

Lawrenceburg, KY Code of Ordinances

CHAPTER 117: ALCOHOLIC BEVERAGES

Section

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§ 117.01 PURPOSE.

It is the purpose of this chapter to promote economic growth, development, and tourism within the city by making provision for the manufacture, distribution and sale of alcoholic beverages in a manner which is consistent with the provisions established in the Kentucky Revised Statutes now in effect and as may be hereafter amended by the Kentucky General Assembly.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.02 ALCOHOLIC BEVERAGE CONTROL LAWS.

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, except as otherwise lawfully provided herein.

(Ord. 2003-13, passed 9-8-03)

§ 117.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

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

(B) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Board of Council.

(C) The City ABC Administrator shall have full police powers of a peace office and his/her jurisdiction shall be coextensive with the boundaries of the city.

(D) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(E) (1) Pursuant to KRS 241.190, the functions of the City ABC Administrator shall be the same with respect to city licenses and regulations as the functions of the State ABC Board with respect to state licenses and regulations, except that no regulation adopted by a city administrator may be less stringent than the statutes relating to alcoholic beverage control or than the regulations of the board.

(2) The City ABC Administrator, on his/her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this chapter. The City ABC Administrator may suspend a license for any cause for which the State ABC Board is authorized to exercise its discretion as to revoking a license.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.04 LICENSE REQUIREMENT.

(A) Any person, business, or entity meeting the criteria set forth in KRS 243.100 and seeking to engage in the production, manufacture, sale, trafficking, transfer, delivery, or provision of alcoholic beverages within the corporate limits of the City of Lawrenceburg, shall obtain and maintain such license as is provided for herein and which is appropriate for the specific business practices of such individual or entity.

(B) The City licenses established hereby, as authorized by KRS 243.070 and all other applicable statutes, as amended, shall bear a fee as set forth below. In the event that KRS 243.070 or other applicable statutes are in the future amended to authorize additional licenses which may be issued by the City, such licenses shall be incorporated herein and the fee for such license shall be the maximum fee allowed by the statute as amended.

(Ord. 2013-10, passed 12-9-13)

§ 117.05 ALCOHOLIC BEVERAGE LICENSES AND FEES.

	<i>License Type(s)</i>	<i>Fee</i>
1.	Distiller's License *	\$500
2.	Rectifier's License *	\$3,000
3.	Brewer's License *	\$500
4.	Microbrewery License*	\$500
5.	Brew-on-premises license	\$100
6.	Wholesaler's License *	\$3,000
7.	Distributor's License *	\$400
8.	Quota retail package license (liquor/wine)	\$656
9.	NQ-1 retail drink license (nonquota)	\$2,000
10.	NQ-2 retail drink license (nonquota)	\$630
11.	NQ-3 retail drink license (nonquota)	\$300
12.	NQ-4 retail malt beverage drink license (Nonquota) beer license	\$200
	The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).	
12a.	Secondary NQ malt beverage "Retail package" license **	\$50
13.	NQ-retail malt beverage package license (nonquota) beer license	\$200
	The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50).	
13a.	Secondary NQ-4 malt beverage "Retail drink" license **	\$50
14.	Supplemental bar license NQ-2 retail drink license supplemental bar Quota retail drink license supplemental bar NQ-3 retail drink license supplemental bar	\$1,000 \$1,000 \$300
	The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.	
15.	Extended hours supplemental license	\$2,000
16.	Bottle house/bottling house storage license	\$1,000
17.	Special temporary license	\$50
18.	Special temporary distilled spirits and wine Auction license	\$50
19.	Caterer's license	\$800
20.	Special Sunday retail drink license	\$300

21.	Quota retail drink license (QD)	\$1,000
<p>* These license types have one (1) or two (2) year licensing renewal option available.</p> <p>** The qualifying holder of either type of retail malt beverage (Beer) licenses (either NQ-4 Retail Malt Beverage Drink or the NQ-retail malt Beverage Package license) may add the second license for a reduced fee of \$50.00.</p>		

(Ord. 2013-10, passed 12-9-13; Am. Ord. 2015-004, passed 4-13-15)

§ 117.06 ECONOMIC HARDSHIP AUTHORIZATION.

Under this section a non-quota retail drink license (NQ2) shall only be extended to the owners and/or operators of those establishments which qualify under KRS 243.072 and KRS 243.084, as amended and under those further requirements set forth below:

(A) A "Nonquota type 2" or "NQ2" retail drink license may be issued to:

(1) A hotel that:

- (a) Contains at least fifty (50) sleeping units;
- (b) Contains dining facilities for at least fifty (50) persons; and
- (c) Receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food.

(2) A restaurant with a minimum seating for fifty (50) consumers at tables.

(B) A qualifying hotel or restaurant holding an NQ2 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. An NQ2 retail drink license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package. The holder of an NQ2 retail drink license shall comply with the requirements of KRS 243.250.

(C) An NQ2 retail drink license shall not be issued to any restaurant or any dining facility in a hotel, unless the applicant can demonstrate to the director or administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total food and alcoholic beverage receipts of the restaurant or dining facility for the license period.

(D) Nothing contained herein shall be in any way interpreted or construed to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a restaurant or dining facility set out hereinabove.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13; Am. Ord. 2015-004, passed 4-13-15; Am. Ord. 2015-012, passed 1-11-16)

§ 117.07 SPECIAL TEMPORARY LICENSES.

(A) Special temporary license.

(1) Pursuant to KRS 243.260, a special temporary license may be issued to any regularly organized fair, exposition, racing association, or other party, when in the opinion of the City ABC Administrator a necessity therefor exists. The licensee may exercise the privileges of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply.

(2) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, reception, reunions, or similar occasions.

(B) Special temporary distilled spirits and wine auction license.

(1) A special temporary distilled spirits and wine auction license may be issued to a charitable organization, upon the payment of the fee set forth above and upon satisfaction of the requirements prescribed by administrative regulation promulgated by the department.

(2) A special temporary distilled spirits and wine auction license shall authorize the charitable organization to:

(a) Purchase, transport, receive, possess, store, sell, and deliver distilled spirits and wine to be sold at auction in the manner prescribed by administrative regulation promulgated by the department;

(b) Obtain distilled spirits and wine from distillers, rectifiers, wineries, wholesalers, distributors, retailers, or any other person, by gift or donation, for the purpose of charity auctions in the manner prescribed by administrative regulation promulgated by the department; and

(c) Receive payment for distilled spirits and wine sold at auctions in the manner prescribed by administrative regulation promulgated by the department.

(3) Each distilled spirits and wine auction conducted by a charitable organization shall be subject to all restrictions and limitations contained in KRS Chapters 241 to 244 and the administrative regulations issued under those chapters and shall be authorized only on the days and only during the hours that the sale of alcoholic beverages is otherwise authorized within the City.

(4) The location at which the distilled spirits and wine are auctioned under this section shall not constitute a public place for the purpose of KRS Chapter 222. Distilled spirits and wine auctions may be conducted on licensed or unlicensed premises. The charitable organization possessing a special temporary distilled spirits and wine auction license shall post a copy of the license at the location of the auction. During this period not more than one (1) auction shall be held.

(5) A special temporary distilled spirits and wine auction license shall not be issued for any period longer than thirty (30) days. During this period not more than one (1) auction shall be held.

(6) Notwithstanding any other provision of KRS Chapters 241 to 244, a distiller, rectifier, winery, wholesaler, distributor, or retailer may donate, give away, or deliver any of its products to a charitable organization possessing a special temporary distilled spirits and wine auction license under this section.

(7) All restrictions and prohibitions applying to a distilled spirits and wine retail package and distilled spirits and wine by the drink license, not inconsistent with this section, shall apply to a special temporary distilled spirits and wine auction license.

(C) Private club license – (NQ3). An “Nonquota type 3” or “NQ3” retail drink license may be issued to private club in existence for longer than one (1) year prior to the license application. An NQ3 retail drink

license issued to a private club shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee, at the designated premises if the general public is excluded.

(Ord. 2013-10, passed 12-9-13)

§ 117.08 LICENSE APPLICATION, FORM OF LICENSE AND POSTING.

(A) All persons, businesses or entities meeting the criteria set forth in KRS 243.100 and who are required to seek a City of Lawrenceburg ABC License shall submit a completed copy of the State ABC application to the City ABC Administrator.

(B) Applicants for a license under this chapter shall pay the license fee as set forth in Section 117.05 herein. Any license issued after July 1 of any year shall be assessed the full fee for such license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(C) The applicant for a city license for which provision is made herein shall tender with its application a consent document which shall state:

“The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time.”

(D) Pursuant to KRS 243.670, the license fee for every license authorized in this chapter shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued under those sections.

(E) Pursuant to KRS 243.620, before commencing or doing any business for the time for which a license has been issued, all licenses issued under this Chapter shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

(F) The renewal by the City Administrator of the certificate or permit of any alcoholic beverage license shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.09 APPROVAL OF APPLICATION.

Within thirty (30) days of the date of the application for an original city license for which provision is made herein and fifteen (15) days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

(Ord. 2003-13, passed 9-8-03)

§ 117.10 DENIAL OF APPLICATION.

(A) Pursuant to KRS 243.450, a license authorized to be issued herein shall be refused if:

(1) If the applicant or the premises for which the license is sought does not comply fully with all alcoholic beverage control statutes and the regulations of the State ABC Board.

(2) If the applicant or the premises for which the license is sought does not comply with all regulations of a City ABC Administrator and with all alcoholic beverage control statutes and the regulations of the City of Lawrenceburg;

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

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

(B) A license that might be issued hereunder, may be refused by a the City ABC Administrator for any reason which the Administrator, in the exercise of his or her sound discretion, deems sufficient. Among those factors that the Administrator shall consider in the exercise of his or her discretion are: public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.11 HEARINGS.

