers where such beverages are consumed on the premises.

Section 4.77(n): No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premise. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling, jello wrestling or similar activities, nor shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premise in the City.

Section 4.77(o): No license shall be issued for any premises to operate a vehicle "drive-through" outlet for the sale of alcoholic beverages, nor shall any person or licensee operate or permit such a vehicle drive-through outlet. This prohibition shall not apply to a drive-up window at any premises licensed for retail packages liquor, wine or malt beverage, including retail beer, where the primary sales area is arranged for and utilized by persons entering the premises on foot and manually carrying out the products purchased therein.

Section 4.77(p): Violation of this Article shall subject the licensee to penalties provided in this chapter and shall be cause for revocation of license.

Section 4.78: POSSESSION BY MINORS PROHIBITED; NO PERSON SHALL AID POSSESSION BY MINORS.

Section 4.78(a): Except as specifically authorized under KRS 241 through 244, no person under the age of 21 may possess alcoholic beverages or enter onto any licensed premises for the purpose of acquiring alcoholic beverages.

Section 4.78(b): As provided in KRS 244.085, no person under the age of 21, except in the company of a parent or guardian, may enter any premises licensed for the package sale of alcoholic beverages. For purposes of this prohibition, "premises" specifically encompasses the entire lot upon which a licensed establishment is situated, including any drive-up window. The prohibition contained in this paragraph (2) shall not apply to premises where the usual and customary business of the establishment is a gas station, convenience store, grocery store drugstore, or similar establishment.

Section 4.78(c): No person shall knowingly allow aid, assist, induce, cause or otherwise encourage any minor to be in possession of, use or consume alcoholic beverages. All licensees, as set out in beverages on the licensee's premises.

Section 4.78(d): No person being the owner or occupant or otherwise in possession or control of any property located within the City shall knowingly allow any minor to remain on such property while in possession of, using or consuming alcoholic beverages.

Section 4.78(e): It shall be defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or exempted by KRS 244.087.

Section 4.78(f): It shall be a defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or use of alcoholic beverages, or that the minor individuals' possession of alcoholic beverages was exempted by KRS 244.087.

Section 4.78(g): It may be a defense to any prosecution under this section upon discovery that emergency medical attention is sought for self or others due to alcohol poisoning. If certain strict requirements are met, the law would provide immunity from criminal prosecution for less serious offenses such as alcohol intoxication, drinking alcoholic beverages in a public space, and possession of alcoholic beverages by a minor under 21 years of age. The Medical Amnesty law as created by SB 13 shall dictate the parameters of such defense.

Section 4.79: CONSUMPTION ON LICENSED PACKAGE PREMISES PROHIBITED; EXCEPTIONS; CONGREGATING ON CERTAIN ABC LICENSED PREMISES AND VACANT PREMISES PROHIBITED.

Section 4.79(a): No licensee of a package store, whether trafficking in distilled spirits, wine or malt beverages, shall permit consumption of alcoholic beverages on the premises unless said person or entity shall also have a drink license conferring the privilege of consumption on the premises or shall have a retail malt beverage license, which permits on premises consumption. Any licensee who intends to permit on premises consumption shall, prior to permitting on premises consumption, notify the City ABC Administrator in writing of this decision. A licensee who does not permit on premises consumption shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.

Section 4.79(b): This restriction regarding on premises consumption shall not prohibit sampling as allowed for microbreweries and wineries under the provisions of KRS Chapter 243, or where sampling is permitted for a retail distilled spirits and wine licensee under provisions of KRS 244.050, or beer tastings as permitted in 804 KAR 11:030.

Section 4.79(c): No person or entity operating a package liquor store, whether trafficking in distilled spirits, wine or malt beverages, including retail package beer licensees, shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of the licensed premises so as to constitute a public nuisance.

Section 4.79(d): No person or entity being the owner or otherwise in possession or control of any vacant property shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of such property so as to constitute a public nuisance.

Section 4.79(d)(1): No persons shall congregate for the purposes, under the circumstances, or in the places proscribed in subsections (1) and (2) of this section.

Section 4.79(d)(2): It shall be a defense to any prosecution under subsection (1) or (2) if such licensed vendor or property owner shall permit the division of police to post and maintain a legible painted and printed sign in at least two (2) separate prominent places in such area, in letters of not less than three (3) inches in height, stating that congregating of person is prohibited and that violators shall be prosecuted for trespass pursuant to KRS 511.080.

Section 4.79(d)(3): As used in this section, the term:

(a) Habitual shall mean consistent, that is, by frequent practice or use, but not necessarily constant or exclusive;

(b) *Package liquor store* shall mean a retail establishment selling distilled spirits, wine and malt beverages in package containers pursuant to licenses issued for those purposes;

(c) *Public nuisance* shall mean any activity that endangers or interferes with the general use and enjoyment of neighboring property, passers-by or the health, safety and welfare of the public; and

(d) *Vacant property* shall mean a vacant lot on which no building or other structure exists or property on which any structure is unoccupied or unused, or which otherwise reflects abandonment by the owner or person with the right of occupancy.

Section 4.80: MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

Section 4.80(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 chapter.

Section 4.80(b): All persons required to complete training under paragraph (1) above shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages all employees must be trained prior to the opening of the business.

Section 4.80(c): Each licensee shall be responsible for compliance with the training requirements and shall maintain, for inspection by the City ABC Administrator, a record or file on each employee that shall contain the pertinent triaging information. Each premise licensed hereunder must at all times when alcoholic beverages are being served have at least one person currently certified in responsible beverage service training on duty.

Section 4.80(d): 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.

Section 4.81: ENFORCEMENT

City police officers and the City ABC Administrator are authorized to enforce this Ordinance for alleged violations.

Section 4.82: PENALTIES.

