

LOUISVILLE

ORDINANCE NO. 059, SERIES 2013

AN ORDINANCE AMENDING SECTIONS ~~113.40~~ 113.16
AND 113.42 ALLOWING SUNDAY SALES TO OCCUR FOR
RETAIL BY THE DRINK AT RESTAURANTS AT 10
A.M. (AS AMENDED)

Sponsored By: Councilman Tandy, Blackwell, King and Kramer

WHEREAS, Louisville Metro Council wishes to provide greater flexibility to establishments who would like to serve customers alcohol by the drink before 1 pm on Sunday;

WHEREAS, for Louisville to remain competitive for conventions and major sporting events and races, it is helpful for properly licensed restaurants to have the option of serving alcohol by the drink before 1 pm on Sunday; and

WHEREAS, the Kentucky Revised Statute 244.290(3)(b) gives Louisville Metro Council the authority to permit the sale of alcohol by the drink on Sunday at 10 a.m.; and

WHEREAS, Louisville Metro Council wants to add more transparency for neighbors of establishments who apply for a license to sell alcoholic beverages and require notification be posted at said property.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

~~Section 1: LMCO Section 113 section 40 is hereby amended to read as follows:~~

~~§ 113.40 LIQUOR; HOURS OF SALE.~~

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

(B) To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. ~~10 a.m.~~ Sunday.

(C) Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee under this chapter may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the Sunday following the first Saturday in May of each year and 6:00 a.m. on the Sunday following the first Saturday in May of each year, and also at any time between 12:00 p.m. on the Sunday following the first Saturday in May of each year and 12:00 p.m. on Monday, the following day.

(D) Notwithstanding the provisions of subsections (A), (B), (C), and (E), any special hours retail drink, special hours package, or special hours malt beverage licensee may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m., as long as the licensee holds a current, corresponding special hours license(s).

(E) Notwithstanding the provisions of subsections (A), (B), and (C), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and/or malt beverage licensees and ~~who have dining facilities with a minimum seating capacity of 100 people at tables~~ and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food and airport drink licensees and horse track licensees, may sell, permit to be sold, or permit consumption of liquor, ~~or wine,~~ or malt beverages by the drink on Sundays between the hours of 10:00 a.m. 1:00 p.m. and 12:00 a.m. on Monday, the following day.

Section 2: LMCO Section 113 section 16 is hereby amended to read as follows:

§ 113.16 PUBLISHED NOTICE OF APPLICATION.

(A) The Louisville Metro Government ABC Administrator shall not approve any application for an original license to sell alcoholic beverages until the applicant has caused to be published a concise advertisement in accordance with the provisions of KRS 243.360.

(B) Applicant shall post notice of the application for an original license to sell alcoholic beverages, any amendments to an original license, or application for additional license to sell alcoholic beverages. The notice must be posted conspicuously on the property at the time the application or amendment to application is filed and remain posted until the approval or denial of the application or amendment. The posting shall be in at least 14 point font size, on at least 8 inches by 11.5 inches yellow paper of durable material.

Section 3: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

Jim King
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

LOUISVILLE

ORDINANCE NO. 202, SERIES 2013

AN ORDINANCE AMENDING SECTIONS 113.40, 113.41 AND 113.42 TO ELIMINATE THE LICENSES FOR PACKAGE RETAILERS TO SELL MALT BEVERAGE, WINE AND DISTILLED SPIRITS BETWEEN THE HOURS OF 2 AM AND 4 AM. (AMENDED BY SUBSTITUTION)

Sponsored By: Councilmembers Hamilton, Scott, Shanklin, Woolridge, Butler, James, Blackwell and Tandy

WHEREAS, Louisville Metro Council wishes to prohibit the sale of package malt beverage, wine and distilled spirits at retail package businesses between the hours of 2 a.m. and 4 a.m. in an effort to combat alcohol related crime in Jefferson County; and

WHEREAS, Louisville Metro Council seeks to eliminate the problem of late night liquor stores and convenient stores being a gathering point in the community for criminal activity; and

WHEREAS, many of the problematic retail package businesses have bars on the windows and doors, they lock the doors at dusk to be drive-thru only and have even installed bullet proof glass in certain vestibules to protect the cashiers from their own customers whereas by the drink establishments are by nature places of social gathering and have security to prevent criminal activities on their premises.

WHEREAS, the lack of security at retail package businesses create an atmosphere that allows for drugs and other criminal activity to occur on the premises.

WHEREAS, criminal activities normally occur in the parking lots and streets adjacent to the retail package businesses thereby creating unwarranted disruption and safety risk to the neighbors.

WHEREAS, Louisville Metro Council does not intend to "grandfather" those retail businesses with a current 2 a.m. and 4 a.m. extended hour supplemental retail package liquor and malt beverage licenses.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

Section 1: LMCO Section 113 section 40 is hereby amended to read as follows:

§ 113.40 LIQUOR; HOURS OF SALE.

(A) Retail package distilled spirits and wine. The lawful operating hours for a licensee to sell, permit to be sold, or deliver distilled spirits or wine are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;*
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and*
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.*

(B) Retail drink distilled spirits and wine. The lawful operating hours for a licensee to sell, serve, or permit the consumption of distilled spirits or wine are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;*
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least fifty percent (50%) of its gross receipts from the sale of food or have one of the following licenses set forth in Kentucky*

Revised Statute: qualified historic site license (KRS 243.042), nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(C) Derby exception. Notwithstanding sections (A) and (B), retail drink and retail package licensees may sell, serve, deliver, permit to be sold, or permit the consumption of distilled spirits and wine on the first Saturday of May between the hours of 12 a.m. and 6 a.m.

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

~~—(A)—To sell, give away, or permit to be sold or given away any distilled spirits or wine at retail between the hours of 12:00 a.m. midnight and 6:00 a.m. on any weekday and Saturday, or between the hours of 12:00 a.m. and 1:00 p.m. Sunday, or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday; or~~

~~—(B)—To permit the consumption of any distilled spirits or wine on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 12:00 a.m. Sunday and 6:00 a.m. Monday.~~

~~—(C)—Notwithstanding subsections (A) and (B), any retail drink or package licensee under this chapter may sell, permit to be sold, and retail drink licensees may permit the consumption of, distilled spirits or wine at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.~~

~~—(D)—Notwithstanding the provisions of subsections (A) and (B), any special hours retail package or drink licensee may sell or permit to be sold and any special hours~~

~~retail drink licensees may permit the consumption of distilled spirits or wine at any time between the hours of 12:00 a.m. and 2:00 a.m. and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s). However, an extended (special) hours retail package license, as discussed immediately above, specifically prohibits the sale of distilled spirits and wine on Monday between the hours of 12:00 a.m. and 4:00 a.m.~~

Section 2: LMCO Section 113 section 41 is hereby amended to read as follows:

§ 113.41 BEER; HOURS OF SALE.