Should a request for a hearing be made regarding the refusal to issue or renew a license or for the suspension or revocation of a license, and if the City Administrator elects to hold such hearing, said hearing is to be held in a manner consistent with KRS Chapter 13B and pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(A) Definitions. All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified.

(B) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board.

(C) Briefs. Briefs may be filed at the request of the City ABC Administrator, or at the option of the applicant or licensee.

(D) Notice.

(1) The hearing shall be conducted as soon as practicable and notice of the hearing shall be given to the parties not less than twenty (20) days in advance of the date set for the hearing, unless otherwise required by law. The City ABC Administrator shall make reasonable effort to schedule a hearing on a date that is convenient to the parties involved.

(2) The notice required by subsection (1) of this section shall be served on the requesting party by certified mail, return receipt requested, sent to the last known address of the party, or by personal service. Service by certified mail shall be complete upon the date on which the agency receives the return receipt or the returned notice.

(3) The notice required by this section shall be in plain language and shall include:

(a) A statement of the date, time, place, and nature of the hearing;

(b) The name, official title, and mailing address of the City ABC Administrator;

(c) The names, official titles, mailing addresses, and, if available, telephone numbers of all parties to the hearing, including the counsel or representative of the agency;

(d) A statement of the factual basis for the refusal to issue or renew, along with a statement of issues involved, in sufficient detail to give the parties reasonable opportunity to prepare evidence and argument;

(e) A reference to the specific statutes and administrative regulations which relate to the issues involved and the procedure to be followed in the hearing;

(f) A statement advising the person of his right to legal counsel;

(g) A statement of the parties' right to examine, at least five (5) days prior to the hearing, a list of witnesses the parties expect to call at the hearing, any evidence to be used at the hearing and any exculpatory information in the agency's possession; and

(h) A statement advising that any party who fails to attend or participate as required at any stage of the hearing process may be held in default under this chapter.

(4) If the City ABC Administrator decides not to conduct a hearing in response to a request, the Administrator shall notify the requesting party of his or her decision in writing, with a brief statement of the Administrator's reasons and of any judicial or other review which may be available to the requesting party.

(E) Rules of Evidence. The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided, however, that the hearing officer may relax such rules in any case where, in his judgment, the ends of justice will be better served by so doing.

(F) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas.

(G) Transcripts. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

(H) Decisions. All decisions shall be written and based upon evidence developed at the hearing.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.12 EXPIRATION DATE OF LICENSE; RENEWAL.

(A) License Expiration: A license issued pursuant to this chapter shall expire in the month of June in the year next following the year in which the license was issued, unless an extended period is specifically authorized herein. Licenses of all durations shall expire on the last day of June.

(B) Application for the renewal of a license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 117.09. A renewal license shall be issued only upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of the license fee as set forth in Section 117.05 herein.

(1) Pursuant to KRS 243.090, all licenses issued by the City ABC Administrator, except those licenses listed below in subsection (2) of this section, shall be valid for a period of no more than a year.

(2) The following licenses shall be valid for the period of time stated in this subsection or elsewhere in this chapter.

(a) Special event licenses.

(b) Temporary licenses.

(c) All alcoholic beverage producers, wholesalers, or distributors may obtain or renew their licenses for either a one (1) year term or a two (2) year term.

(C) The renewal of the license issued pursuant to this chapter shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.13 PROHIBITION AGAINST MINORS WHERE ALCOHOL IS SOLD.

(A) Except as provided in KRS 24.087 and 244.090, a licensee, or his or her agents, servants, or employees shall not permit any person under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises, unless the usual and customary business of the establishment is a hotel, motel, restaurant, convention center, convention hotel complex, racetrack, simulcast facility, golf course, private club, fair church school athletic complex, athletic arena, theater, small farm winery, distillery or brewery or winery tour, convenience store, grocery store, drug store or similar establishment.

(B) A licensee operating a restaurant under a quota retail drink license (QD) shall not permit any person under twenty-one (21) years of age to remain on any premises unless such licensee receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food as reported to the local ABC Administrator on the "Monthly ABC Regulatory Report - NQ-2 Retail Drink - Quota Retail Drink (Restaurant)" form.

(Ord. 2015-012, passed 1-11-16)

§ 117.14 HOURS OF OPERATION; SUNDAY SALES.

(A) Pursuant to KRS 244.290 and KRS 244.480, no licensee is permitted to sell any alcoholic beverage between the hours of 1:30 a.m. and 6:30 a.m., Monday through Saturday, nor between the hours of 1:30 a.m. Sunday and 6:30 a.m. Monday, unless specifically authorized to do so by this section.

(B) No licensee authorized under § 117.06 may sell any alcoholic beverage at any time when the licensee does not have food available for sale.

(C) Restaurants, hotels and motels which have obtained all appropriate licenses and which are in compliance with all applicable statutory regulations governing the sale of alcoholic beverages by such entities, including the procurement of a local Sunday sales license, may sell such alcoholic beverages as they are otherwise licensed to sell, on Sunday between the hours of 12:00 p.m. and 1:30 a.m. Monday, under such other conditions and restrictions as apply.

(D) A licensee operating a restaurant under a quota retail drink license (QD), may obtain a Sunday sales licenses for the sale of alcoholic beverages on Sunday between the hours of 12:00 p.m. and 1:30 a.m. Monday but may operate thereunder only if such licensee receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food as reported to the local ABC Administrator on the "Monthly ABC Regulatory Report - NQ-2 Retail Drink - Quota Retail Drink (Restaurant)" form.

(E) A licensee operating under a limited golf course license may obtain a Sunday sales license and may operate thereunder on Sunday between the hours of 12:00 p.m. and 1:30 a.m. Monday.

(Ord. 2015-012, passed 1-11-16)

§ 117.15 REGULATORY LICENSE FEE.

(A) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee upon the gross receipts of sale of alcoholic beverages of each establishment licensed in the city to sell alcoholic beverages.

(B) The regulatory license fee authorized hereby shall be established at a rate that will generate revenue that does not exceed the total of the reasonable expenses actually incurred by the city in the immediately previous fiscal year for the additional cost, as demonstrated by reasonable evidence, of:

- (1) Policing;
- (2) Regulation; and
- (3) Administration, as a result of the sale of alcoholic beverages within the city.

(C) The regulatory license fee established hereby shall become continuously effective on the first day of January, 2016 and shall apply thereafter to each establishment licensed in the city to sell alcoholic beverages.

(D) In the first year of effectiveness (FY 2016), the rate of the regulatory license fee shall be set pursuant to KRS 243.075(5). The regulatory license fee for Fiscal Year 2017 is established at the rate of five percent (5%) of the gross receipts of sale of alcoholic beverages of each establishment licensed in the city to sell alcoholic beverages.

(E) (1) Beginning in Fiscal Year 2016-2017 and continuing thereafter, the regulatory license fee rate for each fiscal year shall be established according to the requirements set forth in division (B) above. Pursuant to said requirements, the City Council may in conjunction with the adoption of the city budget, annually establish the rate at which the regulatory license fee shall be applied.

(2) Failure by the City Council to establish the rate for the regulatory license fee by the first day of any fiscal year shall result in the automatic setting of such rate, for that fiscal year, at such rate as was applied in the immediately preceding fiscal year.

(F) (1) Every establishment licensed in the city to sell alcoholic beverages shall collect the regulatory license fee on a monthly basis and shall:

(a) Fully and accurately complete a city ABC Regulatory Fee return, on such form as shall be supplied by the city, reflecting the monthly gross receipts for the sale of alcoholic beverages for such establishment and the regulatory fee due thereon;

(b) Reporting. Deliver the completed quarterly return and all fees collected hereunder to the city on a quarterly basis, no later than the 30th day of the month next following the end of the quarter.

1. First quarter: July, August, September - Return due no later than October 30th;
2. Second quarter: October, November, December - Return due no later than January 30th;
3. Third quarter: January, February, March - Return due no later than April 30th; and
4. Fourth quarter: April, May, June - Return due no later than July 30th.

(2) A penalty, payable by the licensed establishment shall be assessed for failure to either file a return or to deliver all collected fees as required herein. Said penalty shall be the greater of fifty dollars (\$50) per month for each month of non-compliance, or an amount equal to five percent (5%) of the regulatory fee due for each month or months for which a return was not filed or the regulatory fee was not collected and/or delivered.

(3) Failure by any establishment licensed in the city to sell alcoholic beverages to either collect the regulatory license fee, or to deliver the completed return and fees to the city within ten (10) days of the due date shall additionally constitute a violation of the city ABC regulations and shall subject the licensee to possible license suspension or revocation.

(G) All revenue received from the imposition of the regulatory license fee authorized by this section, shall be:

- (1) Deposited into a segregated fund established by the city;
- (2) Spent only in accordance with the requirements of the Kentucky Revised Statutes and this section; and
- (3) Audited under an annual audit performed pursuant to KRS 43.070, 64.810, and 91A.040.

(H) The regulatory license fee shall be in addition to any other fees or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fee imposed by the city pursuant to KRS 243.060 and KRS 243.070.

(Ord. 2015-005, passed 9-14-15; Am. Ord. 2016-005, passed 6-13-16)

§ 117.99 PENALTY.

The sale of alcoholic beverages by the drink for consumption on the premises within the city not in conformity with this chapter shall constitute a violation, punishable by a fine of up to five hundred dollars (\$500) for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.