Section 4.82(a): In addition to any criminal prosecution instituted in Fulton District Court against an alleged violator, the City ABC Administrator may assess the fines and penalties authorized in KRS 243.480, including the per diem assessments for ongoing violations. Should the fines or penalties assessed by the state change under KRS 243.480, then the fines or penalties under this Article shall be adjusted accordingly to mirror the fines or penalties imposed by state law. Payment of all fines shall be made to the City to be deposited in the appropriate designated account.

Section 4.82(b): Any person, firm or corporation who violates any of the provisions of this Ordinance, including all of this CHAPTER 4. ALCOHOL BEVERAGES, ARTICLES 1 through 4 and all sections and sub-sections hereof, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, LLC, joint stock company, association or other business organization, or a fiduciary, the principal officer or officers responsible of the violation may be imprisoned.

Section 4.83: IMPLEMENTATION OF ORDINANCE PROVISIONS.

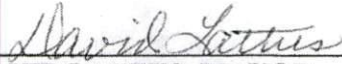
From time to time, the Hickman City Commission may by municipal order promulgate such rules and regulations and may publish and utilize such forms and other documents as in its discretion may be necessary for the proper implementation of this chapter.

Section 4.84: SEVERABILITY. If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this Ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

Section 4.85: **EFFECTIVE DATE:** This Ordinance shall be effective upon its second readings, adoption and publication.

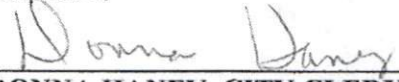
GIVEN FIRST READING THIS 13th DAY OF October, 2014.

ENACTED FOLLOWING SECOND, SEPARATE READING AND PUBLICATION AS REQUIRED BY LAW THIS 20th DAY OF October, 2014.



DAVID LATTUS, MAYOR

ATTEST:



DONNA HANEY, CITY CLERK

(2) PRIVATE CLUB LICENSE. A special private club license may be issued only as authorized in KRS 243.270 to a nonprofit social, fraternal, military, or political organization of club, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. The privileges of the license shall be exercised only on premises where the general public is excluded.

(3) All restrictions and prohibitions applying to regular retail distilled spirits and wine licenses and retail malt beverages licenses shall apply to the special licenses, unless, otherwise provided by law.

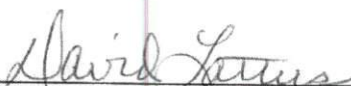
Section 2. All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 3. The provisions hereof are severable. Should any section of part of this ordinance be invalid such invalidity shall not affect the remaining portions hereof.

Section 4. This ordinance shall be in full force and effect after it's second reading and publication as provided by law.

Given first reading the 12th day of May, 2014.

Given second reading the 9th day of June, 2014.



MAYOR DAVID LATTUS
City of Hickman, Kentucky

ATTEST:



CITY CLERK

ORDINANCE NO. 14-32

AN ORDINANCE OF THE CITY OF HICKMAN, KENTUCKY AMENDING ORDINANCE §4 OF THE CITY CODE OF ORDINANCES SO AS TO IMPLEMENT A FIVE (5) PER CENT INCREASE IN THE FEE STRUCTURE OF EXISTING LICENSES AND ADOPT THE CHANGES IN LISCENSE TYPES, FEE STRUCTURE AND SCHEDULE AS SET FORTH IN KRS 243.070 REPEALING ALL CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HICKMAN, KENTUCKY AS FOLLOWS:

Section 1. That Ordinance §4 of the Code of Ordinances of the City of Hickman, Kentucky shall be amended to read as follows:

Article I Section 4-1: (C) is hereby AMENDED TO READ AS FOLLOWS:

4-1 (C) FEES: Applicants for a license under this article shall, prior to issuance thereof, pay the following license fees:

DISTILLED SPIRITS AND WINE LICENSE FEES.

The following distilled spirits and wine licenses may be issued by the City, the fees forwhich shall be:

- (1) Distiller's license, per annum\$500.00
- (2) Rectifier's license, per annum\$3,000.00
- (3) Wholesaler's Distilled Spirit and Wine license, per annum\$3,000.00
- (4) Quota Retail package license, per annum\$1000.00
- (5) Quota Retail drink license, per annum\$630.00
- (6) Special temporary liquor license, per event.....\$166.66
- (7) Nonquota Type 1 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum:\$1000.00
- (8) Nonquota Type 2 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum\$210.00
- (9) Nonquota Type 3 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum.....\$300.00
- (10) Distilled Spirits & Wine Special Temp. Auction license, per event \$200.00
- (11) Special Sunday Retail Drink License, per annum.....\$300.00
- (12) Extended Hours Supplemental License, per annum.....\$2,000.00
- (13) Bottling House or Bottling House Storage License, per annum ..\$1,000.00

MALT BEVERAGE LICENSE FEES.

The following kinds of malt beverages licenses may be issued by the City, the fees for which shall be:

- (1) Brewer's license, per annum\$500.00
- (2) Microbrewery license, per annum\$500.00
- (3) Malt Beverage Distributor's license, per annum.....\$400.00
- (4) Nonquota Retail Malt Beverage Package License, per annum\$200.00
- (5) Nonquota Type 4 Retail Malt Beverage Drink License, per annum \$200.00
- (4) Malt Beverage Brew-on-premises license, per annum.....\$100.00

OTHER LICENSE FEES.

