

ORDINANCE 2013-09

AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING ALL EXISTING ORDINANCES REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY LIMITS OF THE CITY OF LEBANON, KENTUCKY, AND PUNISHING VIOLATIONS OF THIS ORDINANCE" FOR THE CITY OF LEBANON, KENTUCKY

WHEREAS, the Kentucky Legislature enacted new legislation pertaining to the regulation of the alcoholic beverage industry in Kentucky;

WHEREAS, the City Council of the City of Lebanon desires to similarly revise its Code of Ordinances, specifically Chapter 116, to comply with the new statutory scheme for regulation of the alcoholic beverage industry.

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

Section One

The City of Lebanon hereby adopts the Code of Ordinances Section attached hereto concerning regulation of the alcoholic beverage industry within the city limits of the City of Lebanon and establishing penalties for violations of the Code of Ordinances section to be implemented.

As provided by statute, the adopted ordinance is incorporated herein by reference as though set forth fully here and read by the Clerk in its entirety as a part hereof. The Clerk will read a summary of the adopted ordinance, certified by the City Attorney, contemporaneous with the reading of these sections.

Section Two

All ordinances, or parts of ordinances, in conflict herewith are hereby expressly repealed, but only to the extent of such conflict.

Section Three


If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section Four

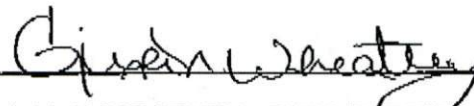
This ordinance shall become effective upon its second reading, passage and publication.

RECEIVED
CITY OF LEBANON, KY
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CITY OF LEBANON, KENTUCKY

BY: 
GARY D. CRENSHAW, MAYOR

ATTEST

By: 
GINA N. WHEATLEY, CITY CLERK

First Reading Given: December 9, 2013

Second Reading Given: December 12, 2013

Publication in the Lebanon Enterprise: December 18, 2013

**SUMMARY OF ORDINANCE NO. 2013-09,
AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING ALL EXISTING
ORDINANCES REGULATING THE SALE OF ALCOHOLIC BEVERAGES
WITHIN THE CITY LIMITS OF THE CITY OF LEBANON, KENTUCKY, AND
PUNISHING VIOLATIONS OF THIS ORDINANCE"**

The ordinance is entitled "An Ordinance Amending All Existing Ordinances Regulating the Sale of Alcoholic Beverages Within the City Limits of the City of Lebanon, and Punishing Violations of this Ordinance".

The Ordinance is enacted in accord with the Kentucky Revised Statutes and in my opinion is no more or less restrictive than permitted by the legislature. Section 1 of the Ordinance sets forth definitions for terminology associated with the regulation of businesses manufacturing, distilling or selling alcoholic beverages within the City limits of the City of Lebanon.

Section 2 of the Ordinance prohibits certain acts with respect to businesses which sell or offer for sale alcoholic beverages within the City limits. Penalties for violation of Section 2 are identified in Section 99 hereof.

Section 3 of the Ordinance governs the application process for a local alcoholic beverage license.

Section 4 sets forth the new license fee structure.

Section 5 provides the grounds for which an application for license will be denied.

Section 6 sets forth the hours during which sales of alcoholic beverages are prohibited.

Section 7 identifies the license year for Lebanon, Kentucky, and provides the basis for automatic termination of the license.

Section 8 through Section 19 of the Ordinance is reserved for future amendments or additions.

Section 20 adopts the statutory definition of "Premises" within the City limits of the City of Lebanon.

Section 21 of the Ordinance prohibits the sale of alcoholic beverages to minors.

Section 22 identifies certain acts that are unlawful for minors (under age 21) with respect to businesses that sell or offer for sale alcoholic beverages within City Limits. Section 22 also prohibits a licensee, his agents, servants or employees from permitting persons under the age of 21 to remain on licensed premises unless the licensee qualifies under certain enumerated exceptions. Section 22 provides that violations of this by a person under age 18 shall be subject to jurisdiction of juvenile court.

Section 23 prohibits assisting minors obtain alcoholic beverages. Penalties are provided in Section 99 hereof.

Section 24 indicates minors are not permitted to redeem a gift card for the purchase of alcoholic beverages.

Section 25 declares "Any fine or penalty imposed under this subchapter shall be in addition to and independent of any action which may be taken by, through, or on behalf of the Kentucky Alcoholic Beverage Control Board or its agents (Ord.1020.3, passed 1-12-59)".

Section 26 identifies certain acts deemed disorderly in respect to retail premises.

Sections 27 through Section 34 of the Ordinance are reserved.

Section 35 identifies the location of permitted areas in respect to outdoor dining.

Section 36 sets forth the new permit fee structure for outdoor dining.

Section 37 governs the permit application process for outdoor dining.

Section 38 prohibits permit holders from serving alcoholic beverages in original manufacturers packaging in outdoor dining areas.

Section 39 of the Ordinance prohibits encumbrance of city sidewalks and pedestrian rights-of-way by outdoor dining.

Section 99 identifies the penalty for any person violating provisions of Alcohol Ordinance. "(A) Any person violating any provision of §§ 116.02 through 116.07 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense and each day in which a violation shall occur shall be deemed to constitute a separate offense. Any person or licensee violating any provision of §§116.02- 116.07 twice in a 24-month period shall have, in addition to the fines involved, all alcoholic beverage licenses issued by the city revoked and all license fees paid shall thereupon be automatically forfeited and shall not be prorated. (Ord. 88-11, passed 8-8-88)

(B) Any person who violates any provision of § 116.21 shall be guilty of a misdemeanor and subject to a fine of \$100 and no more than \$500 in addition to court cost. The punishment provided herein shall apply not only to the holder of any alcoholic beverage licensee, but also to any employee or clerk of the licensee.

(C) Any person violating any provision of § 116.22 & § 116.24 shall be guilty of a violation and shall be fined a minimum of \$20 and a maximum of \$50 in addition to court costs.

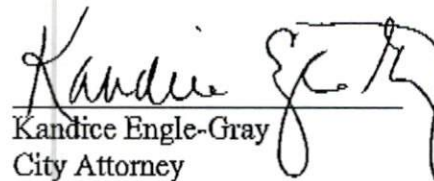
(D) Any person who violates any provision of § 116.23 shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$100 and not more than \$500 in addition to court costs.

(E) Any owner or licensee of such establishment violating any provision of § 116.26 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense and each day in which a violation shall occur shall be deemed to constitute a separate offense. Any person or licensee violating any provision of § 116.26 twice in a 24-month period shall have, in addition to the fines involved, all alcoholic beverage licenses issued by the city revoked and all license fees paid shall thereupon be automatically forfeited and shall not be prorated. (Ord. 88-11, passed 8-8-88)”

THIS SUMMARY IS PUBLISHED AS PERMITTED BY STATUTE WITH REFERENCE TO EACH PENALTY CONTAINED IN THE ACTUAL ORDINANCE. A COMPLETE COPY OF THE ENTIRE ORDINANCE IS AVAILABLE UPON REQUEST FROM THE CITY CLERK.

(- END OF READ SUMMARY -)

I certify that I have prepared this Summary of the Ordinances §§ 116.01 through 116.99 inclusive in accord with applicable statutory law and that reference is made to each penalty contained therein.


Kandice Engle-Gray
City Attorney

CHAPTER 116: ALCOHOLIC BEVERAGES

§116.01 DEFINITIONS

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

- (1) **ALCOHOL.** Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.
- (2) **ALCHOLIC BEVERAGE.** Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:
- (a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy;
 - (b) Patented, patent, and proprietary medicines;
 - (c) Toilet, medicinal, and antiseptic preparations and solutions;
 - (d) Flavoring extracts ad syrups;
 - (e) Denatured alcohol or denatured rum;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes; and
 - (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use;
- (3) (a) "Alcohol vaporizing device" or "AWOL device" means any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption;
- (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage;
- (4) **BOTTLE.** Any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- (5) **BREWER.** Any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent.
- (6) **BREWERY.** Any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept;