(A) Retail malt beverage package. The lawful operating hours for a licensee to sell, permit to be sold, or deliver malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday; and —
- (3) Between the hours of 12 a.m. and 2 a.m. on any day of the week if the licensee has an extended hour supplemental license.

(B) Retail malt beverage drink. The lawful operating hours for a licensee to sell, serve, or permit the consumption of malt beverages are as follows:

- (1) Between the hours of 6 a.m. and 12 a.m. on Monday through Saturday;
- (2) Between the hours of 1 p.m. and 11:59 p.m. on Sunday, unless the licensee has a special Sunday malt beverage retail drink license that allows operating hours to begin at 10 a.m. To be eligible for the special Sunday retail drink license, the licensee must receive at least fifty percent (50%) of its gross receipts from the sale of food or have one of the following licenses set forth in

Kentucky Revised Statute: qualified historic site license (KRS 243.042),
nonquota type 1 (KRS 243.082), or nonquota type 2 (KRS 243.084); and

(3) Between the hours of 12 a.m. and 4 a.m. on any day of the week if the retail
premise has an extended hour supplemental license.

(C) Derby exception. Notwithstanding sections (A) and (B), retail drink and retail
package licensees may sell, serve, deliver, permit to be sold, or permit the
consumption of malt beverages on the first Saturday of May between the hours
of 12 a.m. and 6 a.m.

~~It shall be unlawful for any licensee under this chapter, or any amendment or
supplement thereto:~~

~~—(A)— To sell, give away, or permit to be sold or given away any malt beverage at
retail between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week; or~~

~~—(B)— To permit the consumption of any malt beverage on the licensed premises
between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week.~~

~~—(C)— Notwithstanding the provisions of subsections (A) and (B), any malt beverage
licensee may sell, permit to be sold, or permit the consumption of malt beverages at any
time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on
the following Sunday.~~

~~—(D)— Notwithstanding the provisions of subsections (A) and (B), any special hours
malt beverage licensee may sell, permit to be sold, or permit the consumption of malt
beverages between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m.
on each day of the week, as long as the licensee holds a current, corresponding special
hours license(s).~~

Section 3: LMCO Section 113 section 42 is hereby eliminated as it is addressed in LMCO § 113.40 and LMCO § 113.41:

~~§ 113.42 SUNDAY; HOURS OF SALE.~~

~~It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:~~

~~—(A)— To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday; or~~

~~—(B)— To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday.~~

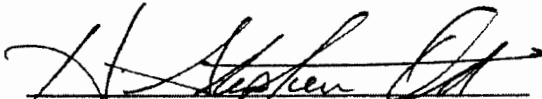
~~—(C)— Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee under this chapter may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the Sunday following the first Saturday in May of each year and 6:00 a.m. on the Sunday following the first Saturday in May of each year, and also at any time between 12:00 p.m. on the Sunday following the first Saturday in May of each year and 12:00 p.m. on Monday, the following day.~~

~~—(D)— Notwithstanding the provisions of subsections (A), (B), (C), and (E), any special hours retail drink, special hours package, or special hours malt beverage licensee may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m., as long as the licensee holds a current, corresponding special hours license(s).~~


~~—(E)— Notwithstanding the provisions of subsections (A), (B), and (C), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and/or~~

~~malt beverage licensees and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food and airport drink licensees and horse track licensees, may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages by the drink on Sundays between the hours of 10:00 a.m. and 12:00 a.m. on Monday, the following day.~~

Section 4: This Ordinance shall take effect on December 1, 2013.


H. Stephen Ott
Metro Council Clerk


Jim King
President of the Council


Greg Fischer
Mayor

10/31/13
Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney





BY: 

Hours of Operation 113 40- 42 CW Hamilton ROC-sjm for 10-24-13 FINAL

LOUISVILLE**CHAPTER 113: ALCOHOLIC BEVERAGES****Section****General Provisions**

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GENERAL PROVISIONS

§ 113.01 TITLE.

This chapter shall be known and may be cited as the "Alcoholic Beverage Control Ordinance of the Louisville/Jefferson County Metro Government."

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.02 DEFINITIONS.

Terms used in this chapter shall have the same meaning as given to those terms set forth in the Kentucky Alcoholic Beverage Control Law (KRS Chapters 241, 243, and 244), and all amendments and supplements thereto unless the context requires otherwise.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.03 RULES OF CONSTRUCTION.

(A) Irrespective of title or article headings, the sections of this chapter shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application.

(B) Nothing in this chapter shall excuse or relieve the owner, proprietor, employee, or person in charge of any licensed premises in the jurisdiction of the Louisville/Jefferson County Metro Government ("Louisville Metro Government"), where alcoholic beverages are sold from the restrictions, requirements, and penalties of any other ordinances of the Louisville Metro Government or of any statutes of the state relating to violations pertaining to alcoholic beverages.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.04 ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.

The provisions of the Alcoholic Beverage Control Laws and Administrative Regulations of the Commonwealth of Kentucky (KRS Chapters 241, 243, and 244), and all amendments and supplements thereto, are adopted as far as applicable as a portion of this chapter except as otherwise lawfully provided herein.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

Statutory reference:

Alcoholic beverages, see KRS 241 et seq.

LICENSING PROVISIONS

§ 113.15 LICENSE FEES; ISSUANCE FEE.

(A) As permitted by the schedule set forth in KRS 243.070, every person who engages in any business pertaining to alcoholic beverages shall pay in advance to the Louisville Metro Government ABC Administrator an annual license fee according to the following schedule for the proper corresponding license(s) required:

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

- (a) Distiller's license, per annum \$500
- (b) Rectifier's license, per annum \$500
- (c) Blender's license, per annum \$500
- (d) Wholesaler's distilled spirits
and wine license, per annum \$2,000
- (e) Distilled spirits and wine retail
package license, per annum \$1,100
- (f) Distilled spirits and wine retail
package special hours license,
per annum:
 - Midnight to 2:00 a.m. \$100
 - 2:00 a.m. to 4:00 a.m. \$100

(2) Distilled spirits and wine retail drink

license, motel drink license, airport
airport drink license, restaurant
drink license, or supplemental
bar license, per annum: \$1,200

- (a) Special hours: midnight to
 - 2:00 a.m. \$100
 - 2:00 a.m. to 4:00 a.m. \$100

(3) Distilled spirits and wine

special temporary liquor

- license, per event: \$166.67
- (4) Special temporary wine
license, per event \$25
- (5) Distilled spirits and wine
special temporary auction
license, per event: \$200
- (6) Special private club license,
per annum: \$300
- (7) Distilled spirits and wine
special Sunday retail drink
license, per annum: \$300
- (8) Extended hours supplemental
license, per annum: \$2,000
- (9) Nonresidential special agent
of solicitor's license, per
annum: \$40
- (10) Restaurant wine license,
per annum:
(a) New applicant: \$300
(b) Applicants for renewal: \$300
- (11) Caterer's license, per annum \$800
- (12) Riverboat license, per annum \$1,200
- (13) Horse race track license, per annum \$2,000