(Ord. 2003-13, passed 9-8-03)

AN ORDINANCE AMENDING THE CITY OF LAWRENCEBURG
ALCOHOLIC BEVERAGE CONTROL ORDINANCES TO COMPLY
WITH NEWLY ENACTED STATE REGULATIONS

2013-10

WHEREAS, the legislature for the Commonwealth of Kentucky has recently revised its statutes and regulations regarding the control, sale, licensing and distribution of alcoholic beverages;

WHEREAS, it is incumbent upon the City of Lawrenceburg to amended and revise its Code of Ordinances so that such Code will not be in conflict with duly enacted statutes and regulations of the Commonwealth;

NOW THEREFORE be it ordained by the City Council of the City of Lawrenceburg as follows:

SECTION I: The sub-title to Title XI, Chapter 117, "ALCOHOLIC BEVERAGES" is hereby amended and shall read "ALCOHOLIC BEVERAGE CONTROL."

SECTION II: That Title XI, chapter 117, Sections 117.01 through 117.99 shall be amended as follows and new sections shall be created as follows:

Section 117.01 PURPOSE.

It is the purpose of this chapter to promote economic growth, development, and tourism within the city by making provision for the manufacture, distribution and sale of alcoholic beverages ~~by the drink at certain restaurants, dining facilities, hotels, motels, and inns~~ in an manner which is consistent with the provisions established in the Kentucky Revised Statutes of ~~KRS 242.185~~ now in effect and as may be hereafter amended by the Kentucky General Assembly.

Section 117.02 ALCOHOLIC BEVERAGE CONTROL LAWS. (No Change)

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, except as otherwise lawfully provided herein.

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Section 117.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

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

(B) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Board of Council.

(C) The City ABC Administrator shall have full police powers of a peace officer and his/her jurisdiction shall be coextensive with the boundaries of the city.

(D) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(E) ~~The City ABC Administrator shall have the power and duty to suspend or revoke for cause a license granted for the purposes of KRS 242.185~~ **Pursuant to KRS 241.190, the functions of the City ABC Administrator shall be the same with respect to city licenses and regulations as the functions of the State ABC Board with respect to state licenses and regulations, except that no regulation adopted by a city administrator may be less stringent than the statutes relating to alcoholic beverage control or than the regulations of the board.**

The City ABC Administrator, on his/her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this chapter. **The City ABC Administrator may suspend a license for any cause for which the State ABC Board is authorized to exercise its discretion as to revoking a license.**

Section 117.04 CITY LICENSES

§ 117.04.01 LICENSE REQUIREMENT: (NEW) Any person, business, or entity meeting the criteria set forth in KRS 243.100 and seeking to engage in the production, manufacture, sale, trafficking, transfer, delivery, or provision of alcoholic beverages within the corporate limits of the City of Lawrenceburg, shall obtain and maintain such license as is provided for herein and which is appropriate for the specific business practices of such individual or entity.

The City licenses established hereby, as authorized by KRS 243.070 and all other applicable statutes, as amended, shall bear a fee as set forth below. In the event that KRS 243.070 or other applicable statutes are in the future amended to authorize additional licenses which may be issued by the City, such licenses shall be incorporated herein and the fee for such license shall be the maximum fee allowed by the statute as amended.

Section 117.04.02 ALCOHOLIC BEVERAGE LICENSES & FEES: (NEW)

License type(s)	Fee
1. Distiller's License *	\$500
2. Rectifiers License *	\$3,000
3. Brewer's License *	\$500
4. Microbrewery License*	\$500
5. Brew-on-Premises License	\$100
6. Wholesaler's License *	\$3,000
7. Distributor's License *	\$400
8. Quota Retail Package License (Liquor/Wine)	\$656
9. NQ-1 Retail Drink License (nonquota)	\$2,000
10. NQ-2 Retail Drink License (nonquota)	\$630
11. NQ-3 Retail Drink License (nonquota)	\$300
12. NQ-4 Retail Malt Beverage Drink License (nonquota) Beer License	\$200
<u>The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).</u>	
12a. Secondary NQ Malt Beverage "Retail Package" License **	\$50
13. NQ-Retail malt Beverage Package License (nonquota) Beer License	\$200
<u>The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50).</u>	
13a. Secondary NQ-4 Malt Beverage "Retail Drink" License **	\$50
14. Supplemental Bar License	
NQ-2 Retail Drink License Supplemental Bar	\$1,000
Quota Retail Drink License Supplemental Bar	\$1,000
NQ-3 Retail Drink License Supplemental Bar	\$300

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

<u>15. Extended Hours Supplemental License</u>	<u>\$2,000</u>
<u>16. Bottle House/Bottling House Storage License</u>	<u>\$1,000</u>
<u>17. Special Temporary License</u>	<u>\$50</u>
<u>18. Special Temporary Distilled Spirits and Wine Auction License</u>	<u>\$50</u>
<u>19. Caterer's License</u>	<u>\$800</u>
<u>20. Special Sunday Retail Drink License</u>	<u>\$300</u>

* These license types have one (1) or two (2) year licensing renewal option available.

** The qualifying holder of either type of retail malt beverage (Beer) licenses (either NQ-4 Retail Malt Beverage Drink or the NQ-retail malt Beverage Package license) may add the second license for a reduced fee of \$50.00.

Section 117.04 is renamed as follows

~~Section 117.04~~ **Section 117.04.03. ECONOMIC HARDSHIP AUTHORIZATION:** Under this section a **Non-Quota Retail Drink License (NQ2)** license shall only be extended to the owners and/or operators of those establishments which qualify under ~~KRS 242.185~~. **KRS 243.072 as amended and under those further requirements set forth below:**

(1) A "Nonquota type 2" or "NQ2" retail drink license may be issued to:

(a) A hotel that:

1. Contains at least fifty (50) sleeping units;
2. Contains dining facilities for at least one hundred (100) persons; and
3. Receives from its total food and beverage sales at least fifty-one percent (51%) of its gross receipts from the sale of food;

(b) A restaurant with a minimum seating for one hundred (100) consumers at tables.

(2) A qualifying hotel, restaurant with seating for at least one hundred (100) consumers at tables holding an NQ2 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. An NQ2 retail drink license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package. The holder of an NQ2 retail drink license shall comply with the requirements of KRS 243.250.

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

(+) **(A)** Such restaurants or dining facilities shall by records sufficient to establish to the City ABC Administrator that it derives a minimum of fifty-one percent (51%) of its gross revenues from the sale of food for consumption on the premises and has a minimum seating capacity of one hundred (100) persons at tables. The City ABC Administrator shall review all records which the applicant restaurant or dining facility must submit as a part of its application for a license, and the City ABC Administrator shall determine if said restaurant or dining facility meets the criteria contained herein.

~~(B) Hotels, motels, or inns shall be eligible for the license for which provision is made herein if they comply with all of the following requirements:~~

(+) **(B)** Such hotel, motel, or inn must demonstrate to the City ABC Administrator that it contains not less than fifty (50) sleeping units and has dining facilities for not less than one hundred (100) persons at tables. The City ABC Administrator shall personally inspect the premises and thereafter determine that in fact the applicant hotel, motel, or inn has the requisite number of sleeping units and dining facilities.

(-) **(3)** Nothing contained herein shall be in any way interpreted or construed to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a restaurant or dining facility set out hereinabove.

(4) ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE, SUNDAY SALES.

At no time shall any licensee, **authorized under Section 117.04.03** sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 1:30 and 6:30 a.m., Monday through Saturday, nor between 1:30 a.m. and 12:30 p.m. Sunday.

Section 117.04.05: SPECIAL TEMPORARY LICENSES: (NEW)

(A) SPECIAL TEMPORARY LICENSE:

(1) Pursuant to KRS 243.260, a special temporary license may be issued to any regularly organized fair, exposition, racing association, or other party, when in the opinion of the City ABC Administrator a necessity therefor exists. The licensee may exercise the privileges of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply.

(2) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, reception, reunions, or similar occasions.

(B) SPECIAL TEMPORARY DISTILLED SPIRITS AND WINE AUCTION LICENSE:

(1) A special temporary distilled spirits and wine auction license may be issued to a charitable organization, upon the payment of the fee set forth above and upon satisfaction of the requirements prescribed by administrative regulation promulgated by the department.

(2) A special temporary distilled spirits and wine auction license shall authorize the charitable organization to:

(a) Purchase, transport, receive, possess, store, sell, and deliver distilled spirits and wine to be sold at auction in the manner prescribed by administrative regulation promulgated by the department;

(b) Obtain distilled spirits and wine from distillers, rectifiers, wineries, wholesalers, distributors, retailers, or any other person, by gift or donation, for the purpose of charity auctions in the manner prescribed by administrative regulation promulgated by the department; and

(c) Receive payment for distilled spirits and wine sold at auctions in the manner prescribed by administrative regulation promulgated by the department.

(3) Each distilled spirits and wine auction conducted by a charitable organization shall be subject to all restrictions and limitations contained in KRS Chapters 241 to 244 and the administrative regulations issued under those chapters and shall be authorized only on the days and only during the hours that the sale of alcoholic beverages is otherwise authorized within the City.

(4) The location at which the distilled spirits and wine are auctioned under this section shall not constitute a public place for the purpose of KRS Chapter 222. Distilled spirits and wine auctions may be conducted on licensed or unlicensed premises. The charitable organization possessing a special temporary distilled spirits and wine auction license shall post a copy of the license at the location of the auction. During this period not more than one (1) auction shall be held.

(5) A special temporary distilled spirits and wine auction license shall not be issued for any period longer than thirty (30) days. During this period not more than one (1) auction shall be held.

(6) Notwithstanding any other provision of KRS Chapters 241 to 244, a distiller, rectifier, winery, wholesaler, distributor, or retailer may donate, give away, or deliver any of its products to a charitable organization possessing a special temporary distilled spirits and wine auction license under this section.

(7) All restrictions and prohibitions applying to a distilled spirits and wine retail package and distilled spirits and wine by the drink license, not inconsistent with this section, shall apply to a special temporary distilled spirits and wine auction license.