- 1 (7) **BUILDING CONTAINING LICENSED PREMISES.** The licensed premises
2 themselves and includes the land, tract of land, or parking lot in which the
3 premises are contained, and any part of any building connected by direct access or
4 by an entrance which is under the ownership or control of the licensee by lease
5 holdings or ownership;
- 6 (8) **CATERER.** A corporation, partnership, or individual that operates the business
7 of a food service professional by preparing food in a licensed and inspected
8 commissary, transporting the food and alcoholic beverages to the caterer's
9 designated and inspected banquet hall or to a location selected by the customer,
10 and serving the food and alcoholic beverages to the customer's guest;
- 11 (9) **CHARITABLE ORGANIZATION.** A nonprofit entity recognized as exempt
12 from federal taxation under section 501(c) of the Internal Revenue Code (26
13 U.S.C. sec. 501(c)) or any organization having been established and continuously
14 operating within the Commonwealth of Kentucky for charitable purposes for three
15 (3) years and which expends at least sixty percent (60%) of its gross revenue
16 exclusively for religious, educational, literary, civic, fraternal, or patriotic
17 purposes;
- 18 (10) **CIDER.** Any fermented fruit-based beverage containing more than one-tenth of
19 one percent (0.1%) alcohol by volume and includes hard cider and perry cider;
- 20 (11) **CITY ADMINSTRATOR.** As used in this chapter, the term "City
21 Administrator" shall mean city alcoholic beverage control administrator;
- 22 (12) **CONVENTION CENTER.** Any facility which, in its usual and customary
23 business, provides seating for a minimum of one thousand customary business,
24 provides seating for a minimum of one thousand (1,00) people and offers
25 convention facilities and related services for seminars, training and educational
26 purposes, trade association meetings, conventions, or civic and community events
27 or for plays, theatrical productions, or cultural exhibitions;
- 28 (13) **CONVICTED and CONVICTION.** A finding of guilt resulting from a plea of
29 guilty, the decision of a court, or the finding of a jury, irrespective of a
30 pronouncement of judgment or the suspension of the judgment;
- 31 (14) **DISTILLED SPIRITS or SPIRITS.** Any product capable of being consumed by
32 a human being which contains alcohol in excess of the amount permitted by KRS
33 Chapter 242 obtained by distilling, mixed with water or other substances in
34 solution, except wine, hard cider, and malt beverages;
- 35 (15) **DISTILLER.** Any person who is engaged in the business of manufacturing
36 distilled spirits at any distillery in the state and is registered in the Office of the
37 Collector of Internal Revenue for the United States at Louisville, Kentucky;
- 38 (16) **DISTILLERY.** Any place or premises where distilled spirits are manufactured
39 for sale, and which are registered in the office of any collector of internal revenue
40 for the United States. It includes any United States government bonded
41 warehouse;
- 42 (17) **DISTRIBUTOR.** Any person who distributes malt beverages for the purpose of
43 being sold at retail;
- 44 (18) **HOTEL.** A hotel, motel, or inn for accommodation of the traveling public,
45 designed primarily to serve transient patrons;
- 46 (19) **LICENSE.** Any license issued pursuant to KRS Chapters 241 to 244;

- 1 (20) **LICENSEE.** Any person to whom a license has been issued, pursuant to KRS
2 Chapters 241 to 244;
- 3 (21) **LIMITED RESTAURANT.**
4 (a) A facility where the usual and customary business is the serving of meals to
5 consumers, which has a bona fide kitchen facility, which receives at least
6 seventy percent (70%) of its gross income from the sale of food, which
7 maintains a minimum seating capacity of one hundred (100) persons for
8 dining, and which is located in a wet or moist territory under KRS
9 242.1244(2); or
10 (b) A facility where the usual and customary business is the serving of meals to
11 consumers, which has a bona fide kitchen facility, which receives at least
12 seventy percent (70%) of its gross income from the sale of food, which
13 maintains a minimum seating capacity of fifty (50) persons for dining, which
14 has no open bar, which requires that alcoholic beverages be sold in
15 conjunction with the sale of a meal, and which is located in a wet or moist
16 territory under KRS 242.1244;
- 17 (22) **MALT BEVERAGE.** Any fermented undistilled alcoholic beverage of any name
18 or description, manufactured from malt wholly or in part, or from any substitute
19 for malt;
- 20 (23) **MANUFACTURE.** Distill, rectify, brew, bottle, and operate a winery;
- 21 (24) **MANUFACTURER.** A winery, distiller, rectifier, or brewer, and any other
22 person engaged in the production or bottling of alcoholic beverages;
- 23 (25) **MINOR.** Any person who is not twenty-one (21) years of age or older;
- 24 (26) **PREMISES.** The land and building in and upon which any business regulated by
25 alcoholic beverage statutes is operated or carried on. "Premises" shall not include
26 as a single unit two (2) or more separate businesses of one (1) owner on the same
27 lot or tract of land, in the same or in different buildings if physical and permanent
28 separation of the premises is maintained, excluding employee access by keyed
29 entry and emergency exists equipped with crash bars, and each has a separate
30 public entrance accessible directly from the sidewalk or parking lot. Any licensee
31 holding an alcoholic beverage license on July 15, 1998 shall not, by reason of this
32 subsection, be ineligible to continue to hold his or her license or obtain a renewal,
33 of the license;
- 34 (27) **PRIVATE CLUB.** A nonprofit social, fraternal, military, or political
35 organization, club or entity maintaining or operating a club room, club rooms, or
36 premises from which the general public is excluded;
- 37 (28) **PUBLIC NUISANCE.** A condition that endangers safety or health, is offensive
38 to the senses, or obstructs the free use of property so as to interfere with the
39 comfortable enjoyment of life or property by a community or neighborhood or by
40 any considerable number of persons;
- 41 (29) **QUALIFIED HISTORIC SITE.** A contributing property with dining facilities
42 for at least fifty (50) persons at tables, booths, or bars where food may be served

- 1 within commercial district listed in the National Register of Historic Places, or a
2 site that is listed as a National Historic Landmark or in the National Register of
3 Historic Places with dining facilities for at least fifty (50) persons at tables,
4 booths, or bars where food may be served. Notwithstanding the provisions of this
5 subsection:
- 6 (a) A distillery which is listed as a National Historic Landmark and which
7 conducts souvenir retail package sales under KRS 243.0305; and
- 8 (b) A not-for-profit or nonprofit facility listed on the National Register of
9 Historic Places; shall be deemed a "qualified historic site" under this section;
- 10 (30) **RECTIFIER.** Any person who rectifies, purifies, or refines distilled spirits or
11 wine by any process other than as provided for on distillery premises, and every
12 person who, without rectifying, purifying, or refining distilled spirits by mixing
13 alcoholic beverages with any materials, manufactures any imitations of or
14 compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine,
15 spirits, cordials, bitters, or any other name;
- 16 (31) **REPACKAGING.** The placing of alcoholic beverages in any retail container
17 irrespective of the material from which the container is made;
- 18 (32) **RESTAURANT.** A facility where the usual and customary business is the
19 serving of meals to consumers that has a bona fide kitchen facility, and that
20 receives at least fifty percent (50%) of its food and beverage receipts from the sale
21 of food;
- 22 (33) **RETAIL CONTAINER.** Any bottle, can, barrel, or other container which,
23 without a separable intermediate container, holds alcoholic beverages and is
24 suitable and destined for sale to a retail outlet, whether it is suitable for delivery to
25 the consumer or not;
- 26 (34) **RETAIL OUTLET.** Retailer, hotel, motel, restaurant, railroad dining car, club,
27 and any facility where alcoholic beverages are sold directly to the consumers;
- 28 (35) **RETAIL SALE.** Any sale where delivery is made in Kentucky to any consumers;
- 29 (36) **RETAILER.** Any person who sells at retail any alcoholic beverage for the sale of
30 which a license is required;
- 31 (37) **SALE.** Any transfer, exchange, or barter for consideration, and includes all sales
32 made by any person, whether principal, proprietor, agent, servant, or employee, of
33 any alcoholic beverage;
- 34 (38) **SERVICE BAR.** A bar, counter, shelving, or similar structure used for storing or
35 stocking supplies of alcoholic beverages that is a workstation where employees
36 prepare alcoholic beverage drinks to be delivered to customers away from the