- (14) Convention center or
convention hotel complex
license, per annum: \$2,000
- (15) Automobile race track license,
per annum: \$2,000
- (16) Bottling house distilled
spirits license or wine
storage license, per annum \$1,000
- (17) Souvenir retail liquor license,
per annum: \$1,000
- (18) Malt beverage licenses as follows:
 - (a) Brewer's license, per annum: \$500
 - (b) Microbrewery license, per annum: \$500
 - (c) Malt beverage distributor's
license, per annum: \$300
 - (d) Retail malt beverage license,
per annum: \$200
 - (e) Special temporary retail malt
beverage license, per event: \$25
 - (f) Malt beverage brew-on-premises
license, per annum: \$100
 - (g) Malt beverage special hours
licenses, per annum:

Midnight to 2:00 a.m. \$25

2:00 a.m. to 4:00 a.m. \$25

(B) All of the fees paid to the Metro Government for licenses issued under subsection (A) of this section shall be credited to an account to be used solely by the ABC Division of the Department of Inspections, Permits and Licenses for the administration and enforcement in Louisville Metro of KRS Chapters 241, 242, 243 and 244 and this chapter. Any remaining moneys in the account shall not lapse at the close of the fiscal year.

(C) Where a licensee is being charged a fee that is set forth in subsection (A) by an incorporated municipality in the jurisdiction of the Louisville Metro Government such licensee shall receive a credit on the same fee it pays to the Louisville Metro Government.

(D) Fees, when due; licenses, when issued; expiration of licenses. All license renewals will be done year-round on the system established in accordance with the provisions of KRS Chapter 243 and KAR Chapter 804. No license shall be issued pursuant to this chapter until the total amount of the license fee has been paid to the Louisville Metro Government ABC Administrator.

(E) A nonrefundable application fee of \$50 will be charged to process each new and annual renewal application under this section unless the fee for the license being applied for is \$100 or less. The application fee will be applied to the licensing fee if the license is issued; otherwise the Louisville Metro Government Alcoholic Beverage Control will retain it.

(F) Responsibility for fee payment. The license fee for every license issued under this chapter shall be payable by the person making application for such license and to whom is issued each license, and no other person shall pay for any license issued under this chapter. In addition to all other penalties provided in this chapter, a violation of this section shall authorize and require the revocation of the license, if any, of the person paying for the license of another.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003; Lou. Metro Am. Ord. No. 109-2003, approved 6-16-2003) Penalty, see § 113.99

§ 113.16 PUBLISHED NOTICE OF APPLICATION.

The Louisville Metro Government ABC Administrator shall not approve any application for an original license to sell alcoholic beverages until the applicant has caused to be published a concise advertisement in accordance with the provisions of KRS 243.360.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.17 DELINQUENT TAXES; LICENSE WITHHELD.

No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the Louisville Metro Government at the time of issuing the license. Nor shall any license be granted to sell on any premises or property, owned and occupied by the licensee, on which there are any delinquent taxes due to the Louisville Metro Government. Where the property or premises on which a license to sell is sought, is rented or occupied by the applicant for a license but is owned by another, no license shall be granted if the taxes of the Louisville Metro Government due on the property or premises have not been paid. In such cases, the Louisville Metro Government ABC Administrator may, in his discretion, issue a license to sell after receiving from the Louisville Metro Government a written statement to the effect that the applicant for the license and the owner of the property or premises on which the license is sought have made arrangements with the Louisville Metro Government, satisfactory to it, for taking care of the indebtedness represented by the unpaid and delinquent taxes referred to above.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.18 FORFEITURES.

If any license issued under this chapter is revoked or canceled for any reason by the Louisville Metro Government ABC Administrator, the licensee shall forfeit any and all claims, which the licensee might otherwise have had to any portion of the license fee paid by the licensee on the issuing of the license.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.19 LICENSE WITHHELD WHERE PRINCIPAL TRADE WITH SCHOOL-CHILDREN.

No license shall be issued to any person for the sale at retail of any alcoholic beverages at any store or other place of business where the majority of its business consists of minors of school age or where the principal business transacted consists of the selling of schoolbooks, school supplies, food, lunches, or drinks for minors irrespective of the distance of the store or other place of business from a church, school, or hospital.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.20 LOST, DESTROYED, OR CORRECTED LICENSES.

Whenever a license is lost or destroyed without the fault of the licensee, his or her agents, or employees, a duplicate license shall be issued on proof of loss satisfactory to the Louisville Metro Government ABC Administrator, or if any license needs to be corrected, a duplicate in lieu of the original license shall be issued by the Louisville Metro Government ABC Administrator, after he or she is satisfied as to the facts. Any request for a duplicate license must be in writing and accompany with a fee of \$25 for creating the duplicate license.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.21 COMPLIANCE WITH OTHER ORDINANCES AND REGULATIONS.

No license shall be issued or renewed to any person for selling at retail or wholesale any alcoholic beverages at any premises or location where such business or associated activities are prohibited under, or are in violation or conflict with any regulation, including but not limited to signs, fire prevention and/or the zoning code and regulations of the Louisville Metro Government and any ordinance supplementary or amendatory to it, and any license issued in violation of this section shall be void. However, any person who held, relative to zoning and use, a Louisville Metro Government license for, and actually carried on thereunder, this business during or within the last month of the preceding license period may be granted a similar license by the Louisville Metro Government ABC Administrator, in the exercise of his or her sound discretion, for the same business at the same premises or location. Any zoning restrictions that may apply shall be noted on the license at the time of issuance.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.22 CONDITIONS GOVERNING LICENSES.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of other ordinances and regulations of the Louisville Metro Government applicable thereto and all rules and regulations duly adopted by the Louisville Metro Government ABC Administrator:

(A) Every applicant procuring a license thereby consents to the entry of the Louisville Metro ABC Government Administrator, or any duly authorized representative of such Administrator, at all hours for the purpose of inspection and search; consents to the removal from the premises of all things and articles which are had in violation of this chapter or state law or federal law; and consents to the introduction of such things and articles in evidence in any hearing or prosecution that may be brought for such offense.

(B) Every hotel that procures a license under this chapter shall be entitled to serve such beverages as such license holder is entitled to serve in a separate room or rooms at banquets or dinners or where meals are served. However, no hotel shall maintain or operate or permit to be operated more than one bar or room where alcoholic beverages are sold and which is opened to the general public without obtaining a separate license for each bar or room which is opened to the general public.

(C) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted, or maintained thereon.

