

ORDINANCE 20-2013

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 05-2013 OF THE CITY OF HOPKINSVILLE

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

SECTION ONE

That Section Four of Ordinance 05-2013, amending §111.06 of the Hopkinsville Code of Ordinances, is hereby amended as follows:

§ 111.06 LICENSE CLASSES DESIGNATED/DISPOSITION OF LICENSE FEE.

The following license tax or fee is fixed, established, levied and imposed upon the business or occupation of dealing in, handling, selling, dispensing or soliciting the sale of alcoholic beverages and malt beverages; where that business or occupation is pursued, conducted, carried on or held within the limits of the city. This license tax or fee is fixed, established, imposed and levied for the purpose of and to be paid into the General Revenue Fund of the city.

Wholesaler's License	\$750
Distributor's License	\$200
Quota Retail Package License (Liquor/wine)	\$375
Quota Retail Drink License (Liquor/wine)	\$375
NQ-1 Retail Drink License (nonquota)	\$1,000
NQ-2 Retail Drink License (nonquota)	\$450
NQ-3 Retail Drink License (nonquota)	\$150
NQ-4 Retail Malt Beverage Drink License (nonquota)	\$75
NQ Retail Malt Beverage Package License (nonquota)	\$75
Special Sunday Retail Drink License	\$300

- (A) ~~Distilled spirit licenses.~~
- ~~(1) Wholesaler's distilled spirits and wine license shall be \$750 per year.~~
 - ~~(2) Distilled spirits and wine retail package license shall be \$375 per year.~~
 - ~~(3) Distilled spirits and wine retail liquor drink license shall be \$375 per year.~~
 - ~~(4) Wine retail drink license shall be \$200 per year.~~
 - ~~(5) Distilled spirits and wine special Sunday retail drink license shall be \$300 per year.~~
 - ~~(6) A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military or political organization or club, authorized by KRS 243.270.~~
- (B) ~~Malt beverage licenses.~~
- ~~(1) Retail malt beverage license shall be \$75 per year.~~
 - ~~(2) Malt beverage distributor's license shall be \$200 per year.~~
 - ~~(3) Special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military or political organization or club as authorized by KRS 243.270.~~
- (C) ~~Convention center or convention hotel complex license shall be \$1000 per year.~~

SECTION TWO

That Section Five of Ordinance 05-2013, amending §111.07 of the Hopkinsville Code of Ordinances, is hereby amended as follows:

§ 111.07 LICENSE YEAR.

Effective April 1, 2014, the license fee for the tax provided for in §111.06 shall be due and payable annually in advance and the license year shall be from April 1 to March 30 of each year. Any license granted or issued after April 1, shall be pro-rated for the unexpired months of the year.

Until April 1, 2014, the license fee for the tax provided for in §111.06 shall be due and payable in advance and the license year shall be from July 1, 2013 to March 30, 2014, pro-rated accordingly.

From April 1, 2014 to December 31, 2014, the license fee for the tax provided for in §111.06 shall be due and payable in advance and the license year shall be from April 1, 2014 to December 31, 2014, pro-rated accordingly.

Effective January 1, 2015, the license fee for the tax provided for in §111.06 shall be due and payable annually in advance and the license year shall be from January 1 to December 31 of each year. Any license granted or issued after January 1, shall be pro-rated for the unexpired months of the year.

SECTION THREE

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

SECTION FOUR

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

SECTION FIVE

This ordinance shall take effect after its passage and publication according to law.

**ORDINANCE 20-2013
AMEND CHAPTER 111, ALCOHOLIC BEVERAGES**

PUBLICLY READ AND PASSED FIRST TIME: October 15, 2013

PUBLICLY READ AND PASSED SECOND TIME: November 5, 2013

APPROVED: 
J. Daniel Kemp
Mayor

ATTEST: 
Christine F. Upton, MMC
City Clerk

Ordinance 20-2013
was published in the Kentucky New Era
on: 11-13-13
As Certified By A. Mohon

ORDINANCE 19-2013

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 158 (ZONING CODE) OF THE HOPKINSVILLE CODE OF ORDINANCES

WHEREAS, on July 18, 2013 at City Council's Committee of the Whole meeting, Community and Development Services suggested proposed text amendments to the City's Zoning Code; and

WHEREAS, on August 26, 2013 a Public Hearing was held by Community and Development Services; and

WHEREAS, on September 30, 2013 Community and Development Services made a formal recommendation for City Council to amend its zoning code.

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

SECTION ONE

That the definition of quasi-public use as defined below be incorporated into §158.002, Definitions.

QUASI-PUBLIC USE. Churches, Sunday schools, parochial schools, colleges, public parks, public libraries, playgrounds, licensed day care centers, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature, or any other place(s) of business where the majority of its business consists of minors of school age or where the principal business transacted consists of the selling of schoolbooks, or school supplies.

SECTION TWO

That a new section be added after §158.043 (Classification of New and Unlisted Uses) to read as follows:

§ 158.044 LOCATION REQUIREMENTS FOR PACKAGE LIQUOR STORES, TAVERNS, BARS, AND SALOONS

- (A) No person, firm, association or corporation shall establish a package liquor store, tavern, bar, and/or saloon within five hundred (500) feet of any structure being used as a quasi-public use as defined in §158.002 (Definitions), without first obtaining a Conditional Use Permit from the Hopkinsville Board of Zoning Adjustment.
- (1) The five hundred (500) feet distance shall be measured from building to building - at their closest points to any established structure being used as a quasi-public use, except as may be provided herein; provided that nothing herein contained shall affect any such business, package liquor store, tavern, bar, and/or saloon, which was actually being legally carried on within such distance of any established quasi-public use on or before January 1, 2014.
 - (2) If any dispute arises between the applicant and the City Alcoholic Beverage Control Administrator regarding the distance, the applicant shall provide a survey prepared by a Professional Licensed Surveyor verifying the distance from building to building.
- (B) Upon application to the City Alcoholic Beverage Control Administrator, a person, firm, association or corporation applying to operate a package liquor store, tavern, bar, and/or saloon shall certify that there are no structures being used as a quasi-public use within five hundred (500) feet of the proposed location(s).

(C) If structures being used as a quasi-public use are located within five hundred (500) feet of the proposed location(s), the applicant shall obtain a Conditional Use Permit from the Hopkinsville Board of Zoning Adjustment. The process and requirements shall comply with §158.110 through §158.118 (Conditional Uses).

(1) In addition to adjoining property owners, any quasi-public use(s) within the five hundred (500) foot distance requirement shall be notified of the Public Hearing by registered mail.

(D) Pursuant to §158.118 (Expiration of a Conditional Use), a conditional use permit shall be deemed to authorize only one particular conditional use and the permit shall automatically expire if, for any reason, the conditional use shall cease (to discontinue) for more than one year.

(E) Any person, firm, association or corporation applying to establish a package liquor store, tavern, bar, and/or saloon within the Special Use District (SUD) 41A as outlined in §158.400 through §158.411 shall obtain a Conditional Use Permit from the Hopkinsville Board of Zoning Adjustment, regardless of Use Classification. The Conditional Use Permit may be processed concurrently with a Development Plan review by Community and Development Services, and may be reviewed by Community and Development Services assuming the duties of the Board of Zoning Adjustment pursuant to §158.302 (Planning Commission; Proceedings; Duties)

SECTION THREE

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

SECTION FOUR

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

SECTION FIVE

This ordinance shall take effect after its passage and publication according to law.

ORDINANCE 19-2013 AMEND CHAPTER 158, ZONING CODE

PUBLICLY READ AND PASSED FIRST TIME: October 15, 2013

PUBLICLY READ AND PASSED SECOND TIME: November 5, 2013

APPROVED: _____

J. Daniel Kemp
Mayor

ATTEST: _____

Christine F. Upton, MMC
City Clerk

Ordinance 19-2013
was published in the Kentucky New Era

on: 11-13-13

As Certified By A. McInerney

ORDINANCE 5-2013

**AN ORDINANCE RESCINDING AND AMENDING CERTAIN SECTIONS OF CHAPTER 111
OF THE HOPKINSVILLE CODE OF ORDINANCES**

WHEREAS, on April 18, 2013 the Committee of the Whole forwarded an ordinance amending Chapter 111 of the Hopkinsville Code of Ordinances pertaining to Alcoholic Beverages to City Council.

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

SECTION ONE

Section 111.01, Definitions, of the Hopkinsville Code of Ordinances is hereby rescinded in its entirety.

SECTION TWO

Section 111.02 of the Hopkinsville Code of Ordinances is hereby amended as follows:

§ 111.02 STATE LAW ADOPTED.

The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243 and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the City state law and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, transportation, possession or other disposition of spirituous, vinous or intoxicating malt liquor for medicinal, sacramental, scientific or mechanical purposes, are adopted as far as applicable, except as otherwise provided in this chapter.

SECTION THREE

Section 111.04 of the Hopkinsville Code of Ordinances is hereby amended as follows:

§ 111.04 LOCATION OF PREMISES RESTRICTED; ENFORCEMENT.

(A) Effective January 1, 2014, 111.04 (A) shall be amended to read as follows:
Restricted to Zoning Code B-3 District. No person shall or shall be licensed in the city to sell, dispense and retail alcoholic beverages by the drink and/or by the package from any premises or establishment located in any place or area other than within the boundaries and area known as and established as Central Business District (B-3) under the provisions of the zoning regulations contained in Chapter 158. The boundaries of that area are shown on the zoning map on file in the office of the City Clerk. The official zoning map showing Central Business District (B-3) designates the area in which the locations of premises or establishments of persons licensed to sell, dispense, and retail alcoholic beverages by the drink and by the package are confined and limited. The official map is available for public examination and inspection in the office of the City Alcoholic Beverage Control Administrator City Clerk.