- 1 service bar. A service bar shall be located in an area where the general public,
2 guest, or patrons are prohibited;
- 3 (39) **SELL.** Includes solicit or receive an order for, keep or expose for sale, keep with
4 intent to sell, and the delivery of any alcoholic beverage;
- 5 (40) **SMALL FARM WINERY.** A winery producing wines, in an amount not to
6 exceed fifty thousand (50,000) gallons in a calendar year;
- 7 (41) **SOUVENIR PACKAGE.** A special package of Kentucky straight bourbon
8 whiskey available for retail sale at a licensed Kentucky distillery where the
9 whiskey was produced or bottled that is available from a licensed retailer;
- 10 (42) **SUPPLEMENTAL BAR.** A bar, counter, shelving, or similar structure used for
11 serving and selling distilled spirits or wine by the drink for consumption on the
12 licensed premises to guests and patrons from additional locations other than the
13 main bar. A supplemental bar shall be continuously constructed and accessible to
14 patrons for distilled spirits or wine sales or service without physical separation by
15 walls, doors, or similar structures;
- 16 (43) **TERRITORY.** A county, city, district, or precinct;
- 17 (44) **VEHICLE.** Any device or animal used to carry, convey, transport, or otherwise
18 move alcoholic beverages or any products, equipment, or appurtenances used to
19 manufacture, bottle, or sell these beverages;
- 20 (45) **WAREHOUSE.** Any place in which alcoholic beverages are housed or stored;
- 21 (46) **WHOLESALE SALE.** A sale to any person for the purpose of resale;
- 22 (47) **WHOLESALE.** Any person who distributes alcoholic beverages for the
23 purpose of being sold at retail, but it shall not include a subsidiary of a
24 manufacturer or cooperative of a retail outlet;
- 25 (48) **WINE.** The product of the normal alcoholic fermentation of the juices of fruits,
26 with the usual processes of manufacture and normal additions, and includes
27 champagne and sparkling and fortified wine of an alcoholic content not to exceed
28 twenty-four percent (24%) by volume. It includes cider, hard cider, and perry
29 cider and also includes preparations or mixtures vended in retail containers if
30 these preparations or mixtures contain not more than fifteen percent (15%) of
31 alcohol by volume. It includes ciders, perry, or sake; and
- 32 (49) **WINERY.** Any place or premises in which wine is manufactured from any fruit,
33 or brandies are distilled as a by-product of wine or other fruit, or cordials are
34 compounded, except a place or premises that manufactures wine for sacramental
35 purposes exclusively.

1

2 § 116.02 LICENSE REQUIRED.

3 It shall be unlawful to sell or offer for sale at wholesale or at retail in the city any
4 alcoholic beverage without having the appropriate wholesale or retail license hereinafter
5 provided for, or in violation of the terms of such license. Each license issued shall be
6 applicable only to the specific premises shown thereon and, shall not entitle the holder of
7 the license to sell from any other premises within the city.
8

9 § 116.03 APPLICATION FOR LICENSE.

10 (A) Applications for licenses shall be made to the City Administrator, in writing,
11 signed by the applicant, if an individual, or by a duly authorized agent thereof, if a
12 corporation. Such applications shall be made on forms supplied by the City Administrator
13 and no license shall be issued until completed in full and the appropriate fee therefor has
14 been paid.

15 (B) All applicants, all officers of any applicant corporation, all persons holding five
16 percent (5%) or more of the stock in an applicant corporation or owners or partners of n
17 applicant partnership shall each submit fingerprints and a current color photograph of
18 themselves with all other documents as required in the application process or during any
19 subsequent renewal if not previously provided, or otherwise deemed necessary by the
20 City Administrator.

21 (C) Any qualified applicant may submit the appropriate application for any one or
22 more of the licenses for alcoholic beverage industry which the Department of Alcoholic
23 Beverage Control has deemed available within the city limits of the City of Lebanon. All
24 such licenses are defined in KRS Chapter 243.0305 through KRS 243.355 and the City of
25 Lebanon hereby adopts the classification system utilized in those statutes for use within
26 the City limits as well.

27 § 116.04 LICENSE FEES.

28 (A) The licenses authorized under this subchapter shall be divided into the
29 following categories and the applicant shall, at the time of his application, pay to the City
30 Administrator the appropriate fee for each license applied for;

31 (1) Distilled spirit licenses as set forth in KRS 243.030;

- 32 (a) Distiller's License, per annum:.....\$500.00
- 33 (b) Rectifier's License, per annum:.....\$3,000.00
- 34 (c) Wholesaler's Distilled Spirit and Wine License, per annum:.\$3,000.00
- 35 (d) Quota retail package license, per annum: \$500.00

- 1 (e) Quota Retail Drink License, per annum:.....\$1,000.00
- 2 (f) Special temporary license, per event:.....\$166.66
- 3 (g) Nonquota Type 1 Retail Drink License (includes distilled spirits, wine,
- 4 and malt beverages), per annum:.....\$2,000.00
- 5 (h) Nonquota type 2 retail drink license (includes distilled spirits, wine,
- 6 and malt beverages), per annum:\$600.00
- 7 (i) Nonquota type 3 retail drink license (includes distilled spirits, wine,
- 8 and malt beverages),
- 9 annum:.....\$300.00
- 10 (j) Distilled spirits and wine special temporary auction license, per event
- 11\$200.00
- 12 (k) Special Sunday retail drink license, per annum: \$100.00
- 13 (l) Extended Hours Supplemental License, per annum:.....\$2,000.00
- 14 (m)Caterer’s license, per annum:\$200.00
- 15 (n) Bottling House or Bottling House Storage License, per annum:
- 16\$1,000.00

(2) Malt beverage licenses as set forth in KRS 243.040, follows:

- 18 (a) Brewer’s license, per annum\$500.00
- 19 (b) Microbrewery license, per annum\$500.00
- 20 (c) Malt beverage distributor’s license, per annum\$400.00
- 21 (d) Nonquota retail malt beverage package license, per annum...\$200.00
- 22 (e) Nonquota type 4 retail malt beverage drink license, per annum \$200.00
- 23 (f) Malt beverage brew-on-premises license, per annum..... \$100.00

(3) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum:.....\$1,200.00

(4) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum:.....\$500.00

(5) 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

1 each supplemental license issued in excess of five (5) to the same licensee at
2 the same premises.

3 (6) The holder of a nonquota retail malt beverage package license may obtain a
4 Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50).
5 The holder of a Nonquota type 4 malt beverage drink license may obtain a
6 nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

7 (B) Persons desiring to obtain a license hereunder for only part of a license year
8 shall pay a prorated fee equal to as many twelfths of the annual license fee as there are
9 calendar months remaining in the license year, including the month in which the license
10 is granted. In no event shall the prorated license fee be less than one-half the full annual
11 license fee.

12 (C) The license year shall be a twelve (12) month period commencing with the first
13 day of the month for renewal of Marion County licenses according to the Revised
14 Renewal Schedule promulgated by the Kentucky Alcoholic Beverage Control Board.

18 **§116.05 REASONS FOR DENIAL OF LICENSE.**

16 No license provided for in this chapter shall be issued to:

17 (A) A person who has been convicted of a felony; excepts if the person has had his
18 or her civil rights restored by the authority of the governor of the state in which the
19 adjudication was made.

20 (B) A person whose license under this section has been revoked for any cause;

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

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

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

28 (F) A person whose place of business is to be conducted by a manager or agent
29 unless such manager or agent possesses the same qualifications required of the licensee;

30 (G) A person who has, within five (5) years of the application date, been convicted
31 of a violation of any federal or state law concerning the manufacture, possession,
32 transportation or sale of alcoholic beverages, or who shall have forfeited his bond to
33 appear in court to answer charges for any such violation;

34 (H) Any person, firm or corporation not eligible for a state alcoholic beverage
35 license regulating the sale of the same alcoholic beverages for which such person

1 proposes to acquire a city license. (Ord.88-11, passed 8-8-88; AM. Ord. 97-06, passed
2 11-10-97)

3 **§ 116.06 HOURS SALES PROHIBITED**

4 (A) Unless otherwise permitted under this subsection, no premises for which there
5 has been granted any license for the sale of distilled spirits, wine or malt beverages, shall
6 remain open for any purpose between 1:00 a.m. and 6:00 a.m. Monday through Saturday,
7 or between the hours of 1:00 a.m. and 12:00 p.m. noon on Sunday. Provided, that if a
8 licensee provides a separate department within the licensed premises capable of being
9 locked and closed off, within which is kept all stocks of distilled spirits, wine and malt
10 beverages, and all fixtures and apparatus connected with the alcohol business, and said
11 department is kept locked during times mentioned above, the licensee shall be deemed to
12 have complied with this section.

13 (B) Pursuant to KRS 244.290 and 244.480, a licensed premises receiving a
14 minimum of fifty percent (50%) of its income from the sale of food and meeting the
15 requirements of KRS 243.084 shall be eligible to receive a Sunday retail drink license.
16 Likewise, private clubs meeting the requirements below shall be eligible to receive a
17 Sunday retail drink license. The retail drink license shall permit the sale of alcoholic
18 beverages by the drink including wine, distilled spirits or malt beverages. The hours of
19 operation for a facility holding a Sunday retail drink license shall be the hours of 12:00
20 p.m. to 10:00 p.m. on Sundays. This division shall not apply to package liquor stores and
21 does not exempt retailers from observing all other conditions and requirements under any
22 other ordinance or laws of the Commonwealth of Kentucky.