(D) It shall be unlawful for any licensee licensed under this chapter to have or maintain any radio receiving apparatus on such premises that will respond or is capable of being adjusted so as to receive police messages broadcast from the Louisville Metro Government Police radio station as it is now or may hereafter be operated. In addition to

other penalties provided for the violation of this section, the Chief of Police, the Louisville Metro Government ABC Administrator or his designated Enforcement Officers shall have the authority to confiscate any and all such radio receiving apparatus.

(E) It shall be unlawful for any licensee under this chapter to sell, keep or permit to be sold, or kept on the licensed premises any controlled substances as defined in KRS Chapter 218A. In addition to other penalties set out in this chapter for the violation of this section the Louisville Metro Government ABC Administrator shall also have the authority to revoke the license issued to the premises.

(1) It shall be unlawful for any licensee, or any employee of any licensee, to permit or allow acts of prostitution, gambling or the possession of any gambling device on the licensed premises.

(2) It shall be unlawful for any licensee, or employee of any licensee, to allow the premises to become overcrowded or violate any ordinance or regulation of the Fire Prevention or Fire Marshall offices.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.23 ISSUANCE OF LICENSE; RECEIPT OF FEES.

All licenses granted under this chapter shall be approved and issued by the Louisville Metro Government ABC Administrator. All license fees from licenses issued under this chapter shall be collected by the Louisville Metro Government ABC Administrator who shall make reports and pay the fees over to the Director of Finance in such a manner as shall be determined by the Director of Finance and the Louisville Metro Government ABC Administrator.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

Statutory reference:

Alcoholic beverages, see KRS 241 et seq.

§ 113.24 REVOCATION OR SUSPENSION OF LICENSE.

(A) A violation of any of the provisions of this chapter, or any amendment thereof, by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. It shall be the duty of the Chief of Police of the Louisville Metro Government to make a written report to the Louisville Metro Government ABC Administrator of any violation of this chapter or any amendment thereof, or of any of rules or regulations of the Louisville Metro Government ABC Administrator, observed by any member of the Police of the Louisville Metro Government. Whenever any licensee shall violate any provision of this chapter or any ordinance relating to the subject of alcoholic beverage control or any of the rules or regulations of the Louisville Metro Government ABC Administrator, or any of the provisions of the Alcoholic Beverage Control Laws of the Commonwealth of Kentucky, or any amendments or supplements thereto, or any of the rules and regulations adopted by the Kentucky State Alcoholic Beverage Control Board,

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or any acts of Congress, or rule or regulation of any federal board, agency, or commission relative to the regulation and taxation of alcoholic beverages, proceedings for the revocation of the license shall be instituted in the manner and under the procedure established by the Kentucky State Alcoholic Beverage Control Law.

(B) For a violation of any section of this chapter or any amendment thereof or of any rule or regulation of the Louisville Metro Government ABC Administrator, or of any rule or regulation of the State Alcoholic Beverage Control Board, or any acts of Congress or rule or regulation of any federal board, agency, or commission relative to the regulation and taxation of alcoholic beverages, or on conviction by a court of competent jurisdiction for any such violation, the Louisville Metro Government ABC Administrator is authorized and empowered to order the revocation or suspension of any license issued under this chapter.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.25 TRANSFER OF LICENSE OR BUSINESS.

No license issued under this chapter shall be transferred or assigned by the holder, except as provided in the Alcoholic Beverage Control Laws of the Commonwealth of Kentucky, KRS 243.630 and per approval of the Louisville Metro Government ABC Administrator.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

OPERATING REGULATIONS

§ 113.40 LIQUOR; HOURS OF SALE.

It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:

(A) To sell, give away, or permit to be sold or given away any distilled spirits or wine at retail between the hours of 12:00 a.m. midnight and 6:00 a.m. on any weekday and Saturday, or between the hours of 12:00 a.m. and 1:00 p.m. Sunday, or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday; or

(B) To permit the consumption of any distilled spirits or wine on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 12:00 a.m. Sunday and 6:00 a.m. Monday.

(C) Notwithstanding subsections (A) and (B), any retail drink or package licensee under this chapter may sell, permit to be sold, and retail drink licensees may permit the consumption of, distilled spirits or wine at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.

(D) Notwithstanding the provisions of subsections (A) and (B), any special hours retail package or drink licensee may sell or permit to be sold and any special hours retail drink licensees may permit the consumption of distilled spirits or wine at any time

between the hours of 12:00 a.m. and 2:00 a.m. and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s).

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003; Lou. Metro Am. Ord. No. 113-2005, approved 8-1-2005) Penalty, see § 113.99

§ 113.41 BEER; HOURS OF SALE.

It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:

(A) To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week; or

(B) To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any day of the week.

(C) Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.

(D) Notwithstanding the provisions of subsections (A) and (B), any special hours malt beverage licensee may sell, permit to be sold, or permit the consumption of malt beverages between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s).

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.42 SUNDAY; HOURS OF SALE.

It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:

(A) To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday; or

(B) To permit the consumption of any malt beverage on the licensed premises between the hours of 12:00 a.m. midnight Sunday and 1:00 p.m. Sunday.

(C) Notwithstanding the provisions of subsections (A) and (B), any malt beverage licensee under this chapter may sell, permit to be sold, or permit the consumption of malt beverages at any time between 12:00 a.m. on the Sunday following the first Saturday in May of each year and 6:00 a.m. on the Sunday following the first Saturday in May of each year, and also at any time between 12:00 p.m. on the Sunday following the first Saturday in May of each year and 12:00 p.m. on Monday, the following day.

(D) Notwithstanding the provisions of subsections (A), (B), (C), and (E), any special hours retail drink, special hours package, or special hours malt beverage licensee may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages on Sundays between the hours of 12:00 a.m. and 2:00 a.m., and 2:00 a.m. to 4:00 a.m., as long as the licensee holds a current, corresponding special hours license(s).

(E) Notwithstanding the provisions of subsections (A), (B), and (C), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and who have dining facilities with a minimum seating capacity of 100 people at tables and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food, may sell, permit to be sold, or permit consumption of liquor or wine on Sundays between the hours of 1:00 p.m. and 12:00 a.m. on Monday, the following day.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.43 MINORS; PROHIBITIONS GOVERNING.

The provisions of KRS Chapter 244 and KAR Chapter 804 involving prohibitions governing minors shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.44 DISPLAY OF PRINTED WARNING.

The provisions of KRS 244.083 requiring the display of printed warnings shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.45 TREATING PROHIBITED.

The provisions of KRS 244.050 prohibiting treating shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.46 PREMISES; APPROVAL OF BY HEALTH DEPARTMENT AND FIRE PREVENTION.