(C) PRIVATE CLUB LICENSE – (NQ3)

An "Nonquota type 3" or "NQ3" retail drink license may be issued to private club in existence for longer than one (1) year prior to the license application. An NQ3 retail drink license issued to a private club shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee, at the designated premises if the general public is excluded.

Section 117.05 LICENSE APPLICATION, FORM OF LICENSE AND POSTING:

(A) ~~Representatives of restaurants, dining facilities, hotels, motels, or inns~~ **All persons, businesses or entities meeting the criteria set forth in KRS 243.100 and who are required to seek a City of Lawrenceburg ABC License** and seeking the license for which provision is made herein, shall submit a completed copy of the State ABC application to the City ABC Administrator.

(B) Applicants for a license under this chapter shall pay a ~~the~~ **license fee as asset forth in Section 117.04.02 herein.** ~~of six hundred dollars (\$600).~~ Any license issued after July 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. ~~However, the cost of any license shall not be less than that for a period of six (6) months.~~ **the full fee for such license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.**

(C) The applicant for a city license for which provision is made herein shall tender with its application a consent document which shall state:

“The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time.”

(D) Pursuant to KRS 243.670, the license fee for every license authorized in this chapter shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued under those sections.

(E) Pursuant to KRS 243.620, before commencing or doing any business for the time for which a license has been issued, all licenses issued under this Chapter shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. No licensee

shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

(F) The renewal by the City Administrator of the certificate or permit of any alcoholic beverage license shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

§ 117.06 APPROVAL OF APPLICATION. No change

Within thirty (30) days of the date of the application for an original city license for which provision is made herein and fifteen (15) days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

Section 117.07 DENIAL OF APPLICATION.

~~As is similarly set forth in KRS 243.450, the City ABC Administrator shall not approve any application for a city license for which provision is made herein if:~~

~~(A) The applicant, the application or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages.~~

~~(B) The applicant and any shareholder, officer, agent, servant, or employee has caused, permitted, or engaged in any act for which the revocation or nonissuance of a state or city license is authorized, including, but not limited to, those acts as are defined by KRS 243.100, 243.450, 243.500, or 244.120.~~

~~(C) The applicant and/or any shareholder, officer, agent, servant, or employee had a state license or city license which was revoked within two years of the date of application, where the premises or any portion thereof described in a state license or city license was revoked during such time.~~

~~(D) Any statement or representation in the application is false.~~

(1) Pursuant to KRS 243.450, a license authorized to be issued herein shall be refused if :

(a) If the applicant or the premises for which the license is sought does not comply fully with all alcoholic beverage control statutes and the regulations of the State ABC Board.

(b) If the applicant or the premises for which the license is sought does not comply with all regulations of a City ABC Administrator and with all alcoholic beverage control statutes and the regulations of the City of Lawrenceburg;

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

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

(2) A license that might be issued hereunder, may be refused by a the City ABC Administrator for any reason which the Administrator, in the exercise of his or her sound discretion, deems sufficient. Among those factors that the Administrator shall consider in the exercise of his or her discretion are: public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

§ 117.08 HEARINGS.

Should a request for a hearing be made ~~for~~ **regarding** the refusal to issue or renew a license or for the suspension or revocation of a license, ~~the City ABC Administrator,~~ **and if the City Administrator elects to hold such hearing, said hearing** is to **be held in a manner** ~~hold said hearing~~ consistent with KRS Chapter 13B and pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(A) Definitions. All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified.

(B) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board.

(C) Briefs. Briefs may be filed at the request of the City ABC Administrator, or at the option of the applicant or licensee.

(D) Notice (1) The hearing shall be conducted as soon as practicable and notice of the hearing shall be given to the parties not less than twenty (20) days in advance of the date set for the hearing, unless otherwise required by law. The City ABC Administrator shall make reasonable effort to schedule a hearing on a date that is convenient to the parties involved.

(2) The notice required by subsection (1) of this section shall be served on the requesting party by certified mail, return receipt requested, sent to the last known address of the party, or by personal service. Service by certified mail shall be complete upon the date on which the agency receives the return receipt or the returned notice.

(3) The notice required by this section shall be in plain language and shall include:

(a) A statement of the date, time, place, and nature of the hearing;

(b) The name, official title, and mailing address of the City ABC Administrator;

(c) The names, official titles, mailing addresses, and, if available, telephone numbers of all parties to the hearing, including the counsel or representative of the agency;

(d) A statement of the factual basis for the refusal to issue or renew, along with a statement of issues involved, in sufficient detail to give the parties reasonable opportunity to prepare evidence and argument;

(e) A reference to the specific statutes and administrative regulations which relate to the issues involved and the procedure to be followed in the hearing;

(f) A statement advising the person of his right to legal counsel;

(g) A statement of the parties' right to examine, at least five (5) days prior to the hearing, a list of witnesses the parties expect to call at the hearing, any evidence to be used at the hearing and any exculpatory information in the agency's possession; and

(h) A statement advising that any party who fails to attend or participate as required at any stage of the hearing process may be held in default under this chapter.

(4) If the City ABC Administrator decides not to conduct a hearing in response to a request, the Administrator shall notify the requesting party of his or her decision in writing, with a brief statement of the Administrator's reasons and of any judicial or other review which may be available to the requesting party.

(D) Rules of Evidence. The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided, however, that the hearing officer may relax such rules in any case where, in his judgment, the ends of justice will be better served by so doing.

(E) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas.

(F) Transcripts. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

(G) Decisions. All decisions shall be written and based upon evidence developed at the hearing.

Section 117.09 EXPIRATION DATE OF LICENSE; RENEWAL.

(A) **License Expiration:** A license issued pursuant to this chapter shall expire ~~on~~ **in the month of June in the year next following** ~~June 30 of the year following the year in which the license was issued,~~ **unless an extended period is specifically authorized herein. Licenses of all durations shall expire on the last day of June.**

(B) Application for **the** renewal of ~~such a~~ license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 117.06. **A renewal license shall be** issued only upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of ~~a renewal fee of six hundred dollars (\$600)~~ **the license fee as set forth in Section 117.04.02 herein.**

(1) Pursuant to KRS 243.090, all licenses issued by the City ABC Administrator, except those licenses listed below in subsection (2) of this section, shall be valid for a period of no more than a year.

(2) The following licenses shall be valid for the period of time stated in this subsection or elsewhere in this chapter.

a. Special Event Licenses

b. Temporary Licenses

c. All alcoholic beverage producers, wholesalers, or distributors may obtain or renew their licenses for either a one (1) year term or a two (2) year term.

(C) The renewal of the license issued pursuant to this chapter shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

§ 117.10 REGULATORY LICENSE.—Leave Section 117.10 open for future use.

(A) ~~For the purpose of full reimbursement to the city of the cost of any police, regulatory, legal, or administrative expenses related to the sale of alcoholic beverages for which provision is made herein, a regulatory license fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued. The amount of this fee shall be adjusted from time to time~~

by ordinance so that the same shall be reasonably estimated to insure full reimbursement to the city of the police, regulatory, administrative, or legal expenses herein referred to. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law. Said license fee shall be five percent (5%) of all sales of alcoholic beverages by the drink for consumption on the premises.

(B) The Board of Council shall adopt at the beginning of each budget period for each fiscal year such a percentage rate as shall be reasonably estimated to insure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expenses relating to this chapter.

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

(D) Failure to pay the monthly remittance within ten (10) days after the due date shall constitute a violation of this chapter, and in addition, shall constitute grounds for an immediate thirty (30) day suspension of the license for which provision is made herein.

(Ord. 2003-13, passed 9-8-03)

Section 117.11 ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE, SUNDAY SALES. Moved to Section 117.04.03(4)

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

Leave Section 117.11 open for future use.

Section 117.12 DORMANCY.

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

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

(C) Except that the provisions of division (A) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license

~~period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal day but may be for such times as the City ABC Administrator deems appropriate in exercise of his or her sound discretion.~~

~~(D) All renewal licenses must be on file with the City ABC Administrator as provided for in § 117.10 hereinabove except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than thirty (30) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.~~

~~(Ord. 2003-13, passed 9-8-03)~~

§ 117.99 PENALTY.

The sale of alcoholic beverages by the drink for consumption on the premises within the city not in conformity with this chapter shall constitute a violation, punishable by a fine of up to five hundred dollars (\$500) for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.

(Ord. 2003-13, passed 9-8-03)

Section III: This ordinance shall become effective upon its passage and advertisement according to law.

PASSED AND APPROVED by the Board of Council of the City of Lawrenceburg, Kentucky at a regular meeting on this the _____ day of _____, 2013, with the Yea and Nay votes of the Board of Council as follows:

	Yea	Nay
Robert Goodlett	_____	_____
Thomas Vaughn	_____	_____
Larry Giles	_____	_____
Bobby G. Durr	_____	_____
Ken Evans	_____	_____
George Geoghegan, III	_____	_____

Given First Reading and Passed on 2013

Given Second Reading and Passed on 2013

Published in The Anderson News on 2013

Approved:



Edwinna Baker, Mayor
City of Lawrenceburg

Attest:



Robbie T. Fume, City Clerk
City of Lawrenceburg

AN ORDINANCE RELATING TO ALCOHOOLIC BEVERAGES IN THE CITY OF LAWRENCEBURG, KENTUCKY

2007- 07

WHEREAS, it is beneficial to the interests of all persons within the City of Lawrenceburg to encourage economic development and encourage business and commerce and ;

WHEREAS, certain local businesses are at a disadvantage because of limitations currently imposed within the City of Lawrenceburg and not imposed by surrounding jurisdictions;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF LAWRENCEBURG convened in regular session on this the 13th day of August, 2007 as follows:

Section One: Section 117.11 of the Ordinances of the City of Lawrenceburg is amended to read as follows:

At no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 1:30 a.m. and 6:30 a.m., Monday through Sunday nor between 12:00 a.m. (midnight) on Saturday and 6:30 a.m. on Monday 1:30 a.m. and 12:30 p.m. Sunday.