The following kinds of other licenses may be issued by the City, the fees for which shall be:

- (1) Caterer's License, per annum\$800.00
- (2) Limited restaurant license or limited golf course license, per annum (includes distilled spirits, wine, and malt beverages)\$1,200.00

CERTAIN SPECIAL LICENSES DEFINED:

(1) **TEMPORARY LICENSES.** A special temporary distilled spirits and wine license or a special temporary wine license may be issued only as set out in KRS. 243.260. This license shall authorize the licensee to exercise the privileges of the license for a specified limited time, not to exceed thirty (30) days. In the case of a nonprofit organization holding a retail malt beverage license, such organization may be issued a distilled spirits and wine special temporary license or a special temporary wine license to sell distilled spirits and wine by the drink on the licenses premises, in conjunction with any public or private event, for a specified and limited time, not to exceed ten (10) days. A malt beverage temporary license maybe issued only as set out in KRS 243.290 and is subject to all conditions and regulations provided at the issuance of the license.

(2) PRIVATE CLUB LICENSE. A special private club license may be issued only as authorized in KRS 243.270 to a nonprofit social, fraternal, military, or political organization of club, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. The privileges of the license shall be exercised only on premises where the general public is excluded.

(3) All restrictions and prohibitions applying to regular retail distilled spirits and wine licenses and retail malt beverages licenses shall apply to the special licenses, unless, otherwise provided by law.

Section 2. All ordinances in conflict herewith are to the extent of such conflict hereby repealed.

Section 3. The provisions hereof are severable. Should any section of part of this ordinance be invalid such invalidity shall not affect the remaining portions hereof.

Section 4. This ordinance shall be in full force and effect after it's second reading and publication as provided by law.

Given first reading the 12th day of May, 2014.

Given second reading the _____ day of _____, 2014.

MAYOR DAVID LATTUS
 City of Hickman, Kentucky

ATTEST:

CITY CLERK

June 28, 2001

ORDINANCE NO. 07-17

AN ORDINANCE RELATING TO THE LICENSING AND OPERATION OF ESTABLISHMENTS WITHIN THE CITY OF HICKMAN OFFERING THE SALE OF LIQUOR BY THE DRINK IN AN ESTABLISHMENT WHICH DOES NOT SEAT 100 PERSONS OR DERIVE SEVENTY PERCENT (70 %) OF GROSS RECEIPTS FROM THE SALE OF FOOD.

Whereas, KRS 242.127 authorizes, by Petition in accordance with KRS 242.620, a city in which prohibition is in effect, to hold a special local option election on the sale of liquor by the drink for consumption on the premises in the city; and

Whereas, a local option election was conducted pursuant to KRS 242.127 and approved, and it is now in the responsibility of the City to adopt regulations reasonably calculated to assure the sale of alcoholic beverages is consistent with the legislative intent;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the City of Hickman, Kentucky, as follows:

SECTION ONE: A new ordinance is hereby created to read as follows:

Article I: In General

Purpose: The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of liquor sales pursuant to the local option election, the Kentucky Revised Statutes and other applicable law for any establishment which serves liquor by the drink for consumption on the premises.

The definitions of the words used throughout this Ordinance, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control Law (KRS Chapters 241, 242, 243, and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

Scope: This Ordinance shall only apply to the sale of liquor by the drink to be consumed on the premises of the licensee. Nothing in this Ordinance shall excuse or relieve the licensee, or the agent or any employee of any licensee thereof from the restrictions, requirements and penalties of any other Ordinances of the City or of any statutes of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages.

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243, and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

Article II: Licenses

Scope: Under this Ordinance, a license shall only be extended to the owners and or operators of those establishments which qualify under the local option election liquor by the drink.

2013 JAN 7 AM 9 43
ALCOHOLIC BEVERAGE CONTROL

Article III: Duties of the Office of the City Alcoholic Beverage Control Administrator

(A) The City Clerk shall serve as the Alcoholic Beverage Control Administrator (hereinafter referred to as the City ABC Administrator) of the City of Hickman.

(B) The City ABC Administrator may from time to time appoint such additional personnel as is necessary to assist him/her in the administration of this Ordinance subject to the approval of the Board of Commissioners.

(C) The salary for the office of City ABC Administrator, if any, together with the salaries of any other personnel assisting the City ABC Administrator, shall be fixed

(D) The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky (hereinafter referred to as the ABC Board) with respect to state licenses and regulations, except that no amendment to these regulations proposed by the City ABC Administrator may be less stringent than the statutes relating to Alcoholic Beverage Control, or than regulations of the ABC Board. No regulation of the City ABC Administrator shall become effective until it has first been appropriately approved by the City Commission.

(E) No person shall be a City ABC Administrator, an Investigator or an employee of the City under the supervision of the City ABC Administrator in their capacity as Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.

(F) The City ABC Administrator shall have all authority as authorized under Chapters 241 through 244 of the Kentucky Revised Statutes.

(G) Should the City ABC Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation has a criminal record, he/she shall have the authority to require such person to appear in person at the Hickman Police Department for the purpose of having his/her fingerprints taken

(H) The City ABC Administrator, before entering upon his/her duties as such, shall take the oath as prescribed in Section 228 of the Constitution of the Commonwealth of Kentucky, and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars (\$1,000.00).

(I) Appeals from the orders of the City ABC Administrator may be taken to the state ABC Board by filing with the Board with thirty (30) days a certified copy of the orders of the City ABC Administrator. Matters at issue shall be heard by the Board as upon an original proceeding. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

Article IV: Application/License

SECTION ONE:

Application

(A) Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements of KRS Chapter 424.

(1) The advertisement shall state the name and addresses of the members of the partnership if the applicant is a partnership, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, as well as the name and address of the corporation itself, the location of the premises for which the license is sought, and the type of license for which application is made.

(2) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

(B) All licenses granted under this Ordinance shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the ABC Board and the City of Hickman, as amended and supplemented from time to time.