Upon the initial application for an alcoholic beverage license, the Louisville Metro Government ABC Administrator shall not grant the license under this chapter to any applicant until the applicant and the applicant's place of business have been approved by the Board of Health and the Fire Prevention Bureau. Upon renewal of an alcoholic beverage license, the requirement of approval by the Board of Health and Fire Prevention Bureau before issuance will be waived if the applicant's business have been approved by the Board of Health and Fire Prevention Bureau during the licensing period. Premises being licensed for the retail sales of package distilled spirits and wine may be exempted from the Board of Health approval unless otherwise required by the Board of Health.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.47 BOOKS AND RECORDS.

The provisions of KRS 244.150 and 804 KAR 4:100 requiring the retention of books and records shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.48 SPIRITS OUTSIDE LOCKED DEPARTMENT; DISCOVERY OF.

The provisions of KRS Chapter 244 and KAR Chapter 7 pertaining to the discovery of spirits outside a locked department shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.49 OPERATION WITHOUT A LICENSE.

The provisions of KRS 243.020 pertaining to licensing shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.50 NUDE OR NEARLY NUDE ACTIVITIES PROHIBITED.

(A) No person shall perform or appear on the premises of any establishment licensed to sell wine, distilled spirits or malt beverages (hereafter "licensed premises") in such a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or male genitals in a discernible, turgid state, even if completely and opaquely covered, or employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(B) No licensee holding a license for the sale of wine, distilled spirits or malt beverages and no employee or agent of the licensee shall permit any person to perform or appear on its licensed premises in a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or human or simulated male genitals in a discernible, turgid state, even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.51 LICENSEE TO NOTIFY EMPLOYEE THAT SALES OF ALCOHOL TO MINORS PROHIBITED; ACKNOWLEDGMENT.

(A) Every licensee selling alcoholic beverages by retail sales shall notify each individual employed in retail sales that the sale of alcoholic beverages to any person under the age of 21 years is prohibited.

(B) The notice to employees that is required by § 113.55(B) shall be provided before the employee commences work as a retail sales clerk. The employee shall signify receipt of the notice required by this section by signing a form that states as follows: I understand that under the laws of the Commonwealth of Kentucky it is illegal to sell alcoholic beverages to persons under the age of 21 years.

(C) The licensee shall maintain the signed acknowledgment required in subsection (B) in a place and manner so as to be easily accessible to any Police Officer of the Louisville Metro Government or the Louisville Metro Government ABC Administrator or his or her employees conducting an inspection of the retail outlet for purposes of monitoring compliance in limiting the sale or distribution of alcoholic beverages to persons under the age of 21.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.52 LICENSEE TO NOTIFY EMPLOYEE THAT PROOF OF AGE REQUIRED.

(A) Every licensee selling alcoholic beverages by retail sales shall notify each employee employed in retail sales that proof of age is required from a prospective buyer if it is reasonable to believe that the prospective buyer is under the age of 21 years.

(B) The following unaltered written instruments are the only acceptable types of identification.

(1) An unexpired driver's license issued by any state, provided such license contains a picture of the person;

(2) An official identification card issued by any state, provided such identification includes a picture of the person;

(3) A United States Armed Forces identification card, provided such identification includes a picture of the person;

(4) An unexpired passport issued by a government and which contains a picture of the person and a date of birth.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.53 CURRENT DRIVER LICENSE BOOK REQUIRED.

(A) Each licensee shall maintain on its premises the most recent edition of a reference booklet or publication, approved by the Louisville Metro Government ABC

Administrator that features pictorial samples or representations of legal motor vehicle operators' licenses. The Louisville Metro Government ABC Administrator shall maintain a list of approved references.

(B) A retail sales clerk shall consult such reference when presented identification which he or she believes may be fraudulent, or when other circumstances make it reasonable to believe that the identification may be fraudulent.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.54 SALES TO MINORS PROHIBITED; DEFENSE.

(A) No person shall sell or cause to be sold, give away, or deliver alcoholic beverages to a person under the age of 21 years.

(B) In any prosecution for a violation of this chapter, the defense that the sale was induced by fraudulent or altered identification papers, as defined in KRS 244.080(1), shall exist.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.55 EMPLOYMENT OF TWICE-CONVICTED PERSONS PROHIBITED; DEFENSES PROHIBITED.

(A) No licensee can employ in any capacity, for a period of two years from the date of the last conviction, any person who has been convicted twice in a two-year period of violations of this chapter. No person who has been convicted twice in a two-year period of violation of this chapter can serve as a shareholder, officer, director, member, partner, or in any other capacity, of a licensee. The two-year period begins on the date of the first conviction, and ends two years from that date.

(B) Failure of the licensee to terminate the relationship with the licensee of any person who has been twice convicted in a two-year period of violating §§ 113.54 through 113.82, after receiving notice of the person's disqualification, shall be grounds for revocation of the licensee issued by the Louisville Metro Government ABC Administrator.

(C) It shall not be a defense to a prosecution for the forfeiture of the license under this section, that the person who has been twice convicted of violations of this chapter refused to terminate the relationship nor shall it be a defense that the licensee was not aware that its employee had been twice convicted.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

ADMINISTRATION AND ENFORCEMENT

§ 113.80 DATABASE TO BE MAINTAINED.

(A) The names of persons who have been convicted for violations of this chapter shall be maintained in a database by the Louisville Metro Government ABC Administrator.

(B) All licensees shall contact the Louisville Metro Government ABC Administrator either by telephone, mail or via Internet to determine the eligibility of potential employees. If the licensee obtains information via the Internet, the licensee shall print a hard copy of the information with the date and time received and maintain it for a year. If the information is requested by mail or telephone, the Louisville Metro Government ABC Administrator shall respond promptly and confirm in writing the information provided.

(C) When a person becomes twice convicted for violations of this chapter in a two-year period, the employer of that person shall be notified of the disqualification under this chapter by regular U.S. mail. That notice shall be prima-facie evidence that the licensee received notice that the person was unemployable under this chapter.

(D) The licensee shall discharge the disqualified employee within five days of the sending of the notice in subsection (C) of this section.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.81 FAILURE TO PAY FINES.

The failure of any person or entity to pay any fine imposed upon such person or entity by the Louisville Metro Government ABC Administrator or hearing officer for violations of §§ 113.54 through 113.82 within 30 days of its imposition shall be grounds for the issuance of an order by the Louisville Metro Government ABC Administrator revoking the eligibility for employment of that person by licensees, or revoking the license issued by the Louisville Metro Government ABC Administrator.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.82 PRACTICE AND PROCEDURE.

Practice and procedure before the Louisville Metro Government Alcoholic Beverage Control Administrator or hearing officer shall be governed by 804 KAR 6:010, and, where applicable, the Kentucky Rules of Civil Procedure.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.98 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(1994 Jeff. Code, § 10.07) (Jeff. Ord. 36-1994, adopted and effective 12-20-1994; Lou. Metro Am. Ord. No. 40-2007, approved 3-26-2007)

§ 113.99 PENALTY.