23 **§ 116.07 TERMINATION OF LICENSE.**

24 Each license issued hereunder shall terminate on April 30 following the issuance
25 thereof. Should any such license be issued by the city and any required city, county, or
26 federal approval, certification or licensing not be obtained by the applicant or should
27 same be voluntarily or involuntarily withdrawn, removed, relinquished or suspended,
28 then the license issued hereunder by the city shall immediately become null and void and
29 shall be surrendered to the City Administrator. Any license fee paid shall thereupon be
30 automatically forfeited and shall not be prorated. Following a license suspension or
31 revocation, a new license may be applied for upon the making of a new application and
32 the payment of a new license fee.
33 (Ord.88-11 passes 8-8-88).

34 **§ 116.08 – 116.19 RESERVED**

35 **REGULATIONS CONCERNING MINORS**

36 **§ 116.20 DEFINITION.**

37 For the purpose of Ordinance §§ 116.21 through 116.26, the following definition
38 shall apply unless the context clearly indicates or requires a different meaning.

1 (1) "Premises" has the meaning it is given in §116.01, and 241.010, and also
2 means the place of business of a person licensed to sell alcoholic beverages including, in
3 the case of drive-in establishments, the entire lot upon which the business establishment
4 is situated.

5 **§ 116.21 SALES TO MINORS PROHIBITED.**

6 It shall be unlawful for any person to sell alcoholic beverages to a person under
7 twenty-one (21) years of age. (Ord. 1020.3, passed 1-12-59) Penalty, see § 116.99

8 **§ 116.22 UNLAWFUL ACTS BY PERSONS UNDERAGE.**

9 (A) A person under twenty-one (21) years of age shall not enter any premises
10 licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any
11 alcoholic beverages.

12 (B) It shall be unlawful for any person under the age of twenty-one (21) years to
13 possess, purchase or attempt to purchase, or engage another to purchase for him or her,
14 directly or indirectly, any alcoholic beverages.

15 (C) It shall be unlawful for any person under twenty-one (21) years of age to
16 misrepresent his or her age for the purpose of inducing any licensee, or the licensee's
17 agent, servant or employee, to sell or serve any alcoholic beverages to the underage
18 person.

19 (D) A person under twenty-one (21) years of age shall not misrepresent his or her
20 age for the purpose of inducing any licensee, or the licensee's agent, servant, or
21 employee, to sell or serve any alcoholic beverages to the underage person.

22 (E) A person under twenty-one (21) years of age shall not use, or attempt to use any
23 false, fraudulent, or altered identification card, paper, or any other document to purchase
24 or attempt to purchase or otherwise obtain any alcoholic beverage.

25 (F) Except as provided in KRS 244.087 and 244.090, a licensee, or his or her
26 agents, servants, or employees shall not permit any person under twenty-one (21) years of
27 age to remain on any premises where alcoholic beverages are sold by the drink or
28 consumed on the premises, unless:

29 (a) The usual and customary business of the establishment is a hotel, motel,
30 restaurant, convention center, convention hotel complex, racetrack,
31 simulcast facility, golf course, private club, park, fair, church, school,
32 athletic complex, athletic arena, theater, small farm winery, distillery or
33 brewery or winery tour, convenience store, grocery store, drug store, or
34 similar establishment;

35 (b) All alcoholic beverage inventory is kept in a separate, locked department
36 at all times when minors are on the premises;

1 (c) Written approval had been granted by the department to allow minors on
2 the premises until 10 p.m. where the sale of alcohol is incidental to a
3 specific family or community event including but of limited to weddings,
4 reunions, or festivals. The licensee's request shall be in writing and shall
5 specifically describe the event for which approval is requested. The state
6 director shall approve or deny the request in writing; or

7 (d) The usual and customary business of the establishment is an entertainment
8 facility where prebooked concerts are held. For the purpose of this
9 paragraph, house bands, disc jockeys, and karaoke are not considered
10 concerts. During the times minors are on the premises under this
11 paragraph the licensee shall comply with all provisions of KRS 244.085
12 (6) (d)

13 (G) Excepts as provided in subsection (F) of this section, a licensee or the licensee's
14 agent, servant, or employee shall not allow any person under the age of twenty-one (21)
15 to remain on any premises that sells alcoholic beverages by the package unless the
16 underage person is accompanied by a parent or guardian or the usual and customary
17 business of the establishment is a convenience store, grocery store, drugstore, or similar
18 establishment.

19 (H) Except as provided in subsection (F) of this section, a person under the age of
20 twenty-one (21) shall not remain on any premises that sell alcoholic beverages by the
21 package unless he or she is accompanied by a parent or guardian or the usual and
22 customary business of the establishment is a convenience store, grocery store, drugstore,
23 or similar establishment.

24 (I) A violation of subsection (A), (B), (C), (D) or (H) of this section shall be
25 deemed a status offense if committed by a person under the age of eighteen (18) subject
26 to the jurisdiction of the juvenile session of the District Court.

27

28 § 116.23 AIDING OR ASSISTING PERSONS UNDERAGE

29 It shall be unlawful for any person to aid or assist any person under the age of
30 twenty-one (21) years in purchasing, or having served or delivered to the underage
31 person, or in any way procuring directly or indirectly any alcoholic beverages.
32 (Ord. 1020.3, passed 1-12-59) Penalty, see § 116.99

33

34 § 116.24 GIFT CARD FOR ALCOHOLIC BEVERAGES TO BE REDEEMED 35 ONLY BY PERSONS 21 AND OLDER.

36 No person under the age of twenty-one (21) may redeem a gift card or any portion
37 of a gift card for the purchase of alcoholic beverages. A person holding a license under

1 KRS 243.030 or 243.040 may redeem a gift card for the purchase of alcoholic beverages
2 if the person presenting the card is twenty-one (21) years of age or older.

3 **§ 116.25 ENFORCEMENT BY STATE ALCOHOLIC BEVERAGE CONTROL**
4 **BOARD.**

5 Any fine or penalty imposed under this subchapter shall be in addition to and
6 independent of any action which may be taken by, through, or on behalf of the Kentucky
7 Alcoholic Beverage Control Board or its agents.
8 (Ord.1020.3, passed 1-12-59)

9 **§ 116.26 RETAIL PREMISES NOT TO BE DISORDERLY- ACTS**
10 **CONSTITUTING DISORDERLY BEHAVIOR.**

11 (1) A retail licensee, a patron, or the licensee’s agents, servants, or employees shall
12 not cause, suffer, or permit the licensed premises to be disorderly.

13 (2) Acts which constitute disorderly premises consist of causing, suffering, or
14 permitting patrons, the licensee, or the licensee’s servants, agents, or employees to cause
15 public inconvenience, annoyance, or alarm, or create a risk through:

16 (a) Engaging in fighting or in violent, tumultuous, or threatening behavior;

17 (b) Making unreasonable noise;

18 (c) Refusing to obey an official order to disperse issued to maintain public
19 safety in dangerous proximity to a fire, hazard, or other emergency;

20 (d) Creating a hazardous or physically offensive condition by any act that
21 serves no legitimate purpose;

22 (e) Creating a public nuisance;

23 (f) Engaging in criminal activity that would constitute a capital offense,
24 felony, or misdemeanor; or

25 (g) Failing to maintain the minimum health, fire, safety, or sanitary standards
26 established by the state or a local government, or by state administrative
27 regulations, for the licensed premises.

28

29

30 **§ 116.27 – 116.34 RESERVED**

31

32 **OUTDOOR DINING**

1 **§ 116.35 LOCATION OF PERMITTED AREAS.**

2 Tables and chairs used for outdoor dining shall be permitted upon city sidewalks
3 located between Harrison Street and Depot Street and fronting upon Main Street, also
4 including those premises located within one block in either a northerly or southerly
5 direction of Main Street on Proctor Knott Avenue, Spalding Avenue, or Depot Street, in
6 front of or alongside any business establishment operated as a restaurant, holding a valid
7 or occupational license for the sale of food and beverage only, upon the issuance of a
8 permit agreement with the city authorizing such activity, so long as the same shall not
9 obstruct, impede or endanger the free flow of pedestrian traffic.
10 (Ord. 07-10, passed 6-18-07)

11

12 **§ 116.36 PERMIT FEE.**

13 The city shall assess an annual fee of \$10 for the issuance or renewal of any permit
14 agreement.
15 (Ord. 07-10, passed 6-18-07)

16

17 **§ 116.37 PERMIT APPLICATION.**

18 (A) Applications for such permit agreement shall be made to the City Clerk and
19 approved by the City License Inspector.

20 (1) In the event that the applicant is, or is seeking to be, an establishment
21 serving alcoholic beverages, the application for outdoor dining permit
22 agreement must first be approved (in addition to any documentation and/or
23 application for status as a "licensed premises" under KRS Chapter 244) by
24 the City Alcoholic Beverage Control Administrator.