(C) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC Board and the City of Hickman, including as follows:

- (1) Name and address
- (2) Nature of interest
- (3) Whether or not a United States Citizen
- (4) Date of Birth
- (5) Date residence was established in Kentucky, if a Kentucky resident. Also date residence was established in the City of Hickman, if a city resident
- (6) Disclose whether applicant has any interest in any other license or corporation or partnership holding a license under this Ordinance
- (7) Extent of stock ownership
- (8) Disclose whether applicant has any interest in any license or corporation or partnership holding a license in any other state or province.

Each application shall be accompanied by a certified check, cash or postal or express money order for the license fee.

(D) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator.

(E) All City licenses shall be in such form as may be proscribed by the City Commission and shall contain:

- (1) The name and address of the licensee
- (2) The number of the license

- (3) The type of license
- (4) A description by street and number, or otherwise specific identification, of the licensed premises
- (5) The name and address of the owner of the building in which the licensed premises are located
- (6) The expiration date of the license
- (7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law

(f) All licenses approved by the City ABC Administrator and issued by the city shall begin on July 1 of any year and shall expire on June 30 of the following year.

(g) The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(h) Any licenses issued after December 31 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six months.

(i) In the event a violation of this chapter occurs that requires the revocation of the license, the city shall not be required to refund any portion of the license fee.

SECTION TWO

Fees.*

*Pursuant to KRS 243.070 the fact the ABC Board Administrator has approved the applicant's state application.

(A) Issuance of License

(1) The annual city license fee for the sale of wine, distilled spirits, and/or malt beverages shall be five hundred dollars (\$500.00). This fee may be amended from time to time if not inconsistent with the applicable state statutes.

(2) The City ABC Administrator shall transmit fees upon collection to the City Finance Department to be deposited into the appropriate designated account. City licenses shall be issued by the City ABC Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's state application.

(B) Refund of license fees.

Should any licensee under this chapter be prohibited from conducting said business for the full period covered by the license because of any changes that may hereafter be made in the laws of the state with reference to alcoholic beverages or other cause outside licensee's control, then the city shall refund to it the proportionate part of the license fee for the

period during which it is prevented from carrying on said business if the licensee provides sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee or agent or employee of the licensee.

(C) Lost or destroyed licenses.

When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the City ABC Administrator after he/she shall be satisfied as to the facts; provided, however, that the person applying for said duplicate license shall pay a fee of ten (\$10.00) dollars for issuing said duplicate.

(D) Revocation or suspension.

(1) Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of provisions of KRS Chapters 241, 243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of congress or any rule or regulation of any federal board, agency or commission, or this chapter now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors of any rules or regulations of the city heretofore in existence or authorized by the terms of KRS Chapters 241, 243 and 244 to be created, referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his sound discretion deems sufficient.

(2) A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.

(3) Any license may be revoked or suspended for the following causes:

(a) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(b) Making any false, material statements in an application for a license.

(c) If within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any of the clerks, servants, agents or employees of the license shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one (1) such felony and one (1) such misdemeanor.

(d) Willful and deliberate failure or default of a licensee to pay an excise tax or any

part thereof, or any penalties imposed by or under the provisions of any statutes, this chapter or acts of congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(c) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

(E) Notice to licensee; surrender of license; hearing.

(1) Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the City ABC Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of Police at the request of the City ABC Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the City ABC Administrator.

(2) When a license has been revoked, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.

(3) Appeal from the decision of the City ABC Administrator shall be to the ABC Board.

(4) If a license is revoked or suspended by an order of the City ABC Administrator, the licensee shall at once suspend all operations authorized under his license.

(F) Transfer or assignment.

No license issued under this chapter shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not then until a payment of one hundred dollars (\$100.00) shall be made to the City ABC Administrator.

(G) Refusal of license.

The City ABC Administrator may refuse to issue or renew a license for any of the following reasons:

(a) Causes for refusal to issue or renew a license and for suspension or revocation of a city license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any city ordinance regarding alcohol beverage licensing, sales or the administration thereof;

(b) If the applicant has done any act for which a revocation of license would be authorized; or

(c) If the applicant has made any false material statement in his application.

(H) Regulatory license fee.

(1) For the purpose of reimbursement to the City of the cost of any police, regulatory, legal, or administrative expenses related to the sale of alcoholic beverages a regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. The amount of this fee shall be adjusted from time to time by Ordinance so that the same shall be reasonably estimated to insure reimbursement to the city of the police, regulatory, administrative or legal expenses herein referred. This Regulatory License Fee shall be in addition to any other taxes, fees or licenses permitted by law.

(2) Until adjusted by Ordinance as hereinbefore referenced, the Regulatory License Fee shall be four percent (4%) of all sales of alcoholic beverages.

(3) Payment of such regulatory fees shall be remitted to the City ABC Administrator, and shall accompany the tax returns approved for such use by the City Commission. These returns and payments are due no later than by the 20th of each month for the preceding month's sales. There shall be a pro rata credit given each month of the initial license cost for which provision is made in this chapter.

(3) Failure pay such remittance within ten (10) days of the due date shall constitute a violation of this chapter, and in addition shall constitute grounds for an immediate thirty (30) day suspension revocation.

(4) Penalty for failure to file a return and pay monthly remittance by the due date is five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall the penalty be less than ten dollars (\$10.00).

(5) Interest at the rate of eight percent (8%) per annum will apply to any late payments.

(I) Change of information.

(1) Since a number of licenses issued by the city are in the name of corporation, it is necessary that stock ownership changes in such corporation be reported to the City ABC Administrator. The City ABC Administrator can therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(2) As used herein, the word "change" is construed to include any change in directors or officers of the corporation, or change in ownership of stock whereby any person secures ten percent (10%) of the outstanding stock. Transfer of more than ten percent (10%) of the total stock shall require a new license.