(A) The penalties for violations of this chapter that pertain to alcoholic beverage laws that are set forth in KRS Chapters 241 through 244 shall be the same as provided by such chapters.

(B) Any person under the age of 18 years who violates any provisions of §§ 113.02 through 113.23, 113.40, and 113.41 shall be dealt with in accordance with the procedure prescribed by statute for minors charged with the commission of a public offense.

(C) Any person who violates the provisions of § 113.42 shall be fined not less than \$250 nor more than \$1,000, imprisoned not more than 50 days, or both.

(D) The fines imposed under subsections (A) through (C) shall be in addition to and independent of any action which may be taken by the Louisville Metro Government Alcoholic Beverage Administrator, in accordance with the provisions of the State of Kentucky Alcoholic Beverage Control laws and Administrative Rules and Regulations.

(E) In addition to any criminal penalties that may be prescribed, any person or entity that violates the provisions of §§ 113.54 through 113.82 shall appear before the Louisville Metro Government ABC Administrator or the Louisville Metro Government Alcoholic Beverage Control Board hearing officer for a civil hearing, and is subject to a civil penalty of not less than \$200 and not more than \$500 for each violation if convicted. This section shall not apply to obligations imposed upon the Louisville Metro Government ABC Administrator or his or her employees under those sections.

(1999 Lou. Code, § 111.054(A)) (Lou. Ord. No. 338-1959, approved 9-9-1959; Lou. Am. Ord. 7-1987, approved 2-10-1987; Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

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ORDINANCE NO. 138, SERIES 2005

AN ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF ANY NEW LICENSES RELATING TO THE SALE OF ALCOHOLIC BEVERAGES IN THE ORIGINAL HIGHLANDS AREA, AS DEFINED HEREIN (AS AMENDED).

Sponsored By: Council Member Tom Owen

WHEREAS, the Original Highlands neighborhood has experienced dramatic change in recent years that has had some deleterious effects on the quality of its community life; and

WHEREAS, the neighborhood needs a plan to guide further development in housing, transportation, and commerce over the coming decades,

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

Section I: A moratorium is imposed upon the issuance by the Louisville Metro Department of Inspection, Permits & License of any new licenses of any type that relate to the sale of alcoholic beverages within the Original Highlands Area, as described in Section III, whether to a new, or already-licensed business.

Section II: Existing establishments are located within the area described in Section III may continue to operate in accordance with any valid license(s) held on the effective date of this Ordinance, which they may apply to renew upon annual expiration, but may not apply for any additional licenses relating to the sale of alcoholic beverages until, or unless, this moratorium is repealed, or expired.

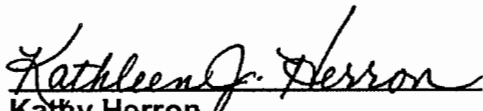
Section III: The provisions of this Ordinance shall not apply to those entities that have submitted an alcoholic beverage license application, nor to those entities that

have advertised in accordance with any applicable laws or regulations to obtain such licenses, as of the date of introduction of this Ordinance, August 25, 2005.


Section-III IV: For purposes of this Ordinance, the Original Highlands Area is the geographical area bounded as follows: Beginning at a point where the north side of East Broadway abuts the west side of Barret Avenue, then proceeding east, and including the properties along the north side of East Broadway, to a point where the north side abuts the east side of Baxter Avenue, then proceeding south, and including the properties along the east side of Baxter Avenue, to a point where the eastern side of Baxter Avenue abuts the eastern side of Bardstown Road, then proceeding southeast, and including the properties on the east side of Bardstown Road, to a point where the east side abuts the south side of Ellwood Avenue, then proceeding west, and including properties along the south side of Ellwood Avenue, to a point where the south side of Ellwood Avenue abuts the west side of Baxter Avenue, then proceeding north, and including properties along the west side of Baxter Avenue, to a point where the west side of Baxter Avenue abuts the south side of Rufer Avenue, then proceeding west, and including the properties along the south side of Rufer Avenue, to a point where the south side of Rufer Avenue abuts the west side of Barret Avenue, then proceeding north, and including the properties along the west side of Barret Avenue to the point of beginning. For purposes of this Area, properties that physically are located within the aforementioned boundaries, but may have a street address outside said boundaries, shall be included within the Area. The graphical representation of the boundaries of the Original Highlands Area is set forth in the map attached hereto as Exhibit A.

Section IV-V: The moratorium imposed by this Ordinance shall be effective immediately upon passage of this Ordinance, and shall remain effective for a period of up to six (6) months after the effective date of this Ordinance.

Section V-VI. This Ordinance shall take effect upon its passage and approval.


Kathy Herron
Metro Council Clerk

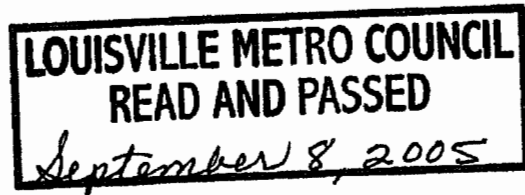

Dr. Barbara E. Shanklin
President of the Council


Jerry E. Abramson
Mayor

Approved: 9-12-05
Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney



BY: 

LOUISVILLE

Ordinance No. 113, Series 2005

AN ORDINANCE AMENDING SECTION 113.40 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES RELATING TO HOURS OF SALE OF LIQUOR.

Sponsored By: Councilman Rick Blackwell, District 12

NOW THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL] AS FOLLOWS:

SECTION I. Section 113.40 of the Louisville/Jefferson County Metro Government Code of Ordinances is hereby amended to read as follows:

§ 113.40 LIQUOR; HOURS OF SALE.

It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:

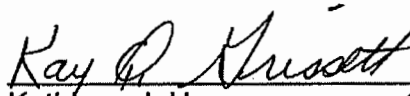
(A) To sell, give away, or permit to be sold or given away any distilled spirits or wine at retail between the hours of 12:00 a.m. midnight and 6:00 a.m. on any weekday and Saturday, or between the hours of 12:00 a.m. and 1:00pm Sunday, or the hours of 9:00pm Sunday and 6:00 a.m. Monday; or

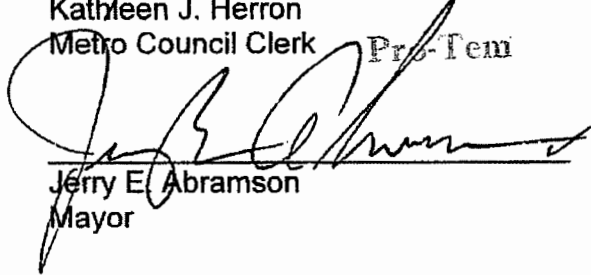
(B) To permit the consumption of any distilled spirits or wine on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 12:00 a.m. Sunday and 6:00 a.m. Monday.