(B) *Private clubs, temporary permittees, convention centers or convention hotel complexes, present locations, hotels, motels and restaurants are excepted.* The foregoing provisions shall not apply to legitimate private clubs now in existence, and the present locations of any licensed places or establishments, nor shall it apply to temporary permittees, convention centers or convention hotel complexes, hotels, motels and restaurants, but in the event any license of any person, firm or corporation for premises and establishments now located outside the area herein provided, other than the kinds of business and establishments herein excepted, shall hereinafter be revoked, surrendered or not renewed, no new license shall be issued for use at any location or premises not within the boundaries of the area herein established.

(C) *Injunction.* The provisions of this section may be enforced by injunction proceedings in any court of competent jurisdiction.

SECTION FOUR

Section 111.06 of the Hopkinsville Code of Ordinances is hereby amended as follows:

§ 111.06 LICENSE CLASSES DESIGNATED/ DISPOSITION OF LICENSE FEE.

The following license tax or fee is fixed, established, levied and imposed upon the business or occupation of dealing in, handling, selling, dispensing or soliciting the sale of alcoholic beverages and malt beverages; where that business or occupation is pursued, conducted, carried on or held within the limits of the city. This license tax or fee is fixed, established, imposed and levied for the purpose of and to be paid into the General Revenue Fund of the city.

(A) *Distilled spirit licenses.*

- (1) Wholesaler's distilled spirits and wine license shall be \$750 per year.
- (2) Distilled spirits and wine retail package license shall be \$375 per year.
- (3) Distilled spirits and wine retail liquor drink license shall be \$375 per year.
- (4) Wine retail drink license shall be \$200 per year.

(5) Distilled spirits and wine special Sunday retail drink license shall be \$300 per year.

(6) A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military or political organization or club, authorized by KRS 243.270.

(B) *Malt beverage licenses.*

- (1) Retail malt beverage license shall be \$75 per year.
- (2) Malt beverage distributor's license shall be \$200 per year.

(3) Special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military or political organization or club as authorized by KRS 243.270.

(C) Convention center or convention hotel complex license shall be \$1000 per year.

SECTION FIVE

Section 111.07 of the Hopkinsville Code of Ordinances is hereby amended as follows:

§ 111.07 LICENSE YEAR.

Effective April 1, 2014, the license fee for the tax provided for in §111.06 shall be due and payable annually in advance and the license year shall be from July 1 to June 30 April 1 to March 30 of each year. Any license granted or issued after July April 1, shall be at the same rate-pro-rated for the unexpired portion- months of the year.

Until April 1, 2014, the license fee for the tax provided for in §111.06 shall be due and payable in advance and the license year shall be from July 1, 2013 to March 30, 2014, pro-rated accordingly.

SECTION SIX

Section 111.10 of the Hopkinsville Code of Ordinances is hereby amended as follows:

§ 111.10 PROHIBITED HOURS OF SALE; ~~DISPENSING TO MINORS.~~

(A) Retail Sale of Distilled Spirits and Wine by the Package.

Premises for which there has been granted a license for the retail sale of distilled spirits and wine by the package shall be permitted to sell during the hours of 6:00 a.m. to 1:00 a.m. on each day, but shall not sell during the twenty-three (23) hours of a Sunday and at any time when the polls are open for any primary, special or regular election in the precinct in which the licensee's business is located, or on Christmas Day.

(B) Retail Sale of Distilled Spirits and Wine by the Drink for Consumption on Licensed Premises.

Premises for which there has been granted a license for the retail sales of distilled spirits and wine by the drink for consumption on the licensed premises, shall be permitted to sell Monday through Saturday between the hours of 6:00 a.m. and 1:00 a.m. of the following day but shall not sell during the remaining twenty-three (23) hours of each Sunday and at any time when the polls are open for any primary, special or regular election in the precinct in which the license is granted, or on Christmas Day.

(C) Retail Sale of Malt Beverages on Licensed Premises.

Premises for which there has been granted a license for the retail sales of malt beverages on licensed premises shall be permitted to sell between the hours of 6:00 a.m. and

1:00 a.m. of the following day, but shall not sell during the remaining twenty-three (23) hours on Sunday and at any time when the polls are open for a general, special or primary election in the precinct in which the license is granted, or on Christmas Day.

(D) Retail Sale of Alcoholic Beverages and Malt Beverages on Sunday.

Premises granted a special Sunday sale drink license under Section 111.08 shall be permitted to sell alcoholic beverages and malt beverages by the drink for consumption on the licensed premises on Sunday from 1:00 p.m. until 1:00 a.m. of the following Monday.

(E) Other Retail Sales on Licensed Premises.

Premises licensed under Section (B) and/or (C) above, whose primary business is not the sale of alcoholic beverages and malt beverages, may reopen for business during hours in which alcoholic beverages and malt beverages are not allowed to be sold for the purpose of conducting its primary business, so long as the licensee keeps all distilled spirits, wine, and iced and cooled malt beverages in a locked or closed off compartment.

(F) Control of Licensed Premises During Closed Hours.

Premises licensed under Sections (A), (B) and/or (C) above, whose primary business is the sale of alcoholic beverages or malt beverages by the drink or package must be, within thirty (30) minutes after the expiration of the hours allowed to sell, closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. At all times after the expiration of the hours allowed to sell as set forth in Sections (A), (B) and/or (C) above, alcoholic beverages or malt beverages, shall not be sold, given away, delivered or consumed by anyone and the premises shall not be loaned, rented, or leased to anyone during closing hours.

(G) Violations; Revocation or Suspension of License.

Any licensee for sales of alcoholic beverages or malt beverages by the drink or package who remains open for business or sells alcoholic beverages or malt beverages at any time except the hours permitted under this chapter shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of this Code and his license shall be subject to revocation or suspension within the discretion of the Alcoholic Beverage Control Administrator.

(A) All premises for which a license has been granted to sell alcoholic beverages, including malt beverages, may remain open for business Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, from 6:00 a.m. to 1:00 a.m. the following day.

(B) The sale of distilled spirits and wine by the drink for those premises for which a distilled spirits and wine special Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

(C) The sale of malt beverages for those premises for which a Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

~~(D) No alcoholic beverages, including malt beverages, of any kind may be sold on Sunday from 1:00 a.m. to 1:00 p.m., on Christmas day, or during the hours the polls are open on any regular, primary, school or election day.~~

SECTION SEVEN

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

SECTION EIGHT

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

SECTION NINE

This ordinance shall take effect after its passage and publication according to law.

**ORDINANCE 5-2013
AMEND CHAPTER 111, ALCOHOLIC BEVERAGES**

PUBLICLY READ AND PASSED FIRST TIME: June 4, 2013

PUBLICLY READ AND PASSED SECOND TIME: June 6, 2013

APPROVED: 
J. Daniel Kemp
Mayor

ATTEST: 
Christine F. Upton, MMC
City Clerk

Ordinance 05-2013
was published in the Kentucky New Era
on: 06-12-13
As Certified By A. Mohon

ORDINANCE 23-2005

AMENDING CHAPTER 111 OF THE HOPKINSVILLE CODE OF ORDINANCES
PERTAINING TO ALCOHOLIC BEVERAGES

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
HOPKINSVILLE, AS FOLLOWS:

SECTION ONE

That Sections 111.01, 111.04, 111.10, 111.11, 111.12, 111.13, 111.20, 111.21,
111.22, 111.24, 111.25, 111.30, 111.31, 111.32, 111.33 and 111.34 of the Hopkinsville
Code of Ordinances is amended to read as follows:

§ 111.01 DEFINITIONS.

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

"ALCOHOLIC BEVERAGES." ~~Alcoholic brandy, whiskey, rum, gin, wine, and all
other spirituous, vinous, or fermented liquors, liquids, and compounds, whether
medicated, proprietary, patented or not and by whatever name called, Every liquid or
solid, whether patented or not, containing more than 1% of alcohol by volume, which are
is fit for use for beverage purposes. It includes every spurious or imitation liquor sold as,
or under any name commonly used for, alcoholic beverages, whether containing any
alcohol or not.~~ It does not include:

- (1) ~~Beer or m~~Malt beverages, containing not more than three and two-
tenths percent (3.2%) of alcohol by weight, in territory that has voted to allow the
sale thereof.
- (2) Denatured alcohol or denatured rum.
- (3) Medicinal preparations manufactured in accordance with formulas
prescribed by the United States Pharmacopoeia, National Formulary, or the
American Institute of Homeopathy ~~that are unfit for use for beverage purposes.~~
- (4) Patented, patent, and proprietary medicines ~~that are unfit for use for
beverage purposes.~~
- (5) Toilet, medicinal, and antiseptic preparations and solutions ~~that are
unfit for use for beverage purposes.~~
- (6) Flavoring extracts and syrups ~~that are unfit for use for beverage
purposes.~~
- (7) Vinegar and preserved sweet cider.

(8) Wine for sacramental purposes.

(9) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use.

(10) Alcohol for mechanical and scientific purposes if unfit for a beverage.

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

"MALT BEVERAGE." Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute from malt, and having an alcoholic content greater than permitted under the definition of "alcoholic beverages" in 111.01(1) of this section.

"PREMESIS." The land and building in and upon which any business regulated by alcoholic beverages statutes is operated or carried on, not including those excepted by KRS 241.010(30).

"RETAIL OUTLET." Any retailer, hotel, motel, restaurant, railroad dining car, club, and any facility where alcoholic beverages are sold directly to the consumers.

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

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

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

"WHOLESALER." Any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet.

§ 111.04 LOCATION OF PREMISES RESTRICTED; ENFORCEMENT.