25 (2) Such permit agreement may be suspended or revoked, for cause, upon
26 hearing before the City Council.

27 (B) Applicants shall utilize the appropriate permit agreement application and form
28 found in Appendices A and B, as amended from time to time.

29 (C) Any applicant may appeal the denial of any application, or any licensee may
30 appeal the suspension or revocation of any existing permit agreement, within thirty (30)
31 days to the Marion Circuit Court, as provided by law.
32 (Ord. 07-10, passed 6-18-07)

33 **§ 116.38 PACKAGING PROHIBITION.**

34 No restaurant holding a permit under this subchapter shall serve, or allow to be
35 served, to its patrons, invitees or other persons upon the permitted area, alcoholic

1 beverages in original manufacturers' packaging.
2 (Ord. 07-10, passed 6-18-07; Am. Ord. 07-13, passed 9-10-07)

3 **§ 116.39 CITY'S RETENTION OF SIDEWALKS AND PEDESTRIAN RIGHTS-**
4 **OF-WAY.**

5 Nothing herein shall be construed to convey, transfer, assign or otherwise encumber
6 the city's title to any sidewalk and/ or pedestrian right-of-way. (Ord. 07-10, passed 6-18-
7 07)

8

9 **§ 116.99 PENALTY.**

10 (A) Any person violating any provision of §§ 116.02 through 116.07 shall be guilty
11 of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each
12 offense and each day in which a violation shall occur shall be deemed to constitute a
13 separate offense. Any person or licensee violating any provision of §§116.02- 116.07
14 twice in a 24-month period shall have, in addition to the fines involved, all alcoholic
15 beverage licenses issued by the city revoked and all license fees paid shall thereupon be
16 automatically forfeited and shall not be prorated. (Ord. 88-11, passed 8-8-88)

17 (B) Any person who violates any provision of § 116.21 shall be guilty of a
18 misdemeanor and subject to a fine of \$100 and no more than \$500 in addition to court
19 cost. The punishment provided herein shall apply not only to the holder of any alcoholic
20 beverage licensee, but also to any employee or clerk of the licensee.

21 (C) Any person violating any provision of § 116.22 & § 116.24 shall be guilty of a
22 violation and shall be fined a minimum of \$20 and a maximum of \$50 in addition to court
23 costs.

24 (D) Any person who violates any provision of § 116.23 shall be guilty of a
25 misdemeanor and shall be subject to a fine of not less than \$100 and not more than \$500
26 in addition to court costs.

27 (E) Any owner or licensee of such establishment violating any provision of §
28 116.26 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more
29 than \$500 for each offense and each day in which a violation shall occur shall be deemed
30 to constitute a separate offense. Any person or licensee violating any provision of §
31 116.26 twice in a 24-month period shall have, in addition to the fines involved, all
32 alcoholic beverage licenses issued by the city revoked and all license fees paid shall
33 thereupon be automatically forfeited and shall not be prorated. (Ord. 88-11, passed 8-8-
34 88)

35

36

37

Ordinance No. 08-18**AN ORDINANCE AMENDING ORDINANCE NO. 88-11, 2006-09, 2007-03
AND CHAPTER 116 OF THE CODIFIED ORDINANCES OF THE CITY OF
LEBANON; ALCOHOLIC BEVERAGES (AS AMENDED)**

WHEREAS, the City of Lebanon presently prohibits sales of alcoholic beverages on Sundays within the City limits of Lebanon, Kentucky, pursuant to Codified Ordinance 116.06 (original Ordinance No. 88-11, amended at 2006-09) with the exception of Sundays upon which the New Years Eve holiday falls (originally Ordinance No. 07-03); and,

WHEREAS, the City Council of the City of Lebanon has determined that establishing retail sales of alcoholic beverages by the drink on Sundays upon certain licensed premises would be beneficial to the City of Lebanon.

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

That Section 116.06 (original Ordinance Nos. 88-11, 2006-09 and 2007-03), HOURS SALES PROHIBITED, be amended to replace the existing provision with the following:

§ 116.06 HOURS SALES PROHIBITED.
(A)

This ordinance shall take effect and be in force immediately upon its passage and publication as required by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

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

CITY OF LEBANON



Gary D. Crenshaw, Mayor

ATTEST:


GINA JO NICOLE WHEATLEY, CLERK

First Reading: December 08, 2008
Second Reading: December 22, 2008
Publication: December 31, 2008

CITY OF LEBANON ALCOHOL BEVERAGE ORDINANCE

CHAPTER 116: ALCOHOLIC BEVERAGES

Section

Licensing

- 116.01 Definitions
- 116.02 License required
- 116.03 Application for license
- 116.04 License fees
- 116.05 Reasons for denial of license
- 116.06 Hours sales prohibited
- 116.07 Termination of license

Regulations Concerning Minors

- 116.20 Definition
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- 116.22 Unlawful acts by persons underage
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- 116.25 Enforcement action by State Alcoholic Beverage Control Board

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- 116.35 Location of permitted areas
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- Appendix A: Outdoor dining permit agreement
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LICENSING

§ 116.01 DEFINITIONS.

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

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

ALCOHOLIC BEVERAGE. Every liquor or solid, whether patented or not, containing alcohol in an amount in excess of that permitted under KRS Chapter 242 and capable of being consumed by human beings. It includes every beverage for which the Commonwealth of Kentucky requires a license under KRS Chapter 243.

CITY ADMINISTRATOR or ***ADMINISTRATOR.*** The city's Alcoholic Beverage Control Administrator.

CONVICTED. A finding of guilt resulting from a plea of guilty, the decision of a court, or the findings of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

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

MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS Chapter 242.

PREMISES or ***LICENSED PREMISES.*** A building or structure and does not include any appurtenant structures, parking lots or areas outside the confines of such building or structure.

RESTAURANT. As used in reference to Class "F" licenses referred to herein means eating establishments open to the general public having dining facilities for not less than 100 persons, and as used in reference to Class "D" licenses referred to herein means businesses with dining facilities which receive at least 50% of their gross annual income from their dining facilities by the sale of food.

RETAIL SALE. Any sale where delivery is made to any person not holding a license.

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

further means to solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

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

WINE. The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharin and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

(Ord. 88-11, passed 8-8-88)

§ 116.02 LICENSE REQUIRED.

It shall be unlawful to sell or offer for sale at wholesale or at retail in the city any alcoholic beverage without having the appropriate wholesale or retail license hereinafter provided for, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and, shall not entitle the holder of the license to sell from any other premises within the city.

(Ord. 88-11, passed 8-8-88) Penalty, see § 116.99

§ 116.03 APPLICATION FOR LICENSE.

(A) Applications for licenses shall be made to the City Administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation. Such applications shall be made on forms supplied by the City Administrator and no license shall be issued until completed in full and the appropriate fee therefor has been paid. (Ord. 88-11, passed 8-8-88)

(B) All applicants, all officers of any applicant corporation, all persons holding 5% or more of the stock in an applicant corporation or owners or partners of an applicant partnership shall each submit fingerprints and a current color photograph of themselves with all other documents as required in the application process or during any subsequent renewal if not previously provided or otherwise deemed necessary by the City Administrator. (Ord. 97-06, passed 11-10-97)

§ 116.04 LICENSE FEES.

(A) The licenses authorized under this subchapter shall be divided into the following categories and the applicant shall, at the time of his application, pay to the City Administrator the appropriate fee for each license applied for:

(1) Reserved

..... (2) Cla
permits only retail sale of distilled spirits and wine in sealed packages, but not
for consumption on the licensed premises

..... (3) Cla
permits only the retail sale of malt beverages in sealed packages, but not for
consumption on the licensed premises

..... (4) Cla
permits only retail sale of wine for consumption on the licensed premises where
sold, and not for resale in any form

- (5) Cla
permits only the retail sale of malt beverages by the drink for consumption on the licensed premises of restaurants, and not for resale in any form
- (6) Cla
permits holders of valid Class "B" licenses to engage in the retail sale of malt beverages by the drink for consumption on the licensed premises where sold, but not for resale in any form
- (7) Cla
permits only retail sale of distilled spirits by the drink for consumption on the licensed premises where sold, and not for resale in any form. Available only to hotels, motels or inns containing not less than 50 sleeping units and having dining facilities for not less than 100 persons or bona fide restaurants open to the general public having dining facilities for not less than 100 persons
- (8) Ter
permits only the retail sale of malt beverages by the drink for consumption on the licensed premises where sold, but not for resale in any form-- available for any licensee and/or licensed premises one time per year (July 1 through June 30) for not to exceed three consecutive days

(B) Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than one-half the full annual license fee.
(Ord. 88-11, passed 8-8-88; Am. Ord. 98-04, passed 10-12-98)

§ 116.05 REASONS FOR DENIAL OF LICENSE.