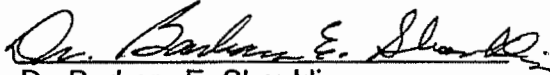
(C) Notwithstanding subsections (A) and (B), any retail drink or package licensee under this chapter may sell, permit to be sold, and retail drink licensees may permit the consumption of, distilled spirits or wine at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.

(D) Notwithstanding the provisions of subsections (A) and (B), any special hours retail package or drink licensee may sell or permit to be sold and any special hours retail drink licensees may permit the consumption of distilled spirits or wine at any time between the hours of 12:00 a.m. and 2:00 a.m. and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s).

SECTION II. This Ordinance shall take effect upon its passage and approval.


Kathleen J. Herron
Metro Council Clerk *Pro-Tem*

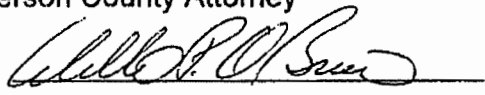

Jerry E. Abramson
Mayor


Dr. Barbara E. Shanklin
President of the Council

8/1/05
Approval Date

APPROVED AS TO FORM AND LEGALITY

Irv Maze
Jefferson County Attorney

BY: 

**LOUISVILLE METRO COUNCIL
READ AND PASSED**
7-28-05

TITLE XI: BUSINESS REGULATIONS

CHAPTER 113: ALCOHOLIC BEVERAGES

CHAPTER 113: ALCOHOLIC BEVERAGES

Section

General Provisions

- 113.01 Title
- 113.02 Definitions
- 113.03 Rules of construction
- 113.04 Adoption of State Alcoholic Beverage Control law

Licensing Provisions

- 113.15 License fees; issuance fee
- 113.16 Published notice of application
- 113.17 Delinquent taxes; license withheld
- 113.18 Forfeitures
- 113.19 License withheld where principal trade with schoolchildren
- 113.20 Lost, destroyed, or corrected licenses
- 113.21 Compliance with other ordinances and regulations
- 113.22 Conditions governing licenses
- 113.23 Issuance of license; receipt of fees
- 113.24 Revocation or suspension of license
- 113.25 Transfer of license or business

Operating Regulations

- 113.40 Liquor; hours of sale
- 113.41 Beer; hours of sale

supplements thereto unless the context requires otherwise.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.03 RULES OF CONSTRUCTION.

(A) Irrespective of title or article headings, the sections of this chapter shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application.

(B) Nothing in this chapter shall excuse or relieve the owner, proprietor, employee, or person in charge of any licensed premises in the jurisdiction of the Louisville/Jefferson County Metro Government ("Louisville Metro Government"), where alcoholic beverages are sold from the restrictions, requirements, and penalties of any other ordinances of the Louisville Metro Government or of any statutes of the state relating to violations pertaining to alcoholic beverages.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.04 ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.

The provisions of the Alcoholic Beverage Control Laws and Administrative Regulations of the Commonwealth of Kentucky (KRS Chapters 241, 243, and 244), and all amendments and supplements thereto, are adopted as far as applicable as a portion of this chapter except as otherwise lawfully provided herein.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

Statutory reference:

Alcoholic beverages, see KRS 241 et seq.

LICENSING PROVISIONS

§ 113.15 LICENSE FEES; ISSUANCE FEE.

Editor's Note:

The fees formerly contained in this section are promulgated by the Director, and can be found at www.louisvilleky.gov/IPL/.

§ 113.16 PUBLISHED NOTICE OF APPLICATION.

(A) The Louisville Metro Government ABC Administrator shall not approve any application for an original license to sell alcoholic beverages until the applicant has caused to be published a concise advertisement in accordance with the provisions of KRS 243.360.

(B) Applicant shall post notice of the application for an original license to sell alcoholic beverages, any amendments to an original license, or application for additional license to sell alcoholic beverages. The notice must be posted conspicuously on the property at the time the application or amendment to application is filed and remain posted until the approval or denial of the application or amendment. The posting shall be in at least 14 point font size, on at least 8.5 inches by 11 inches yellow paper of durable

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.21 COMPLIANCE WITH OTHER ORDINANCES AND REGULATIONS.

No license shall be issued or renewed to any person for selling at retail or wholesale any alcoholic beverages at any premises or location where such business or associated activities are prohibited under, or are in violation or conflict with any regulation, including but not limited to signs, fire prevention and/or the zoning code and regulations of the Louisville Metro Government and any ordinance supplementary or amendatory to it, and any license issued in violation of this section shall be void. However, any person who held, relative to zoning and use, a Louisville Metro Government license for, and actually carried on thereunder, this business during or within the last month of the preceding license period may be granted a similar license by the Louisville Metro Government ABC Administrator, in the exercise of his or her sound discretion, for the same business at the same premises or location. Any zoning restrictions that may apply shall be noted on the license at the time of issuance.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.22 CONDITIONS GOVERNING LICENSES.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of other ordinances and regulations of the Louisville Metro Government applicable thereto and all rules and regulations duly adopted by the Louisville Metro Government ABC Administrator:

(A) Every applicant procuring a license thereby consents to the entry of the Louisville Metro Government ABC Administrator, or any duly authorized representative of such Administrator, into the licensed premises and/or building containing licensed premises including any locked storage rooms or offices or lockers used by the licensed premises or its employees. Such entry may take place during regular business hours of the licensed premises, or such other times as the licensed premises are occupied by the licensee or a clerk, servant, agent, employee or customer of the licensee, for the purpose of inspection and search to ascertain if the licensee is in violation of this chapter or state or federal law and regulations promulgated thereunder relating to alcoholic beverages, including statutes or regulations prohibiting any sale, possession, or use of controlled substances on licensed premises and **prohibiting the setting up, conducting, operating, or keeping on the licensed premises of any gambling equipment or facility**. Evidence of a violation discovered pursuant to this section may be seized and used in an administrative or court hearing.

(B) Every hotel that procures a license under this chapter shall be entitled to serve such beverages as such license holder is entitled to serve in a separate room or rooms at banquets or dinners or where meals are served. However, no hotel shall maintain or operate or permit to be operated more than one bar or room where alcoholic beverages are sold and which is opened to the general public without obtaining a separate license for each bar or room which is opened to the general public.

(C) Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous, or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted, or maintained thereon.

(D) It shall be unlawful for any licensee licensed under this chapter to have or maintain any radio receiving apparatus on such premises that will respond or is capable of being adjusted so as to receive police messages broadcast from the Louisville Metro Government Police radio station as it is now or

(B) For a violation of any section of this chapter or any amendment thereof or of any rule or regulation of the Louisville Metro Government ABC Administrator, or of any rule or regulation of the State Alcoholic Beverage Control Board, or any acts of Congress or rule or regulation of any federal board, agency, or commission relative to the regulation and taxation of alcoholic beverages, or on conviction by a court of competent jurisdiction for any such violation, the Louisville Metro Government ABC Administrator is authorized and empowered to order the revocation or suspension of any license issued under this chapter.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.25 TRANSFER OF LICENSE OR BUSINESS.