(A) Restricted to B-3 District. No person shall or shall be licensed in the city to sell, dispense, and retail alcoholic beverages by the drink and/or by the package from any premises or establishment located in any place or area other than within the boundaries and area known as and established as Central Business District (B-3) under the provisions of the zoning regulations. The boundaries of that area are shown on the zoning map on file in the office of the City Clerk. The official zoning map showing Central Business District (B-3) designates the area in which the locations of premises or establishments of persons licensed to sell, dispense, and retail alcoholic beverages by the drink and by the package are confined and limited. The official map is available for public examination and inspection in the office of the City Clerk.

(B) Private clubs, present locations, hotels, motels, and restaurants are excepted. The foregoing provisions shall not apply to legitimate private clubs now in existence, and the present locations of any licensed places or establishments, nor shall it apply to hotels, motels, and restaurants, but in the event any license of any person, firm, or corporation for premises and establishments now located outside the area herein provided, other than the kinds of business and establishments herein excepted, shall hereinafter be revoked, surrendered, or not renewed, no new license shall be issued for use at any location or premises not within the boundaries of the area herein established.

(C) Injunction. The provisions of this section may be enforced by injunction proceedings in any court of competent jurisdiction.

~~Editor's note—In addition to the provisions of this chapter, there are also rules and regulations promulgated by the city alcoholic beverage control administrator wherein the number of licenses which may be issued is regulated. These rules and regulations are of record in the office of the city clerk.~~

INTOXICATING LIQUOR LICENSES

§ 111.10 LICENSE REQUIRED IN COMPLIANCE WITH STATE AND LOCAL LAWS.

~~No person shall vend, deal, traffic, possess, or, for the purpose of evading any law or this code, give away any intoxicating liquor in any way whatever, or cause the same to be done, without having first procured a license as provided in this subchapter, nor without complying with all the provisions of this subchapter, and all statutes and regulations applicable thereto.~~

A person shall not do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless he holds the appropriate state and local licenses required by KRS 243.020 authorizing the act.

§ 111.11 ~~PREMISES TO BE CLOSED DURING SPECIFIED TIMES.~~

~~(A) No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 1:00 a.m. and 6:00 a.m., during any weekday, or at any time during the 24 hours of a Sunday, Christmas day, or during the hours the polls are open on any regular, primary, school, or special election day.~~

~~(B) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.~~

§ 111.12 LICENSE CLASSES DESIGNATED/DISPOSITION OF LICENSE FEE.

~~There shall be four classes of intoxicating liquor licenses.~~

The following license tax or fee is fixed, established, levied, and imposed upon the business or occupation of dealing in, handling, selling, dispensing, or soliciting the sale of alcoholic beverages and malt beverages; where that business or occupation is pursued, conducted, carried on, or held within the limits of the city. This license tax or fee is fixed, established, imposed, and levied for the purpose of and to be paid into the General Revenue Fund of the city.

DISTILLED SPIRIT LICENSES:

~~(A) Wholesale liquor license Wholesaler's distilled spirits and wine. A wholesale liquor license, when issued by the city under authority of the City Council Alcoholic Beverage Control Administrator, shall permit its holder to sell, deal, and traffic, in intoxicating liquors only in cases or gallons to persons holding a retail liquor dispenser license. The fee for a wholesale liquor license shall be \$750 per year.~~

~~(B) Retail liquor Distilled spirits and wine retail package license. A retail liquor package license, when issued by the city under authority of the City Alcoholic Beverage Control Administrator, shall permit its holder to sell at retail vinous or spirituous liquors in unbroken packages, in sizes as permitted by law. The fee for a retail liquor package license shall be \$375 per year.~~

~~(C) Distilled spirits and wine Retail liquor drink license. A retail liquor drink license shall permit its holder to sell at retail vinous and spirituous liquors by the drink. The fee for a retail drink license shall be \$375 per year.~~

~~(D) Distilled spirits and wine special Sunday retail drink license shall be \$300 per year.~~

~~(E) (D)A Special private club license. A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military, or political organization or club, as authorized by KRS 243.270.~~

MALT BEVERAGE LICENSES:

(A) Retail malt beverage license shall be \$75 per year.

(B) Malt beverage distributor's license shall be \$200 per year.

(C) Special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military, or political organization or club as authorized by KRS 243.270.

§ 111.13 DISPOSITION OF TAXES AND FORFEITED BONDS.

—All money derived from the collection of license taxes herein provided for, and all money derived from the forfeiture of any bonds required shall be paid into and become a part of the general funds of the city.

§ 111.xx SUNDAY SALES IN QUALIFIED ESTABLISHMENTS.

There is hereby established a city special Sunday retail drink license, pursuant to the authority granted by KRS 243.070. The holder of the special Sunday retail drink license shall be governed by the restrictions contained in KRS 244.290 and the regulations of the City Alcoholic Beverage Control Administrator.

BEER

§ 111.20 DEFINITIONS.

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

—"BEER." Any beverage brewed, fermented, concocted, or manufactured from malt, barley, hops, or other cereals, or any combination thereof, and containing an alcoholic content of 1% or more thereof by weight.

—"BEER DEALER." Any person to whom a license is issued by the city authorizing him to engage in the business or occupation of dealing in, handling, selling, dispensing, or soliciting the sale of beer in the city.

—"WHOLESALE BEER DEALER." Any dealer engaged in the business, representing, or acting as agent or distributor, for any brewery, brewer, other concern, or agency engaged in the brewing or manufacturing of beer, or engaged in the business of soliciting the sale of beer, or engaged in the business of delivering beer for any brewery, manufacturing plant, or brewer engaged in the brewing, fermenting, concocting, or manufacturing of beer, or for any person not licensed in the city as a beer dealer. All other persons engaged in the business of dealing in, handling, selling, dispensing, or soliciting the sale of beer, where the same is not to be, and is not drunk or consumed on or about the premises, or where same is to be drunk or consumed on or about the premises, are hereby defined as retail beer dealers.

§ 111.21 LICENSE YEAR DESIGNATED.

—The license year shall be from July 1 to June 30 and the license fee or tax shall be due and payable annually in advance. Any license granted or issued after July 1 shall be at the same rate for the unexpired portion of the year.

§ 111.22 FEES.

~~(A) The following license tax or fee is fixed, established, levied, and imposed upon the business or occupation of dealing in, handling, selling, dispensing, or soliciting the sale of beer; where that business or occupation is pursued, conducted, carried on, or held within the limits of the city. This license tax or fee is fixed, established, imposed, and levied for the purpose of and to be paid into the General Revenue Fund of the city.~~

~~—(B) Before any person shall conduct or engage in such trade, business, or occupation in the city, that person shall first procure a license so to do and pay the license fee or tax herein fixed and levied.~~

~~—(1) To engage in the business of a retail beer dealer, \$75 per annum.~~

~~—(2) To engage in the business of a wholesale beer dealer, \$200 per annum.~~

~~—(3) A special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military, or political organization or club as authorized by KRS 243.270. No retail beer license shall be granted to any person or persons not of good moral character and a full citizen of the United States and of this state.~~

**§ 111.24 HOURS ESTABLISHED FOR SALE OF ALCOHOLIC BEVERAGES;
PROHIBITED HOURS OF SALE OF ALCOHOLIC BEVERAGES DISPENSING TO
MINORS.**

~~(A) No brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 7:00 p.m. and 6:00 a.m. on any week day except Saturday, when the hours of deliveries shall be between 6:00 a.m. and midnight. No retailer shall sell, give away, or deliver any malt beverages between 1:00 a.m. and 6:00 a.m. during any week day or at any time during the 24 hours of a Sunday, or during the hours the polls are open on an election day.~~

(A) All premises for which a license has been granted to sell alcoholic beverages, including malt beverages, may remain open for business Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, from 6:00 a.m. to 1:00 a.m. the following day.

(B) The sale of distilled spirits and wine by the drink for those premises for which a distilled spirits and wine special Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

(C) The sale of malt beverages for those premises for which a Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

(D) No alcoholic beverages, including malt beverages, of any kind may be sold on Sunday from 1:00 a.m. to 1:00 p.m., on Christmas day, or during the hours the polls are open on any regular, primary, school, or election day.

~~(B) It shall be unlawful for any person engaged in the business or occupation of a beer dealer, whether at wholesale or retail, to sell, dispense, or give away beer in any quantity to any minor.~~

~~(C) If any person guilty of a violation of either of the two foregoing provisions of this section shall be convicted, the license of the person so convicted shall be subject to revocation and annulment by the Alcoholic Beverage Administrator of the city in the manner hereinafter provided. In the event of any such revocation or annulment of such license, no part of the money paid therefore shall be refunded or repaid to the offending licensee.~~

~~§ 111.25 OPERATING WITHOUT LICENSE.~~

~~— It shall be unlawful for any person to engage in, pursue, or carry on any business, trade, or occupation mentioned in this subchapter without first obtaining a license and paying the tax provided for.~~

MINORS; SALES AND PURCHASES

~~§ 111.30 WHAT CONSTITUTES ALCOHOLIC BEVERAGE.~~

~~— Alcoholic beverages shall be interpreted to mean any beverages which are sold by an individual, company, or corporation, which individual, company, or corporation is required to be licensed for the sale of the same under the statutes of alcoholic beverages control regulations of the state.~~

§ 111.30 DISPENSING TO MINORS.

(A) It shall be unlawful for any person to sell, dispense, or give away any alcoholic beverage in any quantity to any person under 21 years of age.

(B) If any person guilty of a violation of the foregoing provisions of this section is convicted, the license of the person so convicted shall be subject to revocation and annulment by the Alcoholic Beverage Control Administrator of the city in the manner hereinafter provided. In the event of any such revocation or annulment of such license, no part of the money paid therefore shall be refunded or repaid to the offending licensee.