(3) The following information will be required concerning any new director, officer, or person securing any interest in alcoholic beverage license:

- (a) Name and address;
- (b) Nature of interest;
- (c) Whether or not a citizen of the United States;
- (d) Date of birth;
- (e) Date residence was established in the state, if a resident of the state. If a city resident indicate when residence was established;
- (f) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
- (g) Extent of stock ownership;
- (h) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

This information shall be filed with the City ABC Administrator as an amendment of the application pursuant to which the license was granted.

(J) Dormancy.

(1) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions the dormancy rule have been included in this section.

(2) Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City ABC Administrator.

(3) Except that the provisions of division (a) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his sound discretion.

(4) All renewal licenses must be on file with the City ABC Administrator within thirty

(30) days prior to the expiration of the licenses for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(K) Approval of premises.

The City ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until said applicant and his place of business shall have been approved by the City Building Inspector, and any and all other inspections required by the Kentucky Building Code.

(L) Delinquent taxes or fees.

No license to sell alcoholic beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the city at the time of the issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the city. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the city at any time during the license period, the license to sell alcoholic beverages shall be subject to revocation or suspension.

(M) Books, records and reports.

(1) Every licensee under this chapter shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and such city employees who may assist the City ABC Administrator in his review.

(b) For the purpose of assisting the City ABC Administrator in enforcement of this chapter, every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the City ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by statute shall be furnished to the City ABC Administrator.

ARTICLE V. HOURS FOR SALE AND DELIVERY

(a) The sale of alcoholic beverages shall cease at 2:00 a.m. each day and the inventory and stock of alcohol of any kind shall be locked and secured at that time. The premises of the licensee shall be vacated by the public, the licensee/s and employees of the licensees excluded, and the entrances locked no later than 3:00 a.m. each day. Such premises shall remain so vacated until the hour of 6:00 a.m. except after closing at 3:00 a.m. on Sunday said premises shall remain vacated at least until the hour of 6:00 a.m. on Monday.

(b) No alcohol may be sold or dispensed on Sundays, unless pursuant to division (a) above.

(c) All delivery of alcoholic beverages in the city shall be made during normal business hours, Monday through Saturday. No delivery shall occur on Sunday.

(d) The licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day.

ARTICLE VI. CONDITIONS, PROHIBITIONS AND RESTRICTIONS

(a) No gambling or game of chance unless otherwise authorized by the state shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(b) It shall be unlawful for any licensee licensed under this chapter to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in Fulton County as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator, or his designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(c) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(d) It shall be unlawful for the licensee under this chapter who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages.

(e) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(f) The licensee shall not sell or dispense alcoholic beverages to any person who is under twenty-one (21) years of age.

(g) The licensee shall display at all times in a prominent place a sign at least 8 inches x

11 inches in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to a fine of up to one hundred dollars (\$100.00) if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
2. Possess, purchase or attempt, to purchase, or get another to purchase alcoholic beverages.
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(h) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(i) (1) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

(2) A person who violates this division shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). (KRS 243.895.)

(j) Any off premises signage advertising the sale of alcoholic beverages is prohibited.

(k) No wholesaler or distributor shall sell any alcoholic beverages to any person in the city for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(l) No licensee shall knowingly employ in connection with his or her business any person who:

- (1) Has been convicted of any felony within the last two (2) years;
- (2) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;
- (3) Is under the age of twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute;

(4) Within two (2) years prior to the date of his employment, has had any city license under this chapter revoked for cause.

(m) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

ARTICLE VII. ENFORCEMENT

SECTION ONE: Authorization.

City police officers and the City ABC Administrator are authorized to enforce this chapter for alleged violations.

SECTION TWO: Investigation and inspection of premises.

The City ABC Administrator and any investigator acting under the authority of the City ABC Administrator, shall have the full police powers of peace officers within the boundaries of the city. They, along with any authorized law enforcement officer, may inspect any premises where alcoholic or malt beverages are manufactured, sold, stored, or otherwise trafficked, without first obtaining a search warrant.

SECTION THREE: Penalties

The following penalties shall be in addition to any criminal prosecution instituted in the *Fulton District Court* against an alleged violator and fines hereunder shall be payable to the City ABC Administrator.

(a) The City ABC Administrator may assess a fine of not more than five hundred dollars (\$500.00) per violation. This payment of said fine shall be transmitted to the City Finance Department to be deposited in the appropriate designated account.

(b) Any person, firm or corporation who violates any of the provisions of this chapter, for which no other penalty is hereby provided, shall for the first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this section shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, joint stock company, association or fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

ARTICLE VIII. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

(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 chapter.

(b) All persons required to complete training under division (a) above shall complete that training within sixty (60) 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 City ABC Administrator a record or file on each employee that shall contain the pertinent training information.

ARTICLE IX. SIGNS AND ADVERTISING

(a) All signage shall be in compliance with any and all other existing rules and regulations of the city and Fulton County.

(b) Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign not over two (2) square feet that must be displayed from the inside of the window or interior of the business. No additional signs, banners, posters or other type of displaying 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 windows of the licensed premises business cards not larger than two and one-half inches (2-1/2") in size, setting forth the price at which he offers alcoholic beverages for sale.

(c) No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

(d) It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any handbills, circulars, or cards as a medium of advertising alcoholic beverages.

(e) It shall be unlawful for any person holding a license under this chapter to sell alcoholic beverages of any kind, 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 sale of alcoholic beverages.

(f) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130.

ARTICLE X. IMPLEMENTATION OF ORDINANCE PROVISIONS

SECTION ONE: Implementation.

From time to time, the Hickman City Commission may by resolution or order promulgate such rules and regulations and may publish and utilize such forms and other documents as in its discretion may be necessary for the proper implementation of this chapter.