No license provided for in this chapter shall be issued to:

- (A) A person who has been convicted of a felony; except if the person has had his or her civil rights restored by the authority of the governor of the state in which the adjudication was made.
- (B) A person whose license under this section has been revoked for any cause;
- (C) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- (D) A partnership, unless all the members of the partnership shall be qualified to obtain such a license;

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

(F) A person whose place of business is to be conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee;

(G) A person who has, within five years of the application date, been convicted of a violation of any federal or state law concerning the manufacture, possession, transportation or sale of alcoholic beverages, or who shall have forfeited his bond to appear in court to answer charges for any such violation;

(H) Any person, firm or corporation not eligible for a state alcoholic beverage license regulating the sale of the same alcoholic beverages for which such person proposes to acquire a city license. (Ord. 88-11, passed 8-8-88; Am. Ord. 97-06, passed 11-10-97)

§ 116.06 HOURS SALES PROHIBITED.

(A) No premises for which there has been granted any license for the sale of distilled spirits or wine shall remain open for any purpose between midnight and 6:00 a.m., or any time during the 24 hours on a Sunday, or during the hours the polls are open for any regular, primary, school or special election. Provided, that if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section. No malt beverages shall be sold, given away or delivered by anyone holding any license to sell malt beverages between midnight and 6:00 a.m. or at any time during the 24 hours of a Sunday or during the hours the polls are open on an election day.

(B) Pursuant to KRS 244.290 and KRS 244.480, years in which December 31 (New Year's Eve) falls on a Sunday, the hours of operation, on December 31, for any facility holding a valid Distilled Spirits and Wine Retail Drink License, or a Malt Beverage Retail Drink License, or a special one-day license issued by the state Alcoholic Beverage Control Board, shall be from 2:00 p.m. to 1:00 a.m. Monday morning. This division does not include package liquor stores, nor does it exempt retailers from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky. (Ord. 88-11, passed 8-8-88; Am. Ord. 2006-09, passed 11-16-06; Am. Ord. 2007-03, passed 2-15-07) Penalty, see § 116.99

§ 116.07 TERMINATION OF LICENSE.

Each license issued hereunder shall terminate on June 30 following the issuance thereof. Should any such license be issued by the city and any required city, county, or federal approval, certification or licensing not be obtained by the applicant or should same be voluntarily or involuntarily withdrawn, removed, relinquished or suspended, then the license issued hereunder by the city shall immediately become null and void and shall be surrendered to the City Administrator. Any license fee paid shall thereupon be automatically forfeited and shall not be prorated. Following a license suspension or revocation a new license may be applied for upon the making of a new application and the payment of a new license fee.

(Ord. 88-11, passed 8-8-88)

REGULATIONS CONCERNING MINORS**§ 116.20 DEFINITION.**

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

NIGHTCLUB. Any establishment, place, location or building where alcoholic beverages are sold and where food and other drink may be procured and which permits dancing to organized band music or music produced by way of a juke box.

(Ord. 1020.3, passed 1-12-59)

§ 116.21 SALES TO MINORS PROHIBITED.

It shall be unlawful for any person to sell alcoholic beverages to a person under 21 years of age.
(Ord. 1020.3, passed 1-12-59) Penalty, see § 116.99

§ 116.22 UNLAWFUL ACTS BY PERSONS UNDERAGE.

(A) It shall be unlawful for any person under the age of 18 years to enter any nightclub as defined in § 116.20, or upon the premises whereon distilled spirits are sold. The word "premises" shall be interpreted to mean the building wherein the distilled spirits are sold.

(B) It shall be unlawful for any person under the age of 21 years to possess, purchase or attempt to purchase, or engage another to purchase for him or her, directly or indirectly any alcoholic beverages.

(C) It shall be unlawful for any person under 21 years of age to misrepresent his or her age for the purpose of obtaining alcoholic beverages, or to induce any such licensee or employee of any licensee, to sell or serve alcoholic beverages to such person, directly or indirectly.

(D) It shall be unlawful for any person under 18 years of age to misrepresent his or her age for the purpose of gaining entry to any night club, or premises where distilled spirits are sold.
(Ord. 1020.3, passed 1-12-59) Penalty, see § 116.99

§ 116.23 AIDING OR ASSISTING PERSONS UNDERAGE.

It shall be unlawful for any person to aid or assist any person under the age of 21 years in purchasing, delivering, serving, or in any way procuring directly or indirectly any alcoholic beverages.
(Ord. 1020.3, passed 1-12-59) Penalty, see § 116.99

§ 116.24 POSTING OF SIGNS REQUIRED.

(A) All night clubs or business establishments which sell distilled spirits shall post in a conspicuous and prominent place inside the establishment a sign furnished by the city which shall read as follows:

“(1) Any person under the age of 18 is subject to a fine of up to \$50 if he or she enters this business establishment.

(2) Any person under the age of 21 is subject to a fine up to \$50 if he or she purchases, or attempts to purchase any alcoholic beverages.

(3) Any person under the age of 21 is subject to a fine of up to \$50 if he or she misrepresents his or her age for the purpose of purchasing alcoholic beverages.

(4) Any person under the age of 18 is subject to a fine of up to \$50 if he or she misrepresents his or her age in order to gain entrance to this business establishment.”

(B) All other business establishments licensed by the State of Kentucky to sell alcoholic beverages shall post in a conspicuous and prominent place inside the establishment a sign furnished by the city which shall read as follows:

“(1) Any person under the age of 21 is subject to a fine of up to \$50 if he or she purchases, or attempts to purchase any alcoholic beverages.

(2) Any person under the age of 21 is subject to a fine of up to \$50 if he or she misrepresents his or her age for the purpose of purchasing alcoholic beverages.”

(Ord. 1020.3, passed 1-12-59) Penalty, see § 116.99

§ 116.25 ENFORCEMENT BY STATE ALCOHOLIC BEVERAGE CONTROL BOARD.

Any fine or penalty imposed under this subchapter shall be in addition to and independent of any action which may be taken by, through, or on behalf of the Kentucky Alcoholic Beverage Control Board or its agents.

(Ord. 1020.3, passed 1-12-59)

OUTDOOR DINING**§ 116.35 LOCATION OF PERMITTED AREAS.**

Tables and chairs used for outdoor dining shall be permitted upon city sidewalks located between Harrison Street and Depot Street and fronting upon Main Street, also including those premises located within one block in either a northerly or southerly direction of Main Street on Proctor Knott Avenue, Spalding Avenue, or Depot Street, in front of or alongside any business establishment operated as a restaurant, holding a valid or occupational license for the sale of food and beverage only, upon the issuance of a permit agreement with the city authorizing such activity, so long as the same shall not obstruct, impede or endanger the free flow of pedestrian traffic.

(Ord. 07-10, passed 6-18-07)

§ 116.36 PERMIT FEE.

The city shall assess an annual fee of \$10 for the issuance or renewal of any permit agreement.

(Ord. 07-10, passed 6-18-07)

§ 116.37 PERMIT APPLICATION.

(A) Applications for such permit agreement shall be made to the City Clerk and approved by the City License Inspector.

(1) In the event that the applicant is, or is seeking to be, an establishment serving alcoholic beverages, the application for outdoor dining permit agreement must first be approved (in addition to any documentation and/or application for status as a "licensed premises" under KRS Chapter 244) by the City Alcoholic Beverage Control Administrator.

(2) Such permit agreement may be suspended or revoked, for cause, upon hearing before the City Council.

(B) Applicants shall utilize the appropriate permit agreement application and form found in Appendices A and B, as amended from time to time.

(C) Any applicant may appeal the denial of any application, or any licensee may appeal the suspension or revocation of any existing permit agreement, within 30 days to the Marion Circuit Court, as provided by law.

(Ord. 07-10, passed 6-18-07)

§ 116.38 PACKAGING PROHIBITION.

No restaurant holding a permit under this subchapter shall serve, or allow to be served, to its patrons, invitees or other persons upon the permitted area, alcoholic beverages in original manufacturers' packaging.

(Ord. 07-10, passed 6-18-07; Am. Ord. 07-13, passed 9-10-07)

§ 116.39 CITY'S RETENTION OF SIDEWALKS AND PEDESTRIAN RIGHTS-OF-WAY.

Nothing herein shall be construed to convey, transfer, assign or otherwise encumber the city's title to any sidewalk and/or pedestrian right-of-way.