§ 111.31 MINOR ENTERING LICENSED PREMISES; DRIVE-IN.

It shall be unlawful for any minor person under 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages, or to enter and remain on any premises from which minors are forbidden under the statutes of alcoholic beverage control regulations of the state. Premises in the case of drive-in establishments which sell alcoholic beverages, shall be interpreted to mean the entire lot or plot of ground upon which the business establishment sets.

§ 111.32 POSSESSION; PURCHASE.

It shall be unlawful for any ~~minor-person~~ under 21 years of age to possess for his or her own use, to purchase or attempt to purchase, or have another purchase for him or her any alcoholic beverages. It shall be unlawful likewise for any person to aid or assist any minor in purchasing or having delivered or served to him any alcoholic beverages.

§ 111.33 MISREPRESENTING AGE.

It shall be unlawful for any ~~minor-person~~ under 21 years of age to misrepresent his age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve him any alcoholic beverage.

It shall be unlawful for any person under 21 years of age to use or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

§ 111.34 WARNING SIGN ON LICENSED PREMISES; LEGEND.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or larger type, which shall read-substantially as follows:

~~Minors-Persons~~ under the age of 21, ~~under city ordinance,~~ are subject to a fine up to one hundred dollars (\$100), if they:

- (A) Enter licensed premises to buy, or have served to them, alcoholic beverages.
- (B) Possess, purchase, attempt to purchase, or get another to purchase alcoholic beverages.
- (C) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

SECTION TWO

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

SECTION THREE

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

SECTION FOUR

This ordinance shall take effect after its passage and publication according to law.

ORDINANCE 23-2005

Amending § 111 of the Code of Ordinances (Alcoholic Beverages)

PUBLICLY READ AND PASSED FIRST TIME: August 16, 2005

PUBLICLY READ AND PASSED SECOND TIME: September 6, 2005

APPROVED: _____

Richard G. Liebe
Mayor

ATTEST: Crissy Upton
Crissy Upton
Assistant City Clerk

Clerk Note: After passing on second reading at the September 6, 2005 meeting, Ordinance 23-2005 was presented to Mayor Liebe. Mayor Liebe vetoed the ordinance and provided Council with his statement of objections. City Council subsequently voted to override the Mayor's veto by a vote of 11 to 1. A copy of the Mayor's statement of objections is on file with the Ordinance in the City Clerk's office.

I, Crissy Upton, Assistant City Clerk of the City of Hopkinsville, hereby certify that the foregoing is a true and accurate copy of Ordinance 23-2005 of the City of Hopkinsville, passed September 6, 2005, effective September 14, 2005, and that I am the custodian of the original, which is maintained at 101 North Main Street, Hopkinsville, Kentucky 42240.

9/12/05
Date

Crissy Upton
Crissy Upton Assistant City Clerk

TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: ALCOHOLIC BEVERAGES

CHAPTER 111: ALCOHOLIC BEVERAGES

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- 111.02 State law adopted
- 111.03 City Alcoholic Beverage Control Administrator; compensation
- 111.04 Location of premises restricted; enforcement
- 111.05 License required in compliance with state and local laws
- 111.06 License classes designated/ disposition of license fee
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- 111.30 Dispensing to minors
- 111.31 Minor entering licensed premises; drive-in
- 111.32 Possession; purchase
- 111.33 Misrepresenting age
- 111.34 Warning sign on licensed premises; legend

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- 111.99 Penalty

Statutory reference:

Alcoholic beverages, see KRS Chapters 241 et seq.

GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

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

"ALCOHOLIC BEVERAGES." Every liquid or solid, whether patented or not, containing more than 1% of alcohol by volume, which are fit for use for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include:

- (1) Malt beverages, containing not more than 3.2% of alcohol by weight, in territory that has voted to allow the sale thereof.
- (2) Denatured alcohol or denatured rum.
- (3) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy.
- (4) Patented, patent, and proprietary medicines.
- (5) Toilet, medicinal, and antiseptic preparations and solutions.
- (6) Flavoring extracts and syrups.
- (7) Vinegar and preserved sweet cider.
- (8) Wine for sacramental purposes.
- (9) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use.
- (10) Alcohol for mechanical and scientific purposes if unfit for a beverage.

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

“MALT BEVERAGE.” Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute from malt, and having an alcoholic content greater than permitted under the definition of "alcoholic beverages" in this section.

“PREMISES.” The land and building in and upon which any business regulated by alcoholic beverages statutes is operated or carried on, not including those excepted by KRS 241.010(30).

“RETAIL OUTLET.” Any retailer, hotel, motel, restaurant, railroad dining car, club, and any facility where alcoholic beverages are sold directly to the consumers.

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

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

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

“WHOLESALER.” Any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet.

('60 Code, §4-1) (Ord. 132, passed 9-1-59; Am. Ord. 23-2005, passed 9-6-05)

§ 111.02 STATE LAW ADOPTED.

The provisions of state law and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes, are adopted as far as applicable, except as otherwise provided in this chapter.

('60 Code, § 4-2) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

Statutory reference:

Alcoholic beverages, see KRS Chapters 241 et seq.

§ 111.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; COMPENSATION.

There is created for the city the position and office of City Alcoholic Beverage Control Administrator pursuant to KRS 241.160; the salary for said position and office is hereby established and fixed in the sum of \$150 per month.

('60 Code, § 4-3) (Ord. 83, passed 12-17-57)

Statutory reference:

Office of Alcoholic Beverage Control Administrator in third-class cities, see KRS §§ 241.160 through 241.200

§ 111.04 LOCATION OF PREMISES RESTRICTED; ENFORCEMENT.

(A) Restricted to B-3 District. No person shall or shall be licensed in the city to sell, dispense, and retail alcoholic beverages by the drink and/or by the package from any premises or establishment located in any place or area other than within the boundaries and area known as and established as Central Business District (B-3) under the provisions of the zoning regulations. The boundaries of that area are shown on the zoning map on file in the office of the City Clerk. The official zoning map showing Central Business District (B-3) designates the area in which the locations of premises or establishments of persons licensed to sell, dispense, and retail alcoholic beverages by the drink and by the package are confined and limited. The official map is available for public examination and inspection in the office of the City Clerk.

(B) Private clubs, present locations, hotels, motels, and restaurants are excepted. The foregoing provisions shall not apply to legitimate private clubs now in existence, and the present locations of any licensed places or establishments, nor shall it apply to hotels, motels, and restaurants, but in the event any license of any person, firm, or corporation for premises and establishments now located outside the area herein provided, other than the kinds of business and establishments herein excepted, shall hereinafter be revoked, surrendered, or not renewed, no new license shall be issued for use at any location or premises not within the boundaries of the area herein established.

(C) Injunction. The provisions of this section may be enforced by injunction proceedings in any court of competent jurisdiction.

('60 Code, § 4-4) (Ord. 132, passed 9-1-59; Am. Ord. 28-63, passed 12-3-63; Am. Ord. 23-2005, passed 9-6-05)

Penalty, see § 111.99

§ 111.05 LICENSE REQUIRED IN COMPLIANCE WITH STATE AND LOCAL LAWS.

A person shall not do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless he holds the appropriate state and local licenses required by KRS 243.020 authorizing the act.

('60 Code, §4-6) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05) Penalty, see § 111.99

Statutory reference:

License required, see KRS 243.020

§ 111.06 LICENSE CLASSES DESIGNATED/ DISPOSITION OF LICENSE FEE.

The following license tax or fee is fixed, established, levied, and imposed upon the business or occupation of dealing in, handling, selling, dispensing, or soliciting the sale of alcoholic beverages and malt beverages; where that business or occupation is pursued, conducted, carried on, or held within the limits of the city. This license tax or fee is fixed, established, imposed, and levied for the purpose of and to be paid into the General Revenue Fund of the city.

(A) Distilled spirit licenses.

- (1) Wholesaler's distilled spirits and wine license shall be \$750 per year.
- (2) Distilled spirits and wine retail package license shall be \$375 per year.
- (3) Distilled spirits and wine retail liquor drink license shall be \$375 per year.
- (4) Distilled spirits and wine special Sunday retail drink license shall be \$300 per year.

(5) Special private club license. A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military, or political organization or club, authorized by KRS 243.270.

(B) Malt beverage licenses.

- (1) Retail malt beverage license shall be \$75 per year.
- (2) Malt beverage distributor's license shall be \$200 per year.

(3) Special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military, or political organization or club as authorized by KRS 243.270.

('60 Code, §4-7) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05)

Statutory reference:

City licenses, see KRS 243.070

§ 111.07 LICENSE YEAR.

The license fee for the tax provided for in § 111.06 shall be due and payable annually in advance and the license year shall be from July 1 to June 30 of each year. Any license granted or issued after July 1, shall be at the same rate for the unexpired portion of the year.

('60 Code, §4-9) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05)

§ 111.08 SUNDAY SALES IN QUALIFIED ESTABLISHMENTS.

There is hereby established a city special Sunday retail drink license, pursuant to the authority granted by KRS 243.070. The holder of the special Sunday retail drink license shall be governed by the restrictions contained in KRS 244.290 and the regulations of the City Alcoholic Beverage Control Administrator.

(Ord. 23-2005, passed 9-6-05)

§ 111.09 CIVIL SUIT TO COLLECT TAX; NO BAR TO OTHER PENALTIES.

In addition to the penalties provided in this chapter for a violation thereof, the tax may be collected from the person from whom it is due by a civil action in any court of competent jurisdiction in the state. Recovery shall in no wise relieve that person from the payment of a fine or engaging in any business, occupation, trade, or profession herein mentioned without a license so to do.