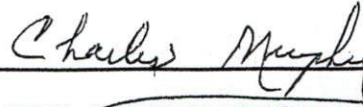
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2013 JAN 7 AM 9 43
ALCOHOL
BEVERAGE CONTROL

SECTION TWO: Severability

If any section, sentence, clause, or portion of this Ordinance is for any reason declared illegal, unconstitutional, or other invalid, such declaration shall not affect the remaining portions thereof.

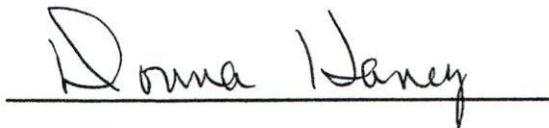
Given first reading this 11 day of June, 2007.

Enacted following second, separate reading this 28 day of June, 2007.



MAYOR, CITY OF HICKMAN, KENTUCKY

ATTEST:



DONNA HANEY

CITY CLERK

ORDINANCE NO. 04-03

AN ORDINANCE OF THE CITY OF HICKMAN, KENTUCKY
ESTABLISHING THE TIMES AT WHICH DISTILLED
SPIRITS, WINE AND MALT BEVERAGES MAY BE SOLD
AND THE PREMISES OF SUCH SALES VACATED: RE-
PEALING CONFLICTING ORDINANCES; PROVIDING
PENALTIES FOR VIOLATION: AND PROVIDING FOR
SEVERABILITY AND EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF HICKMAN, KENTUCKY AS FOLLOWS:

Section 1 Except as provided in KRS 243.050 the times at which a premises for which there has been granted a license for the sale of distilled spirits and wine at retail pursuant to KRS 243.290 and a premises for which there has been granted a license for the sale of malt beverages at retail pursuant to KRS 244.080 are hereby established as being from 6:00 a. m. until 1:00 a. m. the following day except the hours the Polls are open on any election day.

Section 2. All such Section 1 premises shall be vacated by the public, retail distilled spirits, wine and malt beverages licensees and employees of such licensees excepted, and the entrances locked no later than 2:00 a. m. each day.

Section 3. All ordinances in conflict herewith are, to the extent of such conflict hereby repealed.

Section 4. Any person who violates any of the provisions of this ordinance shall for the first offense be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned in the county detention center for not more than six (6) months, or both; and for the second and each subsequent offense be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county detention for not more than six (6) months, or both.

Section 5. Should any section or part of this ordinance be invalid such invalidity shall not affect the remaining portions hereof, the provisions hereof being severable.

Section 6. This ordinance shall be in full force and effect immediately on its enactment and publication as provided by law.

Given first reading on August 4, 2003

Enacted following second separate reading on August 11th, 2003.



Mayor

Attest:



City Clerk

RECEIVED
2012 NOV 13 PM 10 28
ALCOHOL
BEVERAGE CONTROL

Ordinance 90-4

AN ORDINANCE OF THE CITY OF HICKMAN,
ESTABLISHING THE HOURS FOR THE SALE
OF MALT BEVERAGES AT RETAIL; DEFINING
"PLACE OF ENTERTAINMENT"; ESTABLISHING
HOURS OF OPERATION FOR PLACES OF ENTER-
TAINMENT; PROVIDING PENALTIES FOR
VIOLATION; REPEALING CONFLICTING
ORDINANCES; AND PROVIDING FOR SEVER-
ABILITY AND EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF HICKMAN, KENTUCKY
AS FOLLOWS:

Section 1. Malt Beverages - Hours of sale

The hours during which malt beverages may be sold at retail are hereby established to be from 8:00 A.M. until 12:00 midnight on any day except the 24 hours of Sunday and the hours the polls are open on any election day. No malt beverages may be sold at retail on Sunday or during the hours the polls are open on any election day.

Section 2. Malt beverages - Places of entertainment

As used in this ordinance, "place of entertainment" means any premises within the corporate limits of the city issued a state license for the sale of malt beverages at retail from the licensed premises at which people shall assemble to eat, drink, dance or engage in any form of amusement and which sell malt beverages at retail for consumption on the licensed premises.

Section 3. Malt beverages - Places of entertainment-
Hours of operation

All places of entertainment shall be vacated by the public, retail malt beverages licensees and employees of the licensee excluded, and the entrances locked no later than 1:00 A.M. each day. Said Places shall remain so vacated until the hour of 6:00 A.M. except that after closing at 1:00 A.M. on Sunday said places shall remain vacated at least until the hour of 6:00 A.M. on Monday.

Section 4. Penalties for violation

Any person who, by himself or acting through another, directly or indirectly, violates any of the provisions of this ordinance shall, for the first offense, be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or be imprisoned in the Fulton County detention center for not more than six (6) months, or both; and for the second and each subsequent offense, he shall be fined not less than two Hundred dollars (\$200), nor more than five hundred dollars (\$500) or be imprisoned in the Fulton County detention center

for not more than six (6) months, or both.

Section 5. Severability

If any section or part of this ordinance is invalid, such invalidity shall not affect the remaining portions hereof, the provisions hereof being severable.

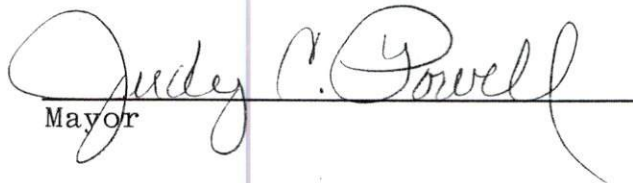
Section 6. Repeal of conflicting ordinances

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

Section 7. This ordinance shall be in full force and effect immediately on its enactment following its second separate reading and publication as provided by law.

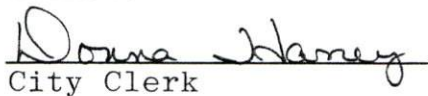
Given first reading on August 14, 1989.

Enacted following second separate reading on August 16, 1989.