Section Two: This Ordinance shall be in full force and effect from and after the passage, approval, attestation, and publication on this Ordinance as required by law.

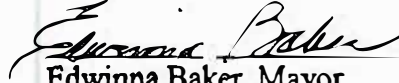
PASSED AND APPROVED by the Board of Council of the City of Lawrenceburg, Kentucky at a regular business meeting on this the 13th day of August, 2007, with the Yea and Nay votes of the Board of Council as follows:

	Yea	Nay
Rose Cunningham	_ X _	_____
Bobby G. Durr	_____	_ X _
Ken Evans	_ X _	_____
Larry Giles	_ X _	_____
Robert Goodlett	_ X _	_____
Brenda Gritton	_ X _	_____

Given First Reading and Passed on December 11, 2006 *
**(First reading given under prior designation 2006-19).*

Given Second Reading and Passed on August 13th, 2007.
Published in The Anderson News on August 22nd, 2007.

Approved:



Edwinna Baker, Mayor
City of Lawrenceburg

Attest:



Robbie T. Fume, City Clerk
City of Lawrenceburg

CHAPTER 117: ALCOHOLIC BEVERAGES

Section

117.01	Purpose
117.02	Alcoholic beverage control laws
117.03	City Alcoholic Beverage Control Administrator
117.04	License
117.05	License application
117.06	Approval of application
117.07	Denial of application
117.08	Hearings
117.09	Expiration date of license; renewal
117.10	Regulatory License
117.11	Additional restrictions on sale by licensee
117.12	Dormancy
117.99	Penalty

§ 117.01 PURPOSE.

It is the purpose of this chapter to promote economic growth, development, and tourism within the city by making provision for the sale of alcoholic beverages by the drink at certain restaurants, dining facilities, hotels, motels, and inns consistent with the provisions of KRS 242.185 now in effect and as may be hereafter amended by the Kentucky General Assembly.

(Ord. 2003-13, passed 9-8-03)

§ 117.02 ALCOHOLIC BEVERAGE CONTROL LAWS.

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, except as otherwise lawfully provided herein.

(Ord. 2003-13, passed 9-8-03)

§ 117.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

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

(B) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Board of Council.

(C) The City ABC Administrator shall have full police powers of a peace office and his/her jurisdiction shall be coextensive with the boundaries of the city.

(D) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(E) The City ABC Administrator shall have the power and duty to suspend or revoke for cause a license granted for the purposes of KRS 242.185. The City ABC Administrator, on his/her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this chapter.
(Ord. 2003-13, passed 9-8-03)

§ 117.04 LICENSE.

Under this section a license shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.185.

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

(1) Such restaurants or dining facilities shall by records sufficient to establish to the City ABC Administrator that it derives a minimum of fifty-one percent (51%) of its gross revenues from the sale of food for consumption on the premises and has a minimum seating capacity of one hundred (100) persons at tables. The City ABC Administrator shall review all records which the applicant restaurant or dining facility must submit as a part of its application for a license, and the City ABC Administrator shall determine if said restaurant or dining facility meets the criteria contained herein.

(B) Hotels, motels, or inns shall be eligible for the license for which provision is made herein if they comply with all of the following requirements:

(1) Such hotel, motel, or inn must demonstrate to the City ABC Administrator that it contains not less than fifty (50) sleeping units and has dining facilities for not less than one hundred (100) persons at tables. The City ABC Administrator shall personally inspect the premises and thereafter determine that in fact the applicant hotel, motel, or inn has the requisite number of sleeping units and dining facilities.

(C) Nothing contained herein shall be in any way interpreted or construed to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a restaurant or dining facility set out hereinabove.

(Ord. 2003-13, passed 9-8-03)

§ 117.05 LICENSE APPLICATION.

(A) Representatives of restaurants, dining facilities, hotels, motels, or inns seeking the license for which provision is made herein shall submit a completed application to the City ABC Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Board.

(B) Applicants for a license under this chapter shall pay a license fee of six hundred dollars (\$600). Any license issued after July 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six (6) months.

(C) The applicant for a city license for which provision is made herein shall tender with its application a consent document which shall state:

"The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time."

(Ord. 2003-13, passed 9-8-03)

§ 117.06 APPROVAL OF APPLICATION.

Within thirty (30) days of the date of the application for an original city license for which provision is made herein and fifteen (15) days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

(Ord. 2003-13, passed 9-8-03)

§ 117.07 DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the City ABC Administrator shall not approve any application for a city license for which provision is made herein if:

(A) The applicant, the application or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages.

(B) The applicant and any shareholder, officer, agent, servant, or employee has caused, permitted, or engaged in any act for which the revocation or nonissuance of a state or city license is authorized, including, but not limited to, those acts as are defined by KRS 243.100, 243.450, 243.500, or 244.120.

(C) The applicant and/or any shareholder, officer, agent, servant, or employee had a state license or city license which was revoked within two years of the date of application, where the premises or any portion thereof described in a state license or city license was revoked during such time.

(D) Any statement or representation in the application is false.
(Ord. 2003-13, passed 9-8-03)

§ 117.08 HEARINGS.

Should a request for a hearing be made for the refusal to issue or renew a license or for the suspension or revocation of a license, the City ABC Administrator is to hold said hearing consistent with KRS Chapter 13B and pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(A) Definitions. All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified.

(B) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board.

(C) Briefs. Briefs may be filed at the request of the City ABC Administrator, or at the option of the applicant or licensee.

(D) Rules of Evidence. The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided, however, that the hearing officer may relax such rules in any case where, in his judgment, the ends of justice will be better served by so doing.

(E) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas.

(F) Transcripts. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

(G) Decisions. All decisions shall be written and based upon evidence developed at the hearing.
(Ord. 2003-13, passed 9-8-03)

§ 117.09 EXPIRATION DATE OF LICENSE; RENEWAL.

(A) A license issued pursuant to this chapter shall expire on June 30 of the year following the year in which the license was issued. Application for renewal of such license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to § 117.06 upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of a renewal fee of six hundred dollars (\$600).

(B) The renewal of the license issued pursuant to this chapter shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(C) No license issued under this chapter shall be transferred or assigned either as to license or location except with the prior approval of the City ABC Administrator and not then until a payment of one hundred dollars (\$100) shall be made to the city.
(Ord. 2003-13, passed 9-8-03)

§ 117.10 REGULATORY LICENSE.

(A) For the purpose of full reimbursement to the city of the cost of any police, regulatory, legal, or administrative expenses related to the sale of alcoholic beverages for which provision is made herein, a regulatory license fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued. The amount of this fee shall be adjusted from time to time by ordinance so that the same shall be reasonably estimated to insure full reimbursement to the city of the police, regulatory, administrative, or legal expenses herein referred to. The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law. Said license fee shall be five percent (5%) of all sales of alcoholic beverages by the drink for consumption on the premises.

(B) The Board of Council shall adopt at the beginning of each budget period for each fiscal year such a percentage rate as shall be reasonably estimated to insure full reimbursement to the city for the cost of any additional policing, regulatory, or administrative expenses relating to this chapter.

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

(D) Failure to pay the monthly remittance within ten (10) days after the due date shall constitute a violation of this chapter, and in addition, shall constitute grounds for an immediate thirty (30) day suspension of the license for which provision is made herein.
(Ord. 2003-13, passed 9-8-03)

§ 117.11 ADDITIONAL RESTRICTIONS ON SALE BY LICENSEE.

At no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 1:30 and 6:30 a.m., Monday through Saturday, nor between 12:00 a.m. (midnight) on Saturday and 6:30 a.m. on Monday.
(Ord. 2003-13, passed 9-8-03)

§ 117.12 DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by the license for which provision is made herein or else

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

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

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

(D) All renewal licenses must be on file with the City ABC Administrator as provided for in § 117.10 hereinabove except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than thirty (30) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(Ord. 2003-13, passed 9-8-03)

§ 117.99 PENALTY.

The sale of alcoholic beverages by the drink for consumption on the premises within the city not in conformity with this chapter shall constitute a violation, punishable by a fine of up to five hundred dollars (\$500) for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.
(Ord. 2003-13, passed 9-8-03)

AN ORDINANCE TO ESTABLISH
UNIFORM REGULATIONS AND REQUIREMENTS
FOR THE LICENSING AND REGULATION OF THE
SALE OF ALCOHOLIC BEVERAGES BY THE DRINK

ORDINANCE 2003-13

WHEREAS, the Board of Council of the City of Lawrenceburg desires to provide for uniform regulations and requirements for the licensing and regulation of the sale of alcoholic beverages by the drink for consumption on the premises;

WHEREAS, the Board of Council of the City of Lawrenceburg has determined that an economic hardship exists within the City and that the sale of alcoholic beverages by the drink for consumption on the premises could aid economic growth and development and tourism within the City by making provision for the sale of alcoholic beverages by the drink at certain restaurants, dining facilities, hotels, motels, or inns;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNCIL OF THE CITY OF LAWRENCEBURG, KENTUCKY, convened in a regular meeting on the eleventh (11th) day of August, 2003, as follows:

Section 1 — PURPOSE.

It is the purpose of this Ordinance to promote economic growth, development, and tourism within the City of Lawrenceburg by making provision for the sale of alcoholic beverages by the drink at certain restaurants, dining facilities, hotels, motels, and inns consistent with the provisions of KRS 242.185 now in effect and as may be hereafter amended by the Kentucky General Assembly.

Section 2 — GENERAL PROVISIONS.

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

Section 3 — CITY ALCOHOLIC BEVERAGE
CONTROL ADMINISTRATOR.

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

(B) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Board of Council.

(C) The City ABC Administrator shall have full police powers of a peace office and his/her jurisdiction shall be coextensive with the boundaries of the City.