('60 Code, §4-14) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05)

§ 111.10 HOURS ESTABLISHED FOR SALE OF ALCOHOLIC BEVERAGES; PROHIBITED HOURS OF SALE OF ALCOHOLIC BEVERAGES.

(A) All premises for which a license has been granted to sell alcoholic alcoholic beverages, including malt beverages, may remain open for business Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, from 6:00 a.m. to 1:00 a.m. the following day.

(B) The sale of distilled spirits and wine by the drink for those premises for which a distilled spirits and wine special Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

(C) The sale of malt beverages for those premises for which a Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

(D) No alcoholic beverages, including malt beverages, of any kind may be sold on Sunday from 1:00 a.m. to 1:00 p.m., on Christmas day, or during the hours the polls are open on any regular, primary, school, or election day.

('60 Code, § 4-15) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60; Am. Ord. 15-1961, passed 11-7-61; Am. Ord. 31-91, passed 11-19-91; Am. Ord. 23-2005, passed 9-6-05) Penalty, see § 111.99

Cross-reference:

Minors, sales to and purchases by, see §§ 111.30 - 111.35

Statutory reference:

Authority to regulate hours of sale, see KRS 244.290

Retail sales to minors prohibited, see KRS 244.080

MINORS; SALES AND PURCHASES

§ 111.30 DISPENSING TO MINORS.

(A) It shall be unlawful for any person to sell, dispense, or give away any alcoholic beverage in any quantity to any person under 21 years of age.

(B) If any person guilty of a violation of the foregoing provisions of this section is convicted, the license of the person so convicted shall be subject to revocation and annulment by the Alcoholic

Beverage Control Administrator of the city in the manner hereinafter provided. In the event of any such revocation or annulment of such license, no part of the money paid therefore shall be refunded or repaid to the offending licensee.

(Ord. 23-2005, passed 9-6-05)

§ 111.31 MINOR ENTERING LICENSED PREMISES; DRIVE-IN.

It shall be unlawful for any person under 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages, or to enter and remain on any premises from which minors are forbidden under the statutes of alcoholic beverage control regulations of the state. "PREMISES," in the case of drive-in establishments which sell alcoholic beverages, shall be interpreted to mean the entire lot or plot of ground upon which the business establishment sets.

('60 Code, §4-26) (Ord. 21-64, passed 1-5-65; Am. Ord. 23-2005, passed 9-6-05) Penalty, see § 111.99

Statutory reference:

Minors not to possess or purchase liquor, see KRS 244.085

§ 111.32 POSSESSION; PURCHASE.

It shall be unlawful for any person under 21 years of age to possess for his or her own use, to purchase or attempt to purchase, or have another purchase for him or her any alcoholic beverages. It shall be unlawful likewise for any person to aid or assist any minor in purchasing or having delivered or served to him any alcoholic beverages.

('60 Code, § 4-27) (Ord. 21-64, passed 1-5-65; Am. Ord. 23-2005, passed 9-6-05)

Penalty, see § 111.99

Statutory reference:

Minors not to possess or purchase liquor, see KRS 244.085

§ 111.33 MISREPRESENTING AGE.

(A) It shall be unlawful for any person under 21 years of age to misrepresent his age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve him any alcoholic beverage.

(B) It shall be unlawful for any person under 21 years of age to use or attempt to use any false, fraudulent, or altered identification card, paper, or any other document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

('60 Code, §4-28) (Ord. 21-64, passed 1-5-65; Am. Ord. 23-2005, passed 9-6-05)

Penalty, see § 111.99

Statutory reference:

Misrepresenting age, see KRS 244.085

§ 111.34 WARNING SIGN ON LICENSED PREMISES; LEGEND.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight inches by 11 inches in size which shall show, in 30 point or larger type, substantially as follows:

Persons under the age of 21 are subject to a fine up to one hundred dollars (\$100), if they:

- (A) Enter licensed premises to buy, or have served to them, alcoholic beverages.
- (B) Possess, purchase, attempt to purchase, or get another to purchase alcoholic beverages.
- (C) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

('60 Code, § 4-29) (Ord. 21-64, passed 1-5-65; Am. Ord. 23-2005, passed 9-6-05) Penalty, see § 111.99

Statutory reference:

Licensee to display notice as to sale to minors, see KRS 244.083

NUDE OR NEARLY NUDE DANCING

§ 111.45 PURPOSE.

(A) Business establishments with a retail drink liquor license and/or retail malt beverage license from the city through its duly appointed Alcoholic Beverage Control Officer may, or in fact, are providing adult entertainment for patrons such as nude or nearly nude dancing. The Common Council determines such conduct or activities as injurious to the citizens of the city.

(B) The Common Council determines that this subchapter is necessary:

- (1) To protect property value;
- (2) To prevent the blight and deterioration of the city's neighborhoods and business districts;
- (3) To promote a climate conducive to the establishment and return of legitimate business to the respective business areas and neighborhoods of the city;
- (4) To enhance the quality of life within the city;
- (5) To decrease the incidence of crime, disorderly conduct and juvenile delinquency.

(Ord. 2-84, passed 2-21-84)

§ 111.46 DEFINITIONS.

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

"BUSINESS ESTABLISHMENTS." A business within the city where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or retail malt beverage liquor license that has been issued by the Alcoholic Beverage Control Administrator of the city.

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

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

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

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

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

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

(Ord. 2-84, passed 2-21-84)

§ 111.47 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

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

(Ord. 2-84, passed 2-21-84)

§ 111.48 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

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

(Ord. 2-84, passed 2-21-84)

§ 111.49 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR

VIOLATIONS.

(A) In the event that a violation of § 111.47 and/or § 111.48 occurs, the City Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 and other appropriate provisions of the Kentucky Revised Statutes, to determine whether the liquor license, at whose business establishment the activity prohibited by this subchapter occurred, shall have his/her or its license suspended or revoked.

(B) In the event two or more violations of § 111.47 and/or § 111.48 occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink license or retail malt beverage liquor license or both.

(Ord. 2-84, passed 2-21-84)

§ 111.50 REVOCATION OR SUSPENSION OF OCCUPATIONAL LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 111.47 or 111.48 occurs, the City Chief of Police shall prefer charges against the retail/occupational licensee and after notice and hearing, the occupational license shall either be revoked or suspended.

(B) In the event that two or more violations of §§ 111.47 or 111.48 occur at a business establishment within a 12-month period, after notice and hearing, the City Chief of Police shall revoke the occupational license of the retail licensee.

(Ord. 2-84, passed 2-21-84)

§ 111.99 PENALTY.

(A) Any person who, by himself or acting through another, directly or indirectly violates § 111.04 shall be guilty of a misdemeanor, for the first offense, be fined not less than \$100 and not more than \$200, or be confined in jail for not more than six months, or both. For the second and each subsequent violation he shall be fined not less than \$200 nor more than \$500, or be confined for not more than 12 months, or both. Each day during which any violation continues shall be considered a separate violation. These penalties shall be in addition to the enforcement by injunction provisions contained in § 111.04. ('60 Code, § 4-5)

(B) Any person who himself or by his agent or employee shall violate any provision of this chapter for which another penalty is not already provided, shall upon conviction thereof be punished according to, and with the same penalties for each violation thereof as is provided under the statute laws of the state, and under the Alcoholic Beverage Control Law.

('60 Code, § 4-10) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

(C) Any person, firm, or corporation violating any provision of §§ 111.30 through 111.34, shall be guilty of a violation and fined not less than \$10 nor more than \$100. Each violation shall constitute a separate offense. Any minor, under the age of 18 years, who violates any provision of §§ 111.30 through 111.34, shall be dealt with in accordance with the procedure prescribed by statute for minors charged with the commission of a public offense. The fines imposed under this section shall be in addition to and independent of any action which may be taken by the City Alcohol Beverage

Administrator. ('60 Code, § 4-30) (Ord. 21-64, passed 1-5-65)

(D) (1) Performing nude or nearly nude activities as set forth in § 111.47 or permitting such activities as set forth in § 111.48 shall constitute a Class B Misdemeanor and punishment shall be fixed as set forth in the Kentucky Revised Statutes.

(2) The second violation of §§ 111.47 or 111.48 within a 12-month period shall constitute a Class A Misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

(Ord. 2-84, passed 2-21-84)

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Section

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General Provisions

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"ALCOHOLIC BEVERAGES." Every liquid or solid, whether patented or not, containing more than 1% of alcohol by volume, which are fit for use for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include:

(1) Malt beverages, containing not more than 3.2% of alcohol by weight, in territory that has voted to allow the sale thereof.

(2) Denatured alcohol or denatured rum.

(3) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy.

(4) Patented, patent, and proprietary medicines.

(5) Toilet, medicinal, and antiseptic preparations and solutions.

(6) Flavoring extracts and syrups.

(7) Vinegar and preserved sweet cider.

(8) Wine for sacramental purposes.

(9) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use.

(10) Alcohol for mechanical and scientific purposes if unfit for a beverage.

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- 111.30 Dispensing to minors
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Statutory reference:

Alcoholic beverages, see KRS Chapters 241 et seq.

GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless

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

"MALT BEVERAGE." Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute from malt, and having an

alcoholic content greater than permitted under the definition of "alcoholic beverages" in this section.

"PREMISES." The land and building in and upon which any business regulated by alcoholic beverages statutes is operated or carried on, not including those excepted by KRS 241.010(30).

"RETAIL OUTLET." Any retailer, hotel, motel, restaurant, railroad dining car, club, and any facility where alcoholic beverages are sold directly to the consumers.