Mayor

ATTEST:



City Clerk

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ALCOHOL
BEVERAGE CONTROL

Chapter 4

ALCOHOLIC BEVERAGES*

- Art. I. In General, §§ 4-1—4-11
- Art. II. Alcoholic Beverage Control Administrator, §§ 4-12—4-20
- Art. III. Malt Beverages, §§ 4-21—4-24

ARTICLE I. IN GENERAL

Sec. 4-1. Sale of alcoholic beverages—Locations.

(a) The sale of alcoholic beverages by the drink is allowed within the city limits of Hickman, Kentucky in:

- (1) Hotels, motels and inns with at least fifty (50) sleeping units and dining facilities for at least one hundred (100) persons; and
- (2) Restaurants open to the general public, which have dining facilities for at least one hundred (100) persons;

(b) That any license allowed by KRS 243.070 is hereby authorized to be issued by the City Alcoholic Beverage Control Administrator, who shall fully comply with KRS 241.190 as regards rules and regulations;

(c) A fee of two hundred dollars (\$200.00) annually is hereby set and imposed on any and all businesses licensed as set forth herein.

(Ord. No. 96-143, §§ 1—3, 8-14-95)

Sec. 4-2. Hours of operation.

(1) Except as provided in KRS 243.050, the times at which a premises for which there has been granted a license for the sale of distilled spirits and wine at retail pursuant to KRS 243.290 and a premises for which there has been granted a license for the

*Cross references—Advertising, Ch. 3; food and food establishments, Ch. 12; licenses and business regulations, Ch. 14; motor vehicles and traffic, Ch. 16; offenses—miscellaneous, Ch. 18.

State law references—Alcoholic beverages, KRS Chs. 241—244; authority of city to license businesses, KRS 92.280.

§ 4-2

HICKMAN CODE

§ 4-12

sale of malt beverages at retail pursuant to KRS 244.080 are hereby established as being from 6:00 a.m. until 1:00 a.m. the following day except the hours the polls are open on any election day.

(2) All such subsection (1) premises shall be vacated by the public, retail distilled spirits, wine and malt beverages licensees and employees of such licensees excepted, and the entrances locked no later than 2:00 a.m. each day.

(3) All ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

(4) Any person who violates any of the provisions of this section shall for the first offense be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned in the county detention center for not more than six (6) months, or both; and for the second and each subsequent offense be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county detention for not more than six (6) months, or both.

(Ord. No. 04-03, § 1, 8-11-03)

Secs. 4-3—4-11. Reserved.

ARTICLE II. ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

Sec. 4-12. Office created.

The office of the alcoholic beverage control administrator is hereby merged into the duties of the city clerk of the City of Hickman. Forthwith, the city clerk shall have all the rights, duties and responsibilities formerly awarded the alcoholic beverage control administrator and shall be bound by the regulations and guidelines of this section of the City Code.

(Ord. No. 80-11, § 1, 12-27-79; Ord. No. 05-10, § 1, 6-13-05)

State law reference—Cities of fourth class to have alcoholic beverage control administrator, KRS 241.160.

§ 4-13

ALCOHOLIC BEVERAGES

§ 4-22

Sec. 4-13. Powers and duties.

The alcoholic beverage control administrator shall have all the powers and duties as provided in Chapter 241 of the Kentucky Revised Statutes and shall enforce within the limits of the city all the rules and regulations of Chapters 241—244 of the Kentucky Revised Statutes.

(Ord. No. 80-11, § 2, 12-27-79)

State law reference—Functions of alcoholic beverage control administrator, KRS 241.190.

Secs. 4-14—4-20. Reserved.**ARTICLE III. MALT BEVERAGES*****Sec. 4-21. Hours of sale.**

The hours during which malt beverages may be sold at retail are hereby established to be from 8:00 a.m. until 12:00 midnight on any day except the twenty-four (24) hours of Sunday and the hours the polls are open on any election day. No malt beverages may be sold at retail on Sunday or during the hours the polls are open on any election day.

(Ord. No. 90-4, § 1, 8-16-89)

Sec. 4-22. Places of entertainment—Defined.

As used in this article, "place of entertainment" means any premises within the corporate limits of the city issued a state license for the sale of malt beverages at retail from the licensed premises at which people shall assemble to eat, drink, dance or engage in any form of amusement and which sell malt beverages at retail for consumption on the licensed premises.

(Ord. No. 90-4, § 2, 8-16-90)

*Editor's note—Ordinance No. 90-4, adopted Aug. 16, 1989, did not specifically amend this Code; hence, inclusion of §§ 1-4 as Art. III was at the discretion of the editor.

§ 4-23

HICKMAN CODE

§ 4-24

Sec. 4-23. Same—Hours of operation.

All places of entertainment shall be vacated by the public, retail malt beverages licensees and employees of the licensee excluded, and the entrances locked no later than 1:00 a.m. each day. Such places shall remain so vacated until the hour of 6:00 a.m. except that after closing at 1:00 a.m. on Sunday such places shall remain vacated at least until the hour of 6:00 a.m. on Monday.

(Ord. No. 90-4, § 3, 8-16-90; Ord. No. 95-133, § 1, 3-13-95)

Sec. 4-24. Penalties for violation.

Any person who, by himself or acting through another, directly or indirectly, violates any of the provisions of this article shall, for the first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or be imprisoned in the county detention center for not more than six (6) months, or both; and for the second and each subsequent offense, he shall be fined not less than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00) or be imprisoned in the county detention center for not more than six (6) months, or both.