(Ord. 07-10, passed 6-18-07)

§ 116.99 PENALTY.

(A) Any person violating any provision of §§ 116.01 through 116.07 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense and each day in which a violation shall occur shall be deemed to constitute a separate offense. Any person or licensee violating any provision of §§ 116.01 through 116.07 twice in a 24-month period shall have, in addition to the fines involved, all alcoholic beverage licenses issued by the city revoked and all license fees paid shall thereupon be automatically forfeited and shall not be prorated. (Ord. 88-11, passed 8-8-88)

(B) Any person who violates any provision of § 116.21 shall be guilty of a misdemeanor and subject to a fine of \$100 and no more than \$500 in addition to court costs. The punishment provided herein shall apply not only to the holder of any alcoholic beverage licensee, but also to any employee or clerk of the licensee.

(C) Any person violating any provision of § 116.22 shall be guilty of a violation and shall be fined a minimum of \$20 and a maximum of \$50 in addition to court costs.

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Lebanon - Business Regulations

(D) Any person who violates any provision of § 116.23 shall be guilty of a misdemeanor and shall

be subject to a fine of not less than \$100 and not more than \$500 in addition to court costs.

(E) Any owner or licensee of such establishment violating any provision of § 116.24 shall be guilty of a violation and shall be subject to a fine of \$50 and no more than \$100.
(Ord. 1020.3, passed 1-12-59)

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Alcoholic Beverages

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APPENDIX A: OUTDOOR DINING PERMIT AGREEMENT.

PERMIT AGREEMENT

This AGREEMENT is entered into this ____ day of _____, 20 ____, by and between the City of Lebanon, Kentucky, a municipal corporation of the second class (the city), and (the permit holder), in conjunction with City Ordinance No. 07-10, as may be amended.

WHEREAS, the city is the owner of the sidewalk and/or pedestrian rights-of-way along the front and/or side of the permit holder's premises; and

WHEREAS, the permit holder is the owner/leaseholder/occupant/licensee of the premises located at _____ and operating a business establishment at such location, which business is a restaurant, commonly known as _____, which is directly adjacent to the said city sidewalk and/or pedestrian rights-of-way; and

WHEREAS, the permit holder desires to utilize a portion of the said city sidewalk and/or pedestrian rights-of-way for outdoor dining; and

WHEREAS, the permit holder also has a current occupational license with the city;

NOW THEREFORE, IT IS HEREBY AGREED, as follows:

The city hereby grants to the permit holder, a permit to utilize the said city sidewalk and/or pedestrian rights-of-way along the front and/or side of the permit holder's premises (i.e., the permitted area), for the purpose of outdoor dining.

The term of this permit agreement shall be for a period of one (1) year, commencing on July 1 of the year, and shall automatically be renewable, on a yearly basis, from July 1 of each year forward, to

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coincide with the issuance of the occupational license for such premises. However, this permit shall immediately expire upon notice of non-renewal being given by either party within thirty (30) days prior to expiration. This permit shall be subject to revocation in the event of the permit holder's failure to maintain a current occupational license for the premises or to obtain the requisite insurance coverage

set forth below.

The permit holder shall be required to pay the city an annual fee of ten dollars (\$10.00) for the issuance or renewal of any permit agreement.

The permit holder shall be prohibited from making any permanent improvements within the permitted area, and shall only be permitted to maintain suitable tables and chairs that can easily be removed therefrom.

The permit holder shall be required to place any tables, chairs or other obstructions within the permitted area so as not to impede the free flow of pedestrian traffic.

The permit holder shall comply with all building, fire and safety codes and health department regulations required in conjunction with the use of this permit

The permit holder shall maintain and repair the permitted area and shall keep the same in a clean, safe and healthy condition, free and clear from all trash, during the time of this permit agreement.

The permit holder shall indemnify and hold the city harmless from any loss, damage, claims, causes of action or expense which the city may incur or suffer with respect to any claim based upon the permit holder's use or occupancy of the permitted area.

The permit holder shall further be required to maintain comprehensive general liability insurance coverage, which shall protect against all claims of personal injury, death or property damage occurring upon the permitted area, resulting from the permit holder's use thereof under the terms and conditions

of this permit agreement, and shall supply the city with proof of such coverage at the time of the issuance and subsequent renewals.

This permit agreement shall not be assigned without prior written consent of the city.

This permit agreement shall only apply to those establishments that are not licensed to sell alcoholic beverages.

IN WITNESS WHEREOF, the parties have executed this permit agreement as of the first date written above.

CITY OF LEBANON, KENTUCKY

BY:

NIKKI WHEATLEY , City Clerk

BY:

JOHN THOMPSON , City License Inspector

PERMIT HOLDER

BY:

TITLE:

(Ord. 07-10, passed 6-18-07)

APPENDIX B: OUTDOOR DINING PERMIT AGREEMENT, ALCOHOLIC BEVERAGE SALES.

PERMIT AGREEMENT
Alcoholic Beverage Sales

This AGREEMENT is entered into this ____ day of _____, 20 ____, by and between the City of Lebanon, Kentucky, a municipal corporation of the second class (the city), and (the permit holder), in conjunction with City Ordinance No. 07-13, as may be amended.

WHEREAS, the city is the owner of the sidewalk and/or pedestrian rights-of-way along the front and/or side of the permit holder's premises; and

WHEREAS, the permit holder is the owner/leaseholder/occupant/licensee of the premises located at _____ and operating a business establishment at such location, which business is a restaurant, commonly known as _____, which is directly adjacent to the said city sidewalk and/or pedestrian rights-of-way; and

WHEREAS, the permit holder also has a current occupational license with the city; and

WHEREAS, the permit holder has a current alcoholic beverage control license issued by the City of Lebanon and the State Alcoholic Beverage Control Board;

NOW THEREFORE, IT IS HEREBY AGREED, as follows:

The city hereby grants to the permit holder a permit to utilize the said city sidewalk and/or pedestrian rights-of-way along the front and/or side of the permit holder's premises (hereinafter collectively referred to as "the permitted area") for the purpose of outdoor dining.

The term of this permit agreement shall be for a period of one (1) year, commencing on July 1 of the year of issuance, expiring on June 30 of the following year, and shall automatically be renewable, on a yearly basis, from July 1 of each year forward, to coincide with the issuance of the occupational license for the permitted area. However, this permit shall immediately expire upon notice of non-renewal being given by either party within thirty (30) days prior to expiration. This permit shall be subject to revocation in the event of the permit holder's failure to maintain a current occupational license for the premises, to obtain the requisite insurance coverage set forth below, to comply with any provision of this permit, or to maintain a valid, unrestricted alcoholic beverage license.

The permit holder shall inspect and maintain control over the area where its patrons are permitted to dine and consume beverages pursuant to this permit, and shall maintain said premises/area in an orderly manner. Permit holder shall also insure that no patron drinks alcoholic beverages in bottles, cans or other original manufacturers' packaging.

The permit holder shall be required to pay the city an annual fee of ten dollars (\$10.00) for the issuance or renewal of any permit agreement.

The permit holder shall be prohibited from making any permanent improvements within the permitted area without the written consent of the city, and shall only be permitted to maintain suitable tables and chairs which can easily be removed therefrom.

The permit holder shall be required to place any tables, chairs or other obstructions within the permitted area so as not to impede the free flow of pedestrian traffic.

The permit holder shall comply with all building, fire and safety codes and health department regulations required in conjunction with the use of this permit.

The permit holder shall maintain and repair the permitted area and shall keep the same in a clean, safe and healthy condition, free and clear from all trash and debris, during the time of this permit agreement.

The permit holder shall indemnify and hold the city harmless from any loss, damage, claims, causes of action, or expense which the city may incur or suffer with respect to any claim based upon the permit holder's use or occupancy of the permitted area.

The permit holder shall further be required to maintain comprehensive general liability insurance coverage, which shall protect against all claims of personal injury, death or property damage occurring upon the permitted area, resulting from the permit holder's use of the permitted area under the terms and conditions of this permit agreement, and shall supply the city with proof of such coverage at the time of the issuance and subsequent renewals of this permit.

This permit agreement shall not be assigned without prior written consent of the city.

This permit agreement shall only apply to those establishments which are restaurants licensed to sell alcoholic beverages.

IN WITNESS WHEREOF, the parties have executed this permit agreement as of the first date written above.