(D) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(E) The City ABC Administrator shall have the power and duty to suspend or revoke for cause a license granted for the purposes of KRS 242.185. The City ABC Administrator, on his/her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this Ordinance.

Section 4 — LICENSE.

Under this section a license shall only be extended to the owners and/or operators of those establishments which qualify under KRS 242.185.

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

(1) Such restaurants or dining facilities shall by records sufficient to establish to the City ABC Administrator that it derives a minimum of 51% of its gross revenues from the sale of food for consumption on the premises and has a minimum seating capacity of one hundred (100) persons at tables. The City ABC Administrator shall review all records which the applicant restaurant or dining facility must submit as a part of its application for a license, and the City ABC Administrator

shall determine if said restaurant or dining facility meets the criteria contained herein.

(B) Hotels, motels, or inns shall be eligible for the license for which provision is made herein if they comply with all of the following requirements:

(1) Such hotel, motel, or inn must demonstrate to the City ABC Administrator that it contains not less than fifty (50) sleeping units and has dining facilities for not less than one hundred (100) persons at tables. The City ABC Administrator shall personally inspect the premises and thereafter determine that in fact the applicant hotel, motel, or inn has the requisite number of sleeping units and dining facilities.

(C) Nothing contained herein shall be in any way interpreted or construed to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a restaurant or dining facility set out hereinabove.

Section 5 — LICENSE APPLICATION.

(A) Representatives of restaurants, dining facilities, hotels, motels, or inns seeking the license for which provision is made herein shall submit a completed application to the City ABC Administrator. The form provided may be the same form utilized by the State Alcoholic Beverage Control Board.

(B) Applicants for a license under this ordinance shall pay a license fee of Six Hundred Dollars (\$600). Any license issued after July 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period. However, the cost of any license shall not be less than that for a period of six (6) months.

(C) The applicant for a city license for which provision is made herein shall tender with its application a consent document which shall state:

"The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time."

Section 6 — APPROVAL OF APPLICATION.

Within thirty (30) days of the date of the application for an original city license is made herein and fifteen (15) days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

Section 7 — DENIAL OF APPLICATION.

As is similarly set forth in KRS 243.450, the City ABC Administrator shall not approve any application for a city license for which provision is made herein if:

(A) The applicant, the application or the premises described therein do not fully comply with the provisions of this ordinance and all laws in regard to alcoholic beverages.

(B) The applicant and any shareholder, officer, agent, servant, or employee has caused, permitted, or engaged in any act for which the revocation or non-issuance of a state or city license is authorized, including, but not limited to, those acts as are defined by KRS 243.100, 243.450, 243.500, or 244.120.

(C) The applicant and/or any shareholder, officer, agent, servant, or employee had a state license or city license which was revoked within two years of the date of application, where the premises or any portion thereof described in a state license or city license was revoked during such time.

(D) Any statement or representation in the application is false.

Section 8 — HEARINGS.

Should a request for a hearing be made for the refusal to issue or renew a license or for the suspension or revocation of a license, the City ABC Administrator is to hold said hearing consistent with KRS Chapter 13B and pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(A) Definitions. All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified.

(B) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board.

(C) Briefs. Briefs may be filed at the request of the City ABC Administrator, or at the option of the applicant or licensee.

(D) Rules of Evidence. The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided, however, that the hearing officer may relax such rules in any case where, in his judgment, the ends of justice will be better served by so doing.

(E) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas.

(F) Transcripts. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

(G) Decisions. All decisions shall be written and based upon evidence developed at the hearing.

Section 9 — EXPIRATION DATE OF LICENSE; RENEWAL.

(A) A license issued pursuant to this ordinance shall expire on June 30 of the year following the year in which the license was issued. Application for renewal of such license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 6 upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of a renewal fee of Six Hundred Dollars (\$600).

(B) The renewal of the license issued pursuant to this ordinance shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(C) No license issued under this ordinance shall be transferred or assigned either as to license or location except with the prior approval of the City ABC Administrator and not then until a payment of One Hundred Dollars (\$100) shall be made to the City.

Section 10 — REGULATORY LICENSE.

(A) For the purpose of full reimbursement to the City of the cost of any police, regulatory, legal, or administrative expenses related to the sale of alcoholic beverages for which provision is made herein, a Regulatory License Fee is imposed on the gross receipts from retail sales of alcoholic beverages under each license issued. The amount of this fee shall be adjusted from time to time by ordinance so that the same shall be reasonably estimated to insure full reimbursement to the city of the police, regulatory, administrative, or legal expenses herein referred to. The Regulatory License Fee shall be in addition to any other taxes, fees, or licenses permitted by law. Said license fee shall be five percent (5%) of all sales of alcoholic beverages by the drink for consumption on the premises.

(B) The Board of Council shall adopt at the beginning of each budget period for each fiscal year such a percentage rate as shall be reasonably estimated to insure full reimbursement to the City for the cost of any additional policing, regulatory, or administrative expenses relating to this ordinance.

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

(D) Failure to pay the monthly remittance within ten (10) days after the due date shall constitute a violation of this ordinance, and in addition, shall constitute grounds for an immediate thirty (30) day suspension of the license for which provision is made herein.

Section 11 — ADDITIONAL RESTRICTIONS
ON SALE BY LICENSEE.

At no time shall any licensee sell any alcoholic beverage when the licensee does not have food available for sale, and in no event may any alcoholic beverage be sold between the hours of 1:30 a.m. and 6:30 a.m., Monday through Saturday, nor between 12:00 a.m. (midnight) on Saturday and 6:30 a.m. on Monday.

Section 12 — DORMANCY.

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

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

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

(D) All renewal licenses must be on file with the City ABC Administrator as provided for in Section 10 hereinabove except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than thirty (30) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to

extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

Section 13 — PENALTY.

The sale of alcoholic beverages by the drink for consumption on the premises within the city not in conformity with this ordinance shall constitute a violation, punishable by a fine of up to Five Hundred Dollars (\$500) for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.

Section 14 — SEVERABILITY.

If a portion of this ordinance is declared null and void, the remaining provisions will remain in full force and effect.

Section 15 — EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage, approval, attestation, and publication as required by law.

Passed and approved by the Board of Council of the City of Lawrenceburg, Kentucky, on this 11th day of August, 2003, with Yea and Nay votes of the Board of Council as follows:

	<u>Yea</u>	<u>Nay</u>
Helen Shryock	<u>X</u>	—
Jimmie Hawkins	<u>X</u>	—
Robbie Hume	<u>X</u>	—
Larry Giles	<u>X</u>	—
Ken Evans	<u>X</u>	—

Robert Mefford

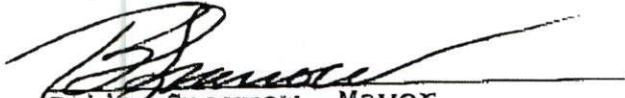
 X

Given First Reading and Passed on
August 11, 2003.


Given Second Reading and Passed on
September 8, 2003.

Published in The Anderson News on
September 17, 2003.

Approved:


Bobby Sparrow, Mayor
City of Lawrenceburg

Attest:


Edwinna C. Baker, Clerk
City of Lawrenceburg

[Print](#)

Lawrenceburg, KY Code of Ordinances

CHAPTER 117: ALCOHOLIC BEVERAGES

Section

- 117.01 Purpose
- 117.02 Alcoholic beverage control laws
- 117.03 City Alcoholic Beverage Control Administrator
- 117.04 License requirement
- 117.05 Alcoholic beverage licenses and fees
- 117.06 Economic hardship authorization
- 117.07 Special temporary licenses
- 117.08 License application, form of license and posting
- 117.09 Approval of application
- 117.10 Denial of application
- 117.11 Hearings
- 117.12 Expiration date of license; renewal
- 117.13 Prohibition against minors where alcohol is sold
- 117.14 Hours of operation; Sunday sales
- 117.15 Regulatory license fee

- 117.99 Penalty

§ 117.01 PURPOSE.

It is the purpose of this chapter to promote economic growth, development, and tourism within the city by making provision for the manufacture, distribution and sale of alcoholic beverages in a manner which is consistent with the provisions established in the Kentucky Revised Statutes now in effect and as may be hereafter amended by the Kentucky General Assembly.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.02 ALCOHOLIC BEVERAGE CONTROL LAWS.

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, except as otherwise lawfully provided herein.

(Ord. 2003-13, passed 9-8-03)

§ 117.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

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

(B) The salary for City ABC Administrator, if any, shall be fixed from time to time by the Board of Council.

(C) The City ABC Administrator shall have full police powers of a peace office and his/her jurisdiction shall be coextensive with the boundaries of the city.

(D) The City ABC Administrator is authorized to examine and inspect, at any reasonable time, all books and records required to be maintained by licensees under KRS 244.150. The licensee shall submit to the City ABC Administrator a copy of all reports which the licensee is required or elects to submit to or file with the State Alcoholic Beverage Control Board.

(E) (1) Pursuant to KRS 241.190, the functions of the City ABC Administrator shall be the same with respect to city licenses and regulations as the functions of the State ABC Board with respect to state licenses and regulations, except that no regulation adopted by a city administrator may be less stringent than the statutes relating to alcoholic beverage control or than the regulations of the board.

(2) The City ABC Administrator, on his/her own initiative or on complaint of any person, may institute proceedings to suspend or revoke any license issued under this chapter. The City ABC Administrator may suspend a license for any cause for which the State ABC Board is authorized to exercise its discretion as to revoking a license.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.04 LICENSE REQUIREMENT.

(A) Any person, business, or entity meeting the criteria set forth in KRS 243.100 and seeking to engage in the production, manufacture, sale, trafficking, transfer, delivery, or provision of alcoholic beverages within the corporate limits of the City of Lawrenceburg, shall obtain and maintain such license as is provided for herein and which is appropriate for the specific business practices of such individual or entity.