(Ord. No. 90-4, § 4, 8-16-90)

ORDINANCE NO. 05- 10

AN ORDINANCE OF THE CITY OF HICKMAN, KENTUCKY AMENDING ARTICLE II, SECTION 4-12 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR SO AS TO MERGE THIS OFFICE WITH THE DUTIES OF THE CITY CLERK OF THE CITY OF HICKMAN, KENTUCKY

BE IT ORDAINED BY THE CITY OF HICKMAN, KENTUCKY AS FOLLOWS:

Section 1. Section 4-12 of Article II Alcoholic Beverage Control Administrator shall be amended as follows:

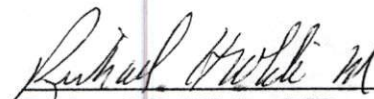
Section 4-12 : The office of the Alcoholic Beverage Control Administrator is hereby merged into the duties of the City Clerk of the City of Hickman. Forthwith, the City Clerk shall have all the rights, duties and responsibilities formerly awarded the Alcoholic Beverage Control Administrator and shall be bound by the regulations and guidelines of this section of the City Code.

Section 2. All Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

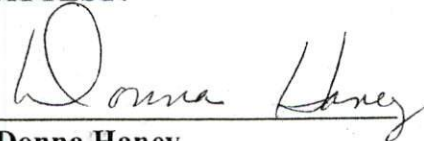
Section 3. This Ordinance shall take full force and effect immediately upon it's enactment following second, separate reading.

Given First Reading this 6th day of June, 2005.

Enacted following Second separate reading on the 13th day of June, 2005.


Richard H. White, MD
Mayor, City of Hickman, KY

ATTEST:


Donna Haney
City Clerk

ORDINANCE NO. 04-03

AN ORDINANCE OF THE CITY OF HICKMAN, KENTUCKY ESTABLISHING THE TIMES AT WHICH DISTILLED SPIRITS, WINE AND MALT BEVERAGES MAY BE SOLD AND THE PREMISES OF SUCH SALES VACATED: REPEALING CONFLICTING ORDINANCES; PROVIDING PENALTIES FOR VIOLATION: AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

BE IT ORDAINED BY THE CITY OF HICKMAN, KENTUCKY AS FOLLOWS:

Section 1 Except as provided in KRS 243.050 the times at which a premises for which there has been granted a license for the sale of distilled spirits and wine at retail pursuant to KRS 243.290 and a premises for which there has been granted a license for the sale of malt beverages at retail pursuant to KRS 244.080 are hereby established as being from 6:00 a. m. until 1:00 a. m. the following day except the hours the Polls are open on any election day.

Section 2. All such Section 1 premises shall be vacated by the public, retail distilled spirits, wine and malt beverages licensees and employees of such licensees excepted, and the entrances locked no later than 2:00 a. m. each day.

Section 3. All ordinances in conflict herewith are, to the extent of such conflict hereby repealed.

Section 4. Any person who violates any of the provisions of this ordinance shall for the first offense be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00) or imprisoned in the county detention center for not more than six (6) months, or both; and for the second and each subsequent offense be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned in the county detention for not more than six (6) months, or both.

Section 5. Should any section or part of this ordinance be invalid such invalidity shall not affect the remaining portions hereof, the provisions hereof being severable.

Section 6. This ordinance shall be in full force and effect immediately on its enactment and publication as provided by law.

Given first reading on August 4, 2003

Enacted following second separate reading on August 11th, 2003.



Mayor

Attest:



City Clerk

HICKMAN CODE

ORDINANCE 96-143

AN ORDINANCE ALLOWING: (1) HOTELS, MOTELS, AND INNS WITH AT LEAST FIFTY (50) SLEEPING UNITS AND DINING FACILITIES FOR AT LEAST ONE HUNDRED (100) PERSONS; AND (2) RESTAURANTS OPEN TO THE GENERAL PUBLIC WHICH HAVE DINING FACILITIES FOR AT LEAST ONE HUNDRED (100) PERSONS; AND LICENSE FEE FOR SAME; TO SELL BEVERAGES CONTAINING ALCOHOL BY THE DRINK

WHEREAS, the Kentucky State Legislature has amended KRS 142 to authorize legislative bodies in cities of the fourth class in which prohibition is not in effect to enact an ordinance allowing the sale of alcoholic beverages by the drink in (1) hotels, motels and inns with at least fifty (50) sleeping units and dining facilities for at least one hundred (100) persons; and (2) restaurants open to the general public which have dining facilities for at least one hundred (100) persons; and

WHEREAS, said legislation authorized the legislative body of said Fourth Class City to issue any license allowed by KRS 243.070 and to issue rules and regulations conforming to the requirements of KRS 241.190; and

WHEREAS, said legislation authorized the city legislative body to impose a gross receipts license fee on licensed establishments annually at a rate reasonably estimated to fully reimburse the city for the estimated costs of policing and for regulatory or administrative expenses;

NOW, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF HICKMAN, KENTUCKY, as follows:

SECTION ONE: The sale of alcoholic beverages by the drink is allowed within the city limits of Hickman, Kentucky in:

(1) Hotels, motels and inns with at least fifty (50) sleeping units and dining facilities for at least one hundred (100) persons; and

(2) Restaurants open to the general public, which have dining facilities for at least one hundred (100) persons;

SECTION TWO: That any license allowed by KRS 243.070 is hereby authorized to be issued by the City Alcoholic Beverage Control Administrator, who shall fully comply with KRS 241.190 as regards rules and regulations;

SECTION THREE: A fee of \$200.00 annually is hereby set and imposed on any and all businesses licensed as set forth herein.

SECTION FOUR: This ordinance shall be effective upon its second reading, adoption and publication as required by law, but

Hickman, Kentucky
Ordinance 96-148
cont.ued.

Page 2

in no event shall this be prior to August 17, 1995, which is the effective date of the above described enabling legislation.

First reading July 10, 1995.

Second reading August 14, 1995.

Publication August 17, 1995.


Mayor

ATTEST:


City Clerk