CITY OF LEBANON, KENTUCKY

BY:
NIKKI WHEATLEY , City Clerk

BY:
JOHN THOMPSON , City License Inspector

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Certification that Alcoholic Beverage License has been approved locally:

Nature of License Approved:

BY: _____
SHELTON YOUNG , Chief, Lebanon Police Department
City ABC Administrator

PERMIT HOLDER

BY:

TITLE:

(Ord. 07-10, passed 6-18-07; Am. Ord. 07-13, passed 9-10-07)

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ORDINANCE NO. 88- 11

AN ORDINANCE RELATING TO THE SALE, CONSUMPTION REGULATION OF ALCOHOLIC BEVERAGES, THE ISSUANCE OF LICENSES THEREFOR, REGULATING THE TIMES OF SALES AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the legislature of the Commonwealth of Kentucky has enacted a statutory scheme regulating the sale and consumption of alcoholic beverages, and

WHEREAS, the statutory scheme enacted by the legislature grants to certain cities the right to also regulate and license the sale of alcoholic beverages, and

WHEREAS, for many years the City of Lebanon has licensed and regulated the sale of alcoholic beverages other than distilled spirits by the drink for consumption on the premises, and

WHEREAS, pursuant to an Act of the 1988 Legislature, the City is now, in certain limited situations, authorized to license and regulate the sale of distilled spirits by the drink for consumption on the premises, and

WHEREAS, the City Council has determined that there exists within the City substantial unemployment and that the economy of the City is not expanding at a satisfactory rate, thereby creating conditions of economic hardship within the City, and

WHEREAS, the Council has further determined that by licensing certain hotels, motels, inns and/or restaurants in order to allow the sale of distilled spirits by the drink and for consumption on the premises may aid the City's economic growth, increase its employment and alleviate existing conditions of economic hardship,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
LEBANON, KENTUCKY:

SECTION 1

Unless the context otherwise requires, the following terms, as used in
this Ordinance, shall be construed according to the definitions given
below.

A. Alcohol means ethyl alcohol, hydrated oxide of ethyl or spirit of
wine, from whatever source or by whatever process it is produced.

B. Alcohol beverage means every liquor or solid, whether patented or
not, containing alcohol in an amount in excess of that permitted under
Chapter 242 of the Kentucky Revised Statutes and capable of being consumed
by human beings. It includes every beverage for which the Commonwealth of
Kentucky requires a license under Chapter 243 of the Kentucky Revised
Statutes.

C. Malt beverage means any fermented undistilled alcoholic beverage of
any name or description, manufactured from malt wholly or in part, or from
any substitute for malt, and having an alcoholic content greater than that
permitted under Chapter 242 of the Kentucky Revised Statutes.

D. Wine means the product of the normal alcoholic fermentation of the
juices of fruits, with the usual cellar treatment and necessary additions
to correct defects due to climatic, saccharin and seasonal conditions. It
includes champagne and sparkling and fortified wine of an alcoholic content
not to exceed 24% by volume.

E. City Administrator or administrator means the City's alcoholic
beverages control administrator.

F. Convicted means a finding of guilt resulting from a plea of guilty,
the decision of a Court, or the findings of a jury, irrespective of a
pronouncement of Judgment or the suspension of the Judgment.

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

H. Sale means any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor or agent, servant or employee, of any alcoholic beverage. "Sale" further means to solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

I. Retail sale means any sale where delivery is made to any person not holding a license.

J. Wholesale sale means a sale to any licensed person for the purpose of resale.

K. Person means and shall include persons, associations, partnerships, corporations and every other being known to law.

L. Premises or licensed premises means a building or structure and does not include any appurtenant structures, parking lots or areas outside the confines of such building or structure.

M. Restaurant, as used in reference to Class "F" licenses referred to herein means eating establishments open to the general public having dining facilities for not less than one hundred (100) persons, and as used in reference to Class "D" licenses referred to herein means businesses with dining facilities which receive at least 50% of their gross annual income from their dining facilities by the sale of food.

SECTION 11

It shall be unlawful to sell or offer for sale at wholesale or at retail in the City any alcoholic beverage without having the appropriate

wholesale or retail license hereinafter provided for, or in violation of the terms of such license. Each license issued shall be applicable only to the specific premises shown thereon and shall not entitle the holder of the license to sell from any other premises within the City.

SECTION III

Applications for licenses shall be made to the City Administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a corporation. Such applications shall be made on forms supplied by the City Administrator and no license shall be issued until completed in full and the appropriate fee therefor has been paid.

SECTION IV

The licenses authorized under this Ordinance shall be divided into the following categories and the applicant shall, at the time of his application, pay to the City Administrator the appropriate fee for each license applied for:

Wholesale malt beverage license--permits wholesale sale of malt beverages to licensed dealers \$125.00

Class "A" license--permits only retail sale of distilled spirits and wine in sealed packages, but not for consumption on the licensed premises \$400.00

Class "B" license--permits only the retail sale of malt beverages in sealed packages, but not for consumption on the licensed premises \$100.00

Class "C" license--permits only retail sale of wine for consumption on the licensed premises where sold, and not for resale in any form \$200.00

Class "D" license--permits only the retail sale of malt beverages by the drink for consumption on the licensed premises of restaurants, and not for resale in any form \$ 75.00

Class "E" license--permits holders of valid Class "B" licenses to engage in the retail sale of malt beverages by the drink for consumption on the

licensed premises where sold, but not for resale in any form \$ 25.00

Class "F"--permits only retail sale of distilled spirits by the drink for consumption on the licensed premises where sold, and not for resale in any form. Available only to hotels, motels or inns containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons \$200.00

SECTION V

No license provided for in this Ordinance shall be issued to:

- A. A person who has been convicted of a felony;
- B. A person who is not of good character and reputation in the community;
- C. A person whose license under this Section has been revoked for any cause;
- D. A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
- E. A partnership, unless all the members of the partnership shall be qualified to obtain such a license;
- F. A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% of the stock of such corporation would not be eligible to receive a license hereunder for any such reason;
- G. A person whose place of business is to be conducted by a manager or agent unless such manager or agent possesses the same qualifications required of the licensee;
- H. A person who has, within five years of the application date, been convicted of a violation of any federal or state law concerning the

manufacture, possession, transportation or sale of alcoholic beverages, or who shall have forfeited his bond to appear in Court to answer charges for any such violation;

1. Any person, firm or corporation not eligible for a state alcoholic beverage license regulating the sale of the same alcoholic beverages for which such person proposes to acquire a City license.

SECTION VI

No premises for which there has been granted any license for the sale of distilled spirits or wine shall remain open for any purpose between midnight and 8:00 a.m., or any time during the 24 hours of a Sunday, or during the hours the polls are open for any regular, primary, school or special election. Provided, that if a licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with the alcohol business, and said department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this Section. No malt beverages shall be sold, given away or delivered by anyone holding any license to sell malt beverages between midnight and 6:00 a.m. or at any time during the twenty-four (24) hours of a Sunday or during the hours the polls are open on an election day.

SECTION VII

Each license issued hereunder shall terminate on the 30th day of June following the issuance thereof. Should any such license be issued by the City and any required City, County, or Federal approval, certification or licensing not be obtained by the applicant or should same be voluntarily or involuntarily withdrawn, removed, relinquished or suspended, then the

license issued hereunder by the City shall immediately become null and void and shall be surrendered to the City Administrator. Any license fee paid shall thereupon be automatically forfeited and shall not be prorated. Following a license suspension or revocation a new license may be applied for upon the making of a new application and the payment of a new license fee.

SECTION VIII

Persons desiring to obtain a license hereunder for only part of a license year shall pay a prorated fee equal to as many twelfths of the annual license fee as there are calendar months remaining in the license year, including the month in which the license is granted. In no event shall the prorated license fee be less than one-half the full annual license fee.

SECTION IX

Any person violating any provision of this Ordinance shall be fined not less than \$100.00 nor more than \$500.00 for each offense and each day in which a violation of this Ordinance shall occur shall be deemed to constitute a separate offense. Any person or licensee violating any provision of this Ordinance twice in a 24-month period shall have, in addition to the fines involved, all alcoholic beverage licenses issued by the City of Lebanon revoked and all license fees paid shall thereupon be automatically forfeited and shall not be prorated.

SECTION X

All Ordinances or parts of Ordinances in conflict herewith are expressly repealed, but only to the extent of such conflict.

SECTION XI

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court

of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

SECTION XII

This Ordinance shall become effective upon its second reading, passage and publication.

CITY OF LEBANON, KENTUCKY

By Maurice D. Spalding
MAURICE D. SPALDING, Mayor

ATTEST:

By Joyce A. Ford
JOYCE A. FORD, City Clerk

First reading given July 20, 1988.

Second reading given August 8, 1988.

Published in The Lebanon Enterprise on August 17, 1988.

Joyce A. Ford
JOYCE A. FORD, City Clerk