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

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

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

"WHOLESALE." Any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet.
('60 Code, § 4-1) (Ord. 132, passed 9-1-59; Am. Ord. 23-2005, passed 9-6-05)

§ 111.02 STATE LAW ADOPTED.

The provisions of state law and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, transportation, possession, or other disposition of spirituous, vinous or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes, are adopted as far as applicable, except as otherwise provided in this chapter.
('60 Code, § 4-2) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

Statutory reference:
Alcoholic beverages, see KRS Chapters 241 et seq.

§ 111.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; COMPENSATION.

There is created for the city the position and office of City Alcoholic Beverage Control Administrator pursuant to KRS 241.160; the salary for said position and office is hereby established and fixed in the sum of \$150 per month.
('60 Code, § 4-3) (Ord. 83, passed 12-17-57)

Statutory reference:
Office of Alcoholic Beverage Control Administrator in third-class cities, see KRS §§ 241.160 through 241.200

§ 111.04 LOCATION OF PREMISES RESTRICTED; ENFORCEMENT.

(A) Restricted to B-3 District. No person shall or shall be licensed in the city to sell, dispense, and retail alcoholic beverages by the drink and/or by the package from any premises or establishment located in any place or area other than within the boundaries and area known as and established as Central Business District (B-3) under the provisions of the zoning regulations. The boundaries of that area are shown on the zoning map on file in the office of the City Clerk. The official zoning map showing Central Business District (B-3) designates the area in which the locations of premises or establishments of persons licensed to sell, dispense, and retail alcoholic beverages by the drink and by the package are confined and limited. The official map is available for public examination and inspection in the office of the City Clerk.

(B) Private clubs, present locations, hotels, motels, and restaurants are excepted. The foregoing provisions shall not apply to legitimate private clubs now in existence, and the present locations of any licensed places or establishments, nor shall it apply to hotels, motels, and restaurants, but in the event any license of any person, firm, or corporation for premises and establishments now located outside the area herein provided, other than the kinds of business and establishments herein excepted, shall hereinafter be revoked, surrendered, or not renewed,

no new license shall be issued for use at any location or premises not within the boundaries of the area herein established.

(C) Injunction. The provisions of this section may be enforced by injunction proceedings in any court of competent jurisdiction.
('60 Code, § 4-4) (Ord. 132, passed 9-1-59; Am. Ord. 28-63, passed 12-3-63; Am. Ord. 23-2005, passed 9-6-05)
Penalty, see § 111.99

§ 111.05 LICENSE REQUIRED IN COMPLIANCE WITH STATE AND LOCAL LAWS.

A person shall not do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless he holds the appropriate state and local licenses required by KRS 243.020 authorizing the act.
('60 Code, § 4-6) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05) Penalty, see § 111.99

Statutory reference:
License required, see KRS 243.020

§ 111.06 LICENSE CLASSES DESIGNATED/ DISPOSITION OF LICENSE FEE.

The following license tax or fee is fixed, established, levied, and imposed upon the business or occupation of dealing in, handling, selling, dispensing, or soliciting the sale of alcoholic beverages and malt beverages; where that business or occupation is pursued, conducted, carried on, or held within the limits of the city. This license tax or fee is fixed, established, imposed, and levied for the purpose of and to be paid into the General Revenue Fund of the city.

(A) Distilled spirit licenses.

(1) Wholesaler's distilled spirits and wine license shall be \$750 per year.

(2) Distilled spirits and wine retail package license shall be \$375 per year.

(3) Distilled spirits and wine retail liquor drink license shall be \$375 per year.

(4) Distilled spirits and wine special Sunday retail drink license shall be \$300 per year.

(5) Special private club license. A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military, or political organization or club, authorized by KRS 243.270.

(B) Malt beverage licenses.

(1) Retail malt beverage license shall be \$75 per year.

(2) Malt beverage distributor's license shall be \$200 per year.

(3) Special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military, or political organization or club as authorized by KRS 243.270.
('60 Code, § 4-7) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05)

Statutory reference:
City licenses, see KRS 243.070

§ 111.07 LICENSE YEAR.

The license fee for the tax provided for in § 111.06 shall be due and payable annually in advance and the license year shall be from July 1 to June 30 of each year. Any license granted or issued after July 1, shall be at the same rate for the unexpired portion of the year.
('60 Code, § 4-9) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05)

§ 111.08 SUNDAY SALES IN QUALIFIED ESTABLISHMENTS.

There is hereby established a city special Sunday retail drink license, pursuant to the authority granted by KRS 243.070. The holder of the special Sunday retail drink license shall be governed by the restrictions contained in KRS 244.290 and the regulations of the City Alcoholic Beverage Control Administrator.
(Ord. 23-2005, passed 9-6-05)

no new license shall be issued for use at any location or premises not within the boundaries of the area herein established.

(C) Injunction. The provisions of this section may be enforced by injunction proceedings in any court of competent jurisdiction.

('60 Code, § 4-4) (Ord. 132, passed 9-1-59; Am. Ord. 28-63, passed 12-3-63; Am. Ord. 23-2005, passed 9-6-05) Penalty, see § 111.99

§ 111.05 LICENSE REQUIRED IN COMPLIANCE WITH STATE AND LOCAL LAWS.

A person shall not do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless he holds the appropriate state and local licenses required by KRS 243.020 authorizing the act.

('60 Code, § 4-6) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05) Penalty, see § 111.99

Statutory reference:

License required, see KRS 243.020

§ 111.06 LICENSE CLASSES DESIGNATED/ DISPOSITION OF LICENSE FEE.

The following license tax or fee is fixed, established, levied, and imposed upon the business or occupation of dealing in, handling, selling, dispensing, or soliciting the sale of alcoholic beverages and malt beverages; where that business or occupation is pursued, conducted, carried on, or held within the limits of the city. This license tax or fee is fixed, established, imposed, and levied for the purpose of and to be paid into the General Revenue Fund of the city.

(A) Distilled spirit licenses.

(1) Wholesaler's distilled spirits and wine license shall be \$750 per year.

(2) Distilled spirits and wine retail package license shall be \$375 per year.

(3) Distilled spirits and wine retail liquor drink license shall be \$375 per year.

(4) Distilled spirits and wine special Sunday retail drink license shall be \$300 per year.

(5) Special private club license. A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military, or political organization or club, authorized by KRS 243.270.

(B) Malt beverage licenses.

(1) Retail malt beverage license shall be \$75 per year.

(2) Malt beverage distributor's license shall be \$200 per year.

(3) Special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military, or political organization or club as authorized by KRS 243.270.

('60 Code, § 4-7) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05)

Statutory reference:

City licenses, see KRS 243.070

§ 111.07 LICENSE YEAR.

The license fee for the tax provided for in § 111.06 shall be due and payable annually in advance and the license year shall be from July 1 to June 30 of each year. Any license granted or issued after July 1, shall be at the same rate for the unexpired portion of the year.

('60 Code, § 4-9) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60; Am. Ord. 23-2005, passed 9-6-05)

§ 111.08 SUNDAY SALES IN QUALIFIED ESTABLISHMENTS.

There is hereby established a city special Sunday retail drink license, pursuant to the authority granted by KRS 243.070. The holder of the special Sunday retail drink license shall be governed by the restrictions contained in KRS 244.290 and the regulations of the City Alcoholic Beverage Control Administrator.

(Ord. 23-2005, passed 9-6-05)

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- 111.02 State law adopted
- 111.03 City Alcoholic Beverage Control Administrator; compensation
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Nude or Nearly Nude Activities

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- 111.48 Permitting nude or nearly nude activities
- 111.49 Revocation or suspension of liquor license for violations
- 111.50 Revocation or suspension of occupational license for violation
- 111.99 Penalty

Statutory reference:

Alcoholic beverages, see KRS Chapters 241 et seq.

§ 111.01 DEFINITION.

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

"ALCOHOLIC BEVERAGES." Alcoholic brandy, whiskey, rum, gin, wine, and all other spirituous, vinous, or fermented liquors, liquids, and compounds, whether medicated, proprietary, patented or not and by whatever name called, containing more than 1% of alcohol by volume, which are fit for use for beverage purposes. It does not include:

- (1) Beer or malt beverages.
- (2) Denatured alcohol or denatured rum.
- (3) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy that are unfit for use for beverage purposes.
- (4) Patented, patent, and proprietary medicines that are unfit for use for beverage purposes.
- (5) Toilet, medicinal, and antiseptic preparations and solutions that are unfit for use for beverage purposes.
- (6) Flavoring extracts and syrups that are unfit for use for beverage purposes.
- (7) Vinegar and preserved sweet cider.
- (8) Wine for sacramental purposes.
- (9) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use.
- (10) Alcohol for mechanical and scientific purposes if unfit for a beverage.
(KRS 242.010) ('60 Code, § 4-1) (Ord. 132, passed 9-1-59)

§ 111.02 STATE LAW ADOPTED.

The provisions of state law and all acts amendatory thereof and supplementary thereto, relating to the

manufacture, sale, transportation, possession, or other disposition of spirituous, vinous or intoxicating malt liquor for medicinal, sacramental, scientific, or mechanical purposes, are adopted as far as applicable, except as otherwise provided in this chapter. ('60 Code, § 4-2) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

Statutory reference:

Alcoholic beverages, see KRS Chapters 241 et seq.

§ 111.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; COMPENSATION.

There is created for the city the position and office of City Alcoholic Beverage Control Administrator pursuant to KRS 241.160; the salary for said position and office is hereby established and fixed in the sum of \$150 per month. ('60 Code, § 4-3) (Ord. 83, passed 12-17-57)

Statutory reference:

Office of Alcoholic Beverage Control Administrator in third-class cities, see KRS §§ 241.160 through 241.200

§ 111.04 LOCATION OF PREMISES RESTRICTED; ENFORCEMENT.