(B) The City licenses established hereby, as authorized by KRS 243.070 and all other applicable statutes, as amended, shall bear a fee as set forth below. In the event that KRS 243.070 or other applicable statutes are in the future amended to authorize additional licenses which may be issued by the City, such licenses shall be incorporated herein and the fee for such license shall be the maximum fee allowed by the statute as amended.

(Ord. 2013-10, passed 12-9-13)

§ 117.05 ALCOHOLIC BEVERAGE LICENSES AND FEES.

	<i>License Type(s)</i>	<i>Fee</i>
1.	Distiller's License *	\$500
2.	Rectifier's License *	\$3,000
3.	Brewer's License *	\$500
4.	Microbrewery License*	\$500
5.	Brew-on-premises license	\$100
6.	Wholesaler's License *	\$3,000
7.	Distributor's License *	\$400
8.	Quota retail package license (liquor/wine)	\$656
9.	NQ-1 retail drink license (nonquota)	\$2,000
10.	NQ-2 retail drink license (nonquota)	\$630
11.	NQ-3 retail drink license (nonquota)	\$300
12.	NQ-4 retail malt beverage drink license (Nonquota) beer license	\$200
	The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).	
12a.	Secondary NQ malt beverage "Retail package" license **	\$50
13.	NQ-retail malt beverage package license (nonquota) beer license	\$200
	The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50).	
13a.	Secondary NQ-4 malt beverage "Retail drink" license **	\$50
14.	Supplemental bar license NQ-2 retail drink license supplemental bar Quota retail drink license supplemental bar NQ-3 retail drink license supplemental bar	\$1,000 \$1,000 \$300
	The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.	
15.	Extended hours supplemental license	\$2,000
16.	Bottle house/bottling house storage license	\$1,000
17.	Special temporary license	\$50
18.	Special temporary distilled spirits and wine Auction license	\$50
19.	Caterer's license	\$800
20.	Special Sunday retail drink license	\$300

21.	Quota retail drink license (QD)	\$1,000
<p>* These license types have one (1) or two (2) year licensing renewal option available.</p> <p>** The qualifying holder of either type of retail malt beverage (Beer) licenses (either NQ-4 Retail Malt Beverage Drink or the NQ-retail malt Beverage Package license) may add the second license for a reduced fee of \$50.00.</p>		

(Ord. 2013-10, passed 12-9-13; Am. Ord. 2015-004, passed 4-13-15)

§ 117.06 ECONOMIC HARDSHIP AUTHORIZATION.

Under this section a non-quota retail drink license (NQ2) shall only be extended to the owners and/or operators of those establishments which qualify under KRS 243.072 and KRS 243.084, as amended and under those further requirements set forth below:

(A) A "Nonquota type 2" or "NQ2" retail drink license may be issued to:

(1) A hotel that:

- (a) Contains at least fifty (50) sleeping units;
- (b) Contains dining facilities for at least fifty (50) persons; and
- (c) Receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food.

(2) A restaurant with a minimum seating for fifty (50) consumers at tables.

(B) A qualifying hotel or restaurant holding an NQ2 retail drink license may purchase, receive, possess, and sell distilled spirits, wine, and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. An NQ2 retail drink license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package. The holder of an NQ2 retail drink license shall comply with the requirements of KRS 243.250.

(C) An NQ2 retail drink license shall not be issued to any restaurant or any dining facility in a hotel, unless the applicant can demonstrate to the director or administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total food and alcoholic beverage receipts of the restaurant or dining facility for the license period.

(D) Nothing contained herein shall be in any way interpreted or construed to allow for the sale of alcoholic beverages by the drink for consumption on the premises in connection with any business in which a part of the commercial transaction consists of selling, at retail, staple groceries, or which is used solely as an entertainment facility and does not meet the criteria of a restaurant or dining facility set out hereinabove.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13; Am. Ord. 2015-004, passed 4-13-15; Am. Ord. 2015-012, passed 1-11-16)

§ 117.07 SPECIAL TEMPORARY LICENSES.

(A) Special temporary license.

(1) Pursuant to KRS 243.260, a special temporary license may be issued to any regularly organized fair, exposition, racing association, or other party, when in the opinion of the City ABC Administrator a necessity therefor exists. The licensee may exercise the privileges of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply.

(2) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, reception, reunions, or similar occasions.

(B) Special temporary distilled spirits and wine auction license.

(1) A special temporary distilled spirits and wine auction license may be issued to a charitable organization, upon the payment of the fee set forth above and upon satisfaction of the requirements prescribed by administrative regulation promulgated by the department.

(2) A special temporary distilled spirits and wine auction license shall authorize the charitable organization to:

(a) Purchase, transport, receive, possess, store, sell, and deliver distilled spirits and wine to be sold at auction in the manner prescribed by administrative regulation promulgated by the department;

(b) Obtain distilled spirits and wine from distillers, rectifiers, wineries, wholesalers, distributors, retailers, or any other person, by gift or donation, for the purpose of charity auctions in the manner prescribed by administrative regulation promulgated by the department; and

(c) Receive payment for distilled spirits and wine sold at auctions in the manner prescribed by administrative regulation promulgated by the department.

(3) Each distilled spirits and wine auction conducted by a charitable organization shall be subject to all restrictions and limitations contained in KRS Chapters 241 to 244 and the administrative regulations issued under those chapters and shall be authorized only on the days and only during the hours that the sale of alcoholic beverages is otherwise authorized within the City.

(4) The location at which the distilled spirits and wine are auctioned under this section shall not constitute a public place for the purpose of KRS Chapter 222. Distilled spirits and wine auctions may be conducted on licensed or unlicensed premises. The charitable organization possessing a special temporary distilled spirits and wine auction license shall post a copy of the license at the location of the auction. During this period not more than one (1) auction shall be held.

(5) A special temporary distilled spirits and wine auction license shall not be issued for any period longer than thirty (30) days. During this period not more than one (1) auction shall be held.

(6) Notwithstanding any other provision of KRS Chapters 241 to 244, a distiller, rectifier, winery, wholesaler, distributor, or retailer may donate, give away, or deliver any of its products to a charitable organization possessing a special temporary distilled spirits and wine auction license under this section.

(7) All restrictions and prohibitions applying to a distilled spirits and wine retail package and distilled spirits and wine by the drink license, not inconsistent with this section, shall apply to a special temporary distilled spirits and wine auction license.

(C) Private club license – (NQ3). An “Nonquota type 3” or “NQ3” retail drink license may be issued to private club in existence for longer than one (1) year prior to the license application. An NQ3 retail drink

license issued to a private club shall authorize the licensee to exercise the privileges of an NQ2 retail drink licensee, at the designated premises if the general public is excluded.

(Ord. 2013-10, passed 12-9-13)

§ 117.08 LICENSE APPLICATION, FORM OF LICENSE AND POSTING.

(A) All persons, businesses or entities meeting the criteria set forth in KRS 243.100 and who are required to seek a City of Lawrenceburg ABC License shall submit a completed copy of the State ABC application to the City ABC Administrator.

(B) Applicants for a license under this chapter shall pay the license fee as set forth in Section 117.05 herein. Any license issued after July 1 of any year shall be assessed the full fee for such license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(C) The applicant for a city license for which provision is made herein shall tender with its application a consent document which shall state:

“The undersigned applicant hereby grants its irrevocable consent to the City ABC Administrator, or his duly appointed designee, to come upon and inspect and search the licensed premises at any reasonable time.”

(D) Pursuant to KRS 243.670, the license fee for every license authorized in this chapter shall be payable by the person who makes application for the license and to whom it is issued, and no other person shall pay for any license issued under those sections.

(E) Pursuant to KRS 243.620, before commencing or doing any business for the time for which a license has been issued, all licenses issued under this Chapter shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy, or alter the license in any respect.

(F) The renewal by the City Administrator of the certificate or permit of any alcoholic beverage license shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.09 APPROVAL OF APPLICATION.

Within thirty (30) days of the date of the application for an original city license for which provision is made herein and fifteen (15) days of the date of any application for renewal of such license, the City ABC Administrator shall, by mail or personal delivery, notify the applicant, in writing, of either the approval or the disapproval thereof or whether a hearing in regard thereto shall be held.

(Ord. 2003-13, passed 9-8-03)

§ 117.10 DENIAL OF APPLICATION.

(A) Pursuant to KRS 243.450, a license authorized to be issued herein shall be refused if:

(1) If the applicant or the premises for which the license is sought does not comply fully with all alcoholic beverage control statutes and the regulations of the State ABC Board.

(2) If the applicant or the premises for which the license is sought does not comply with all regulations of a City ABC Administrator and with all alcoholic beverage control statutes and the regulations of the City of Lawrenceburg;

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

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

(B) A license that might be issued hereunder, may be refused by a the City ABC Administrator for any reason which the Administrator, in the exercise of his or her sound discretion, deems sufficient. Among those factors that the Administrator shall consider in the exercise of his or her discretion are: public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.11 HEARINGS.

Should a request for a hearing be made regarding the refusal to issue or renew a license or for the suspension or revocation of a license, and if the City Administrator elects to hold such hearing, said hearing is to be held in a manner consistent with KRS Chapter 13B and pursuant to the general practice procedures found in the Kentucky Rules of Civil Procedure and the following shall apply:

(A) Definitions. All words are used as defined in the alcoholic beverage control law of Kentucky (KRS Chapters 241, 242, 243, and 244), unless otherwise specified.

(B) Appearances. Any applicant or licensee may appear and be heard in person, or by duly appointed attorney, and may produce under oath evidence relative and material to matters before the Board.

(C) Briefs. Briefs may be filed at the request of the City ABC Administrator, or at the option of the applicant or licensee.

(D) Notice.

(1) The hearing shall be conducted as soon as practicable and notice of the hearing shall be given to the parties not less than twenty (20) days in advance of the date set for the hearing, unless otherwise required by law. The City ABC Administrator shall make reasonable effort to schedule a hearing on a date that is convenient to the parties involved.

(2) The notice required by subsection (1) of this section shall be served on the requesting party by certified mail, return receipt requested, sent to the last known address of the party, or by personal service. Service by certified mail shall be complete upon the date on which the agency receives the return receipt or the returned notice.

(3) The notice required by this section shall be in plain language and shall include:

(a) A statement of the date, time, place, and nature of the hearing;

(b) The name, official title, and mailing address of the City ABC Administrator;

(c) The names, official titles, mailing addresses, and, if available, telephone numbers of all parties to the hearing, including the counsel or representative of the agency;

(d) A statement of the factual basis for the refusal to issue or renew, along with a statement of issues involved, in sufficient detail to give the parties reasonable opportunity to prepare evidence and argument;

(e) A reference to the specific statutes and administrative regulations which relate to the issues involved and the procedure to be followed in the hearing;

(f) A statement advising the person of his right to legal counsel;

(g) A statement of the parties' right to examine, at least five (5) days prior to the hearing, a list of witnesses the parties expect to call at the hearing, any evidence to be used at the hearing and any exculpatory information in the agency's possession; and

(h) A statement advising that any party who fails to attend or participate as required at any stage of the hearing process may be held in default under this chapter.

(4) If the City ABC Administrator decides not to conduct a hearing in response to a request, the Administrator shall notify the requesting party of his or her decision in writing, with a brief statement of the Administrator's reasons and of any judicial or other review which may be available to the requesting party.

(E) Rules of Evidence. The rules of evidence governing civil proceedings in courts of the Commonwealth of Kentucky shall govern hearings before the City ABC Administrator; provided, however, that the hearing officer may relax such rules in any case where, in his judgment, the ends of justice will be better served by so doing.

(F) Subpoenas. The City ABC Administrator shall have subpoena power for such hearings and shall at the request of the applicant made with names and addresses of those desired issue with subpoenas.

(G) Transcripts. Upon request and at the costs of the applicant or licensee the hearing may be transcribed.

(H) Decisions. All decisions shall be written and based upon evidence developed at the hearing.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.12 EXPIRATION DATE OF LICENSE; RENEWAL.

(A) License Expiration: A license issued pursuant to this chapter shall expire in the month of June in the year next following the year in which the license was issued, unless an extended period is specifically authorized herein. Licenses of all durations shall expire on the last day of June.

(B) Application for the renewal of a license shall be submitted no later than thirty (30) days before expiration thereof and shall be made pursuant to Section 117.09. A renewal license shall be issued only upon a showing the criteria therefor has been met, the filing and approval of a renewal application, and the payment of the license fee as set forth in Section 117.05 herein.

(1) Pursuant to KRS 243.090, all licenses issued by the City ABC Administrator, except those licenses listed below in subsection (2) of this section, shall be valid for a period of no more than a year.

(2) The following licenses shall be valid for the period of time stated in this subsection or elsewhere in this chapter.

(a) Special event licenses.

(b) Temporary licenses.

(c) All alcoholic beverage producers, wholesalers, or distributors may obtain or renew their licenses for either a one (1) year term or a two (2) year term.

(C) The renewal of the license issued pursuant to this chapter shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

(Ord. 2003-13, passed 9-8-03; Am. Ord. 2013-10, passed 12-9-13)

§ 117.13 PROHIBITION AGAINST MINORS WHERE ALCOHOL IS SOLD.

(A) Except as provided in KRS 24.087 and 244.090, a licensee, or his or her agents, servants, or employees shall not permit any person under twenty-one (21) years of age to remain on any premises where alcoholic beverages are sold by the drink or consumed on the premises, unless the usual and customary business of the establishment is a hotel, motel, restaurant, convention center, convention hotel complex, racetrack, simulcast facility, golf course, private club, fair church school athletic complex, athletic arena, theater, small farm winery, distillery or brewery or winery tour, convenience store, grocery store, drug store or similar establishment.

(B) A licensee operating a restaurant under a quota retail drink license (QD) shall not permit any person under twenty-one (21) years of age to remain on any premises unless such licensee receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food as reported to the local ABC Administrator on the "Monthly ABC Regulatory Report - NQ-2 Retail Drink - Quota Retail Drink (Restaurant)" form.

(Ord. 2015-012, passed 1-11-16)

§ 117.14 HOURS OF OPERATION; SUNDAY SALES.

(A) Pursuant to KRS 244.290 and KRS 244.480, no licensee is permitted to sell any alcoholic beverage between the hours of 1:30 a.m. and 6:30 a.m., Monday through Saturday, nor between the hours of 1:30 a.m. Sunday and 6:30 a.m. Monday, unless specifically authorized to do so by this section.

(B) No licensee authorized under § 117.06 may sell any alcoholic beverage at any time when the licensee does not have food available for sale.

(C) Restaurants, hotels and motels which have obtained all appropriate licenses and which are in compliance with all applicable statutory regulations governing the sale of alcoholic beverages by such entities, including the procurement of a local Sunday sales license, may sell such alcoholic beverages as they are otherwise licensed to sell, on Sunday between the hours of 12:00 p.m. and 1:30 a.m. Monday, under such other conditions and restrictions as apply.

(D) A licensee operating a restaurant under a quota retail drink license (QD), may obtain a Sunday sales licenses for the sale of alcoholic beverages on Sunday between the hours of 12:00 p.m. and 1:30 a.m. Monday but may operate thereunder only if such licensee receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food as reported to the local ABC Administrator on the "Monthly ABC Regulatory Report - NQ-2 Retail Drink - Quota Retail Drink (Restaurant)" form.

(E) A licensee operating under a limited golf course license may obtain a Sunday sales license and may operate thereunder on Sunday between the hours of 12:00 p.m. and 1:30 a.m. Monday.

(Ord. 2015-012, passed 1-11-16)

§ 117.15 REGULATORY LICENSE FEE.

(A) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee upon the gross receipts of sale of alcoholic beverages of each establishment licensed in the city to sell alcoholic beverages.

(B) The regulatory license fee authorized hereby shall be established at a rate that will generate revenue that does not exceed the total of the reasonable expenses actually incurred by the city in the immediately previous fiscal year for the additional cost, as demonstrated by reasonable evidence, of:

- (1) Policing;
- (2) Regulation; and
- (3) Administration, as a result of the sale of alcoholic beverages within the city.

(C) The regulatory license fee established hereby shall become continuously effective on the first day of January, 2016 and shall apply thereafter to each establishment licensed in the city to sell alcoholic beverages.

(D) In the first year of effectiveness (FY 2016), the rate of the regulatory license fee shall be set pursuant to KRS 243.075(5). The regulatory license fee for Fiscal Year 2017 is established at the rate of five percent (5%) of the gross receipts of sale of alcoholic beverages of each establishment licensed in the city to sell alcoholic beverages.

(E) (1) Beginning in Fiscal Year 2016-2017 and continuing thereafter, the regulatory license fee rate for each fiscal year shall be established according to the requirements set forth in division (B) above. Pursuant to said requirements, the City Council may in conjunction with the adoption of the city budget, annually establish the rate at which the regulatory license fee shall be applied.

(2) Failure by the City Council to establish the rate for the regulatory license fee by the first day of any fiscal year shall result in the automatic setting of such rate, for that fiscal year, at such rate as was applied in the immediately preceding fiscal year.

(F) (1) Every establishment licensed in the city to sell alcoholic beverages shall collect the regulatory license fee on a monthly basis and shall:

(a) Fully and accurately complete a city ABC Regulatory Fee return, on such form as shall be supplied by the city, reflecting the monthly gross receipts for the sale of alcoholic beverages for such establishment and the regulatory fee due thereon;

(b) Reporting. Deliver the completed quarterly return and all fees collected hereunder to the city on a quarterly basis, no later than the 30th day of the month next following the end of the quarter.

1. First quarter: July, August, September - Return due no later than October 30th;
2. Second quarter: October, November, December - Return due no later than January 30th;
3. Third quarter: January, February, March - Return due no later than April 30th; and
4. Fourth quarter: April, May, June - Return due no later than July 30th.

(2) A penalty, payable by the licensed establishment shall be assessed for failure to either file a return or to deliver all collected fees as required herein. Said penalty shall be the greater of fifty dollars (\$50) per month for each month of non-compliance, or an amount equal to five percent (5%) of the regulatory fee due for each month or months for which a return was not filed or the regulatory fee was not collected and/or delivered.

(3) Failure by any establishment licensed in the city to sell alcoholic beverages to either collect the regulatory license fee, or to deliver the completed return and fees to the city within ten (10) days of the due date shall additionally constitute a violation of the city ABC regulations and shall subject the licensee to possible license suspension or revocation.

(G) All revenue received from the imposition of the regulatory license fee authorized by this section, shall be:

- (1) Deposited into a segregated fund established by the city;
- (2) Spent only in accordance with the requirements of the Kentucky Revised Statutes and this section; and
- (3) Audited under an annual audit performed pursuant to KRS 43.070, 64.810, and 91A.040.

(H) The regulatory license fee shall be in addition to any other fees or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fee imposed by the city pursuant to KRS 243.060 and KRS 243.070.

(Ord. 2015-005, passed 9-14-15; Am. Ord. 2016-005, passed 6-13-16)

§ 117.99 PENALTY.

The sale of alcoholic beverages by the drink for consumption on the premises within the city not in conformity with this chapter shall constitute a violation, punishable by a fine of up to five hundred dollars (\$500) for each offense, to be prosecuted as all other municipal ordinance violations are prosecuted. Each day of each violation shall constitute a separate offense.

(Ord. 2003-13, passed 9-8-03)