(A) Restricted to B-3 District. No person shall or shall be licensed in the city to sell, dispense, and retail alcoholic beverages by the drink and/or by the package from any premises or establishment located in any place or area other than within the boundaries and area known as and established as Central Business District (B-3) under the provisions of the zoning regulations. The boundaries of that area are shown on the zoning map on file in the office of the City Clerk. The official zoning map showing Central Business District (B-3) designates the area in which the locations of premises or establishments of persons licensed to sell, dispense, and retail alcoholic beverages by the drink and by the package are confined and limited. The official map is available for public examination and inspection in the office of the City Clerk.

(B) Private clubs, present locations, hotels, motels, and

restaurants are excepted. The foregoing provisions shall not apply to legitimate private clubs now in existence, and the present locations of any licensed places or establishments, nor shall it apply to hotels, motels, and restaurants, but in the event any license of any person, firm, or corporation for premises and establishments now located outside the area herein provided, other than the kinds of business and establishments herein excepted, shall hereinafter be revoked, surrendered, or not renewed, no new license shall be issued for use at any location or premises not within the boundaries of the area herein established.

(C) Injunction. The provisions of this section may be enforced by injunction proceedings in any court of competent jurisdiction.

Editor's note - In addition to the provisions of this chapter, there are also rules and regulations promulgated by the city alcoholic beverage control administrator wherein the number of licenses which may be issued is regulated. These rules and regulations are of record in the office of the city clerk. ('60 Code, § 4-4) (Ord. 132, passed 9-1-59; Am. Ord. 28-63, passed 12-3-63) Penalty, see § 111.99

INTOXICATING LIQUOR LICENSES

§ 111.10 REQUIRED IN COMPLIANCE WITH STATE AND LOCAL LAWS.

No person shall vend, deal, traffic, possess, or, for the purpose of evading any law or this code, give away any intoxicating liquor in any way whatever, or cause the same to be done, without having first procured a license as provided in this subchapter, nor without complying with all the provisions of this subchapter, and all statutes and regulations applicable thereto. ('60 Code, § 4-6) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60) Penalty, see § 111.99

Statutory reference:

License required, see KRS 243.020

*122 para
11/84
Bar Def*

§ 111.11 PREMISES TO BE CLOSED DURING SPECIFIED TIMES.

(A) No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose between 1:00 a.m. and 6:00 a.m., during any weekday, or at any time during the 24 hours of a Sunday, Christmas day, or during the hours the polls are open on any regular, primary, school, or special election day.

See para 11130

(B) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. ('60 Code, § 4-6.1) (Ord. 16-1961, passed 11-21-61; Am. Ord. 10-67, passed 5-16-67; Am. Ord. 31-91, passed 11-19-91) Penalty, see § 111.99

Statutory reference:

Authority to regulate hours of sale, see KRS 244.290

§ 111.12 LICENSE CLASSES DESIGNATED.

There shall be four classes of intoxicating liquor licenses.

(A) Wholesale liquor license. A wholesale liquor license, when issued by the city under authority of the City Council, shall permit its holder to sell, deal, and traffic, in intoxicating liquors only in cases or gallons to persons holding a retail liquor dispenser license. The fee for a wholesale liquor license shall be \$750 per year.

(B) Retail liquor package license. A retail liquor package license, when issued by the city under authority of the City Alcoholic Beverage Administrator, shall permit its holder to sell at retail vinous or spirituous liquors in unbroken

packages, in sizes as permitted by law. The fee for a retail liquor package license shall be \$375 per year.

(C) Retail liquor drink license. A retail liquor drink license shall permit its holder to sell at retail vinous and spirituous liquors by the drink. The fee for a retail drink license shall be \$375 per year.

(D) A special club license. A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military, or political organization or club, as authorized by KRS 243.270. ('60 Code, § 4-7) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

Statutory reference:

City licenses, see KRS 243.070

§ 111.13 DISPOSITION OF TAXES AND FORFEITED BONDS.

All money derived from the collection of license taxes herein provided for, and all money derived from the forfeiture of any bonds required shall be paid into and become a part of the general funds of the city. ('60 Code, § 4-8) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

§ 111.14 LICENSE YEAR.

The license fee for the tax provided for in § 111.12 shall be due and payable annually in advance and the license year shall be from July 1 to June 30 of each year. Any license granted or issued after July 1, shall be at the same rate for the unexpired portion of the year. ('60 Code, § 4-9) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

BEER

§ 111.20 DEFINITIONS.

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

"BEER." Any beverage brewed, fermented, concocted, or manufactured from malt, barley, hops, or other cereals, or any combination thereof, and containing an alcoholic content of 1% or more thereof by weight.

"BEER DEALER." Any person to whom a license is issued by the city authorizing him to engage in the business or occupation of dealing in, handling, selling, dispensing, or soliciting the sale of beer in the city.

"WHOLESALE BEER DEALER." Any dealer engaged in the business, representing, or acting as agent or distributor, for any brewery, brewer, other concern, or agency engaged in the brewing or manufacturing of beer, or engaged in the business of soliciting the sale of beer; or engaged in the business of delivering beer for any brewery, manufacturing plant, or brewer engaged in the brewing, fermenting, concocting, or manufacturing of beer, or for any person not licensed in the city as a beer dealer. All other persons engaged in the business of dealing in, handling, selling, dispensing, or soliciting the sale of beer, where the same is not to be, and is not drunk or consumed on or about the premises, or where same is to be drunk or consumed on or about the premises, are hereby defined as retail beer dealers. ('60 Code, § 4-11) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60)

§ 111.21 LICENSE YEAR DESIGNATED.

The license year shall be from July 1 to June 30 and the license fee or tax shall be due and payable annually in advance. Any license granted or issued after July 1 shall be at the same rate for the unexpired portion of the year. ('60 Code, § 4-12) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60)

§ 111.22 FEES.

(A) The following license tax or fee is fixed, established, levied, and imposed upon the business or occupation of dealing in, handling, selling, dispensing, or soliciting

the sale of beer; where that business or occupation is pursued, conducted, carried on, or held within the limits of the city. This license tax or fee is fixed, established, imposed, and levied for the purpose of and to be paid into the General Revenue Fund of the city.

(B) Before any person shall conduct or engage in such trade, business, or occupation in the city, that person shall first procure a license so to do and pay the license fee or tax herein fixed and levied.

(1) To engage in the business of a retail beer dealer, \$75 per annum.

(2) To engage in the business of a wholesale beer dealer, \$200 per annum.

(3) A special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military, or political organization or club as authorized by KRS 243.270. No retail beer license shall be granted to any person or persons not of good moral character and a full citizen of the United States and of this state.

('60 Code, § 4-13) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60)

Statutory reference:

City licenses, see KRS 243.070

§ 111.23 CIVIL SUIT TO COLLECT TAX; NO BAR TO OTHER PENALTIES.

In addition to the penalties provided in this chapter for a violation thereof, the tax may be collected from the person from whom it is due by a civil action in any court of competent jurisdiction in the state. Recovery shall in no wise relieve that person from the payment of a fine or engaging in any business, occupation, trade, or profession herein mentioned without a license so to do. ('60 Code, § 4-14) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60)

See Code 111.11

§ 111.24 PROHIBITED HOURS OF SALE; DISPENSING TO MINORS.

(A) No brewer or distributor shall deliver any malt beverages on Sunday or between the hours of 7:00 p.m. and 6:00 a.m. on any week day except Saturday, when the hours of deliveries shall be between 6:00 a.m. and midnight. No retailer shall sell, give away, or deliver any malt beverages between 1:00 a.m. and 6:00 a.m. during any week day or at any time during the 24 hours of a Sunday, or during the hours the polls are open on an election day.

(B) It shall be unlawful for any person engaged in the business or occupation of a beer dealer, whether at wholesale or retail, to sell, dispense, or give away beer in any quantity to any minor.

(C) If any person guilty of a violation of either of the two foregoing provisions of this section shall be convicted, the license of the person so convicted shall be subject to revocation and annulment by the Alcoholic Beverage Administrator of the city in the manner hereinafter provided. In the event of any such revocation or annulment of such license, no part of the money paid therefor shall be refunded or repaid to the offending licensee.

('60 Code, § 4-15) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60; Am. Ord. 15-1961, passed 11-7-61; Am. Ord. 31-91, passed 11-19-91) Penalty, see § 111.99

Cross-reference:

Minors, sales to and purchases by, see §§ 111.30 - 111.35

Statutory reference:

Authority to regulate hours of sale, see KRS 244.290
Retail sales to minors prohibited, see KRS 244.080

§ 111.25 OPERATING WITHOUT LICENSE.

It shall be unlawful for any person to engage in, pursue, or carry on any business, trade, or occupation mentioned in this subchapter without

first obtaining a license and paying the tax provided for.

('60 Code, § 4-16) (Ord. 124, passed 4-21-59; Am. Ord. 9-1960, passed 5-17-60) Penalty, see § 111.99

Statutory reference:

License required, see KRS 243.020

MINORS; SALES AND PURCHASES

§ 111.30 WHAT CONSTITUTES ALCOHOLIC BEVERAGE.

Alcoholic beverages shall be interpreted to mean any beverages which are sold by an individual, company, or corporation, which individual, company, or corporation is required to be licensed for the sale of the same under the statutes of alcoholic beverages control regulations of the state. ('60 Code, § 4-25) (Ord. 21-64, passed 1-5-65)

§ 111.31 MINOR ENTERING LICENSED PREMISES; DRIVE-IN.

It shall be unlawful for any minor under 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages, or to enter and remain on any premises from which minors are forbidden under the statutes of alcoholic beverage control regulations of the state.

"PREMISES," in the case of drive-in establishments which sell alcoholic beverages, shall be interpreted to mean the entire lot or plot of ground upon which the business establishment sets. ('60 Code, § 4-26) (Ord. 21-64, passed 1-5-65) Penalty, see § 111.99

Statutory reference:

Minors not to possess or purchase liquor, see KRS 244.085

§ 111.32 POSSESSION; PURCHASE.

It shall be unlawful for any minor under 21 years of age to possess for his or her own use, to purchase or attempt to purchase, or have another purchase for him or her any alcoholic beverages. It shall be unlawful likewise for any person to aid or assist any minor in purchasing

or having delivered or served to him any alcoholic beverages. ('60 Code, § 4-27) (Ord. 21-64, passed 1-5-65) Penalty, see § 111.99

Statutory reference:

Minors not to possess or purchase liquor, see KRS 244.085

§ 111.33 MISREPRESENTING AGE.

It shall be unlawful for any minor under 21 years of age to misrepresent his age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve him any alcoholic beverage. ('60 Code, § 4-28) (Ord. 21-64, passed 1-5-65) Penalty, see § 111.99

Statutory reference:

Misrepresenting age, see KRS 244.085

§ 111.34 WARNING SIGN ON LICENSED PREMISES; LEGEND.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card which shall read substantially as follows:

Minors under the age of 21, under city ordinance, are subject to a fine up to \$100, if they:

(A) Enter licensed premises to buy, or have served to them, alcoholic beverages.

(B) Possess, purchase, attempt to purchase, or get another to purchase alcoholic beverages.

(C) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages. ('60 Code, § 4-29) (Ord. 21-64, passed 1-5-65) Penalty, see § 111.99

Statutory reference:

Licensee to display notice as to sale to minors, see KRS 244.083

NUDE OR NEARLY NUDE DANCING

§ 111.45 PURPOSE.

(A) Business establishments with a retail drink liquor license and/or retail malt beverage license from the city through its duly appointed Alcoholic Beverage Control Officer may,

or in fact, are providing adult entertainment for patrons such as nude or nearly nude dancing. The Common Council determines such conduct or activities as injurious to the citizens of the city.

(B) The Common Council determines that this subchapter is necessary:

(1) To protect property value;

(2) To prevent the blight and deterioration of the city's neighborhoods and business districts;

(3) To promote a climate conducive to the establishment and return of legitimate business to the respective business areas and neighborhoods of the city;

(4) To enhance the quality of life within the city;

(5) To decrease the incidence of crime, disorderly conduct and juvenile delinquency. (Ord. 2-84, passed 2-21-84)

§ 111.46 DEFINITIONS.

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

"BUSINESS ESTABLISHMENTS." A business within the city where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or retail malt beverage liquor license that has been issued by the Alcoholic Beverage Control Administrator of the city.

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

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

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

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

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

"RETAIL LICENSEE." Any licensee, including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.
(Ord. 2-84, passed 2-21-84)

§ 111.47 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It shall be unlawful for and a person is guilty of performing nude or nearly nude activities when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such a manner or attire as to expose to view that portion of the breasts referred to as the areola, nipple, or simulation thereof.
(Ord. 2-84, passed 2-21-84)

§ 111.48 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A retail licensee is guilty of permitting nude or nearly nude activity when having control of the business establishment's premises, which it knows or has reasonable cause to know, is being used by any person to appear on the premises in such a manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals or any simulation thereof; or used by any female to appear on the premises in such a manner or attire as to expose to view any portion of the breasts referred to as the areola, nipple, or any simulation thereof, it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.
(Ord. 2-84, passed 2-21-84)

§ 111.49 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.

(A) In the event that a violation of § 111.47 and/or § 111.48 occurs, the City Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 and other appropriate provisions of the Kentucky Revised Statutes, to determine

whether the liquor license, at whose business establishment the activity prohibited by this subchapter occurred, shall have his/her or its license suspended or revoked.

(B) In the event two or more violations of § 111.47 and/or § 111.48 occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink license or retail malt beverage liquor license or both.
(Ord. 2-84, passed 2-21-84)

§ 111.50 REVOCATION OR SUSPENSION OF OCCUPATIONAL LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 111.47 or 111.48 occurs, the City Chief of Police shall prefer charges against the retail/occupational licensee and after notice and hearing, the occupational license shall either be revoked or suspended.

(B) In the event that two or more violations of §§ 111.47 or 111.48 occur at a business establishment within a 12-month period, after notice and hearing, the City Chief of Police shall revoke the occupational license of the retail licensee.
(Ord. 2-84, passed 2-21-84)

§ 111.99 PENALTY.

(A) Any person who, by himself or acting through another, directly or indirectly violates § 111.04 shall be guilty of a misdemeanor, for the first offense, be fined not less than \$100 and not more than \$200, or be confined in jail for not more than six months, or both. For the second and each subsequent violation he shall be fined not less than \$200 nor more than \$500, or be confined for not more than 12 months, or both. Each day during which any violation continues shall be considered a separate violation. These penalties shall be in addition to the enforcement by injunction provisions contained in § 111.04. ('60 Code, § 4-5)

(B) Any person who himself or by his agent or employee shall violate any provision of this chapter for which another penalty is not already provided, shall upon conviction thereof be punished according to, and with the same

penalties for each violation thereof as is provided under the statute laws of the state, and under the Alcoholic Beverage Control Law.

('60 Code, § 4-10) (Ord. 125, passed 4-21-59; Am. Ord. 10-1960, passed 5-17-60)

(C) Any person, firm, or corporation violating any provision of §§ 111.30 through 111.34, shall be guilty of a violation and fined not less than \$10 nor more than \$100. Each violation shall constitute a separate offense. Any minor, under the age of 18 years, who violates any provision of §§ 111.30 through 111.34, shall be dealt with in accordance with the procedure prescribed by statute for minors charged with the commission of a public offense. The fines imposed under this section shall be in addition to and independent of any action which may be taken by the City Alcohol Beverage Administrator. ('60 Code, § 4-30) (Ord. 21-64, passed 1-5-65)

(D) (1) Performing nude or nearly nude activities as set forth in § 111.47 or permitting such activities as set forth in § 111.48 shall constitute a Class B Misdemeanor and punishment shall be fixed as set forth in the Kentucky Revised Statutes.

(2) The second violation of §§ 111.47 or 111.48 within a 12-month period shall constitute a Class A Misdemeanor with punishment as set forth in the Kentucky Revised Statutes. (Ord. 2-84, passed 2-21-84)

ORDINANCE NO. 21.-64.

AN ORDINANCE PROHIBITING MINORS UNDER TWENTY-ONE YEARS OF AGE FROM DIRECTLY OR INDIRECTLY PURCHASING OR ATTEMPTING TO PURCHASE ALCOHOLIC BEVERAGES, ENTERING ANY LICENSED PREMISES FOR SAID PURPOSE: PROHIBITING ANY PERSON FROM AIDING OR ASSISTING ANY MINOR IN PURCHASING OR HAVING DELIVERED OR SERVED TO SAID MINOR ALCOHOLIC BEVERAGES: PROHIBITING ANY MINOR UNDER TWENTY-ONE YEARS OF AGE TO MISREPRESENT HIS OR HER AGE FOR SAID PURPOSES: REQUIRING EVERY RETAIL LICENSEE TO DISPLAY WARNING SIGNS AND NOTICES TO SAID MINORS: AND PROVIDING PENALTIES THEREFOR.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF HOPKINS VILLE AS FOLLOWS:

SECTION 1.

It shall be unlawful for any minor under twenty-one years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages or to enter and remain on any premises from which minors are forbidden under the Statutes of Alcoholic Beverage Control Regulations of the State. Premises, in the case of drive-in establishments which sell alcohol beverages, shall be interpreted to mean the entire lot or plot of ground upon which the business establishment sets.

SECTION 2.

It shall be unlawful for any minor under twenty-one years of age to possess for his or her own use, or to purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. It shall be unlawful likewise for any person to aid or assist any minor in purchasing or having delivered or served to him or her any such alcoholic beverages.

SECTION 3.

It shall be unlawful for any minor under twenty-one years of age to misrepresent his or her age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve any alcoholic beverage to such minor.

SECTION 4.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card which shall read substantially as follows:

JAN 13 11 01 AM '67
RECEIVED
ALCOHOLIC BEVERAGE CONTROL

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

SECTION 5.

Alcoholic beverages shall be interpreted to mean any beverages which are sold by an individual, company or corporation which said individual, company or corporation are required to be licensed for the sale of same under the statutes or alcoholic beverages control regulations of the State of Kentucky.

SECTION 6.

Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$10.00 nor more than \$100.00. and each violation shall constitute a separate offense.

Any minor, under the age of 18 yearx who violates any provision of this ordinance shall be dealt with in accordance with the procedure prescribed by statute for minors charged with the commission of a public offense.

The fines imposed under this section shall be in addition to and independent of any action which may be taken by the City Alcoholic Beverage Administrator.

SECTION 7.

If any section or provision, or any part thereof of this ordinance shall be adjudged invalid or unconstitutional such invalidity or unconstitutionality shall not affect the validity of the ordinance as a whole or of any other section or provision or part thereof.

SECTION 8.

This ordinance shall not repeal any provision of any other ordinance relating to the same subject not inconsistent herewith but in such case it shall deem to be cumulative.

PUBLICLY READ AND PASSED FIRST TIME: Dec. 15, 1964.

PUBLICLY READ AND PASSED SECOND TIME: Jan 5 1967

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JAN 13 9 21 AM '67
BEVERAGE CONTROL

APPROVED:

F. ERNEST LACKEY,
MAYOR.

ATTEST

R. Y. B. B.