No license issued under this chapter shall be transferred or assigned by the holder, except as provided in the Alcoholic Beverage Control Laws of the Commonwealth of Kentucky, KRS 243.630 and per approval of the Louisville Metro Government ABC Administrator.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

OPERATING REGULATIONS

§ 113.40 LIQUOR; HOURS OF SALE.

It shall be unlawful for any licensee under this chapter, or any amendment or supplement thereto:

(A) To sell, give away, or permit to be sold or given away any distilled spirits or wine at retail between the hours of 12:00 a.m. midnight and 6:00 a.m. on any weekday and Saturday, or between the hours of 12:00 a.m. and 1:00 p.m. Sunday, or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday; or

(B) To permit the consumption of any distilled spirits or wine on the licensed premises between the hours of 12:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 12:00 a.m. Sunday and 6:00 a.m. Monday.

(C) Notwithstanding subsections (A) and (B), any retail drink or package licensee under this chapter may sell, permit to be sold, and retail drink licensees may permit the consumption of, distilled spirits or wine at any time between 12:00 a.m. on the first Saturday in May of each year through 6:00 a.m. on the following Sunday.

(D) Notwithstanding the provisions of subsections (A) and (B), any special hours retail package or drink licensee may sell or permit to be sold and any special hours retail drink licensees may permit the consumption of distilled spirits or wine at any time between the hours of 12:00 a.m. and 2:00 a.m. and 2:00 a.m. to 4:00 a.m. on each day of the week, as long as the licensee holds a current, corresponding special hours license(s). However, an extended (special) hours retail package license, as discussed immediately above, specifically prohibits the sale of distilled spirits and wine on Monday between the hours of 12:00 a.m. and 4:00 a.m.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003; Lou. Metro Am. Ord. No. 113-2005, approved 8-1-2005; Lou. Metro Am. Ord. No. 26-2009, approved 3-16-2009) Penalty, see § 113.99

§ 113.41 BEER; HOURS OF SALE.

§ 113.43 MINORS; PROHIBITIONS GOVERNING.

The provisions of KRS Chapter 244 and KAR Chapter 804 involving prohibitions governing minors shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.44 DISPLAY OF PRINTED WARNING.

The provisions of KRS 244.083 requiring the display of printed warnings shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.45 TREATING PROHIBITED.

The provisions of KRS 244.050 prohibiting treating shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.46 PREMISES; APPROVAL OF BY HEALTH DEPARTMENT AND FIRE PREVENTION.

Upon the initial application for an alcoholic beverage license, the Louisville Metro Government ABC Administrator shall not grant the license under this chapter to any applicant until the applicant and the applicant's place of business have been approved by the Board of Health and the Fire Prevention Bureau. Upon renewal of an alcoholic beverage license, the requirement of approval by the Board of Health and Fire Prevention Bureau before issuance will be waived if the applicant's business have been approved by the Board of Health and Fire Prevention Bureau during the licensing period. Premises being licensed for the retail sales of package distilled spirits and wine may be exempted from the Board of Health approval unless otherwise required by the Board of Health.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.47 BOOKS AND RECORDS.

The provisions of KRS 244.150 and 804 KAR 4:100 requiring the retention of books and records shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

§ 113.48 SPIRITS OUTSIDE LOCKED DEPARTMENT; DISCOVERY OF.

The provisions of KRS Chapter 244 and KAR Chapter 7 pertaining to the discovery of spirits outside a locked department shall apply to licensees and licensed premises within the jurisdiction of the Louisville Metro Government.

REQUIRED.

(A) Every licensee selling alcoholic beverages by retail sales shall notify each employee employed in retail sales that proof of age is required from a prospective buyer if it is reasonable to believe that the prospective buyer is under the age of 21 years.

(B) The following unaltered written instruments are the only acceptable types of identification.

(1) An unexpired driver's license issued by any state, provided such license contains a picture of the person;

(2) An official identification card issued by any state, provided such identification includes a picture of the person;

(3) A United States Armed Forces identification card, provided such identification includes a picture of the person;

(4) An unexpired passport issued by a government and which contains a picture of the person and a date of birth.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.53 CURRENT DRIVER LICENSE BOOK REQUIRED.

(A) Each licensee shall maintain on its premises the most recent edition of a reference booklet or publication, approved by the Louisville Metro Government ABC Administrator that features pictorial samples or representations of legal motor vehicle operators' licenses. The Louisville Metro Government ABC Administrator shall maintain a list of approved references.

(B) A retail sales clerk shall consult such reference when presented identification which he or she believes may be fraudulent, or when other circumstances make it reasonable to believe that the identification may be fraudulent.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

§ 113.54 SALES TO MINORS PROHIBITED; DEFENSE.

(A) No person shall sell or cause to be sold, give away, or deliver alcoholic beverages to a person under the age of 21 years.

(B) In any prosecution for a violation of this chapter, the defense that the sale was induced by fraudulent or altered identification papers, as defined in KRS 244.080(1), shall exist.

(Lou. Metro Ord. No. 49-2003, approved 3-17-2003) Penalty, see § 113.99

ADMINISTRATION AND ENFORCEMENT

§ 113.81 FAILURE TO PAY FINES.

approved 2-10-1987; Lou. Metro Ord. No. 49-2003, approved 3-17-2003)

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LOUISVILLE

REGULATION OF THE JEFFERSON COUNTY
ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR


The following regulation is adopted by the Jefferson County Alcoholic Beverage Administrator pursuant to KRS 241.140:

1. No person shall perform or appear on the premises of any establishment licensed to sell wine, distilled spirits or malt beverages, pursuant to KRS 243.020 to 243.670, (hereafter "licensed premises") in such a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks or male genitals in a discernibly turgid state even if completely and opaquely covered, or employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

2. No licensee holding a license for the sale of wine, distilled spirits or malt beverages and no employee or agent of the licensee shall permit any person to perform or appear on its licensed premises in such manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breasts below a point immediately above the top of the areola, human genitals, pubic region or buttocks or human or simulated male genitals in a discernibly turgid state even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

3. This regulation shall be effective upon approval by the State Alcoholic Beverage Control Board.

Adopted this 11th day of NOVEMBER, 1996


RICHARD N. JOHNSTONE
Jefferson County Alcoholic Beverage
Control Administrator



City of Louisville

DEPARTMENT OF INSPECTIONS, PERMITS & LICENSES

617 West Jefferson Street • Louisville, Kentucky 40202-2714
(502) 574-3361



JERRY E. ABRAMSON
MAYOR

WILLIAM P. SCHRECK
DIRECTOR

LOUISVILLE ABC REGULATION NO. 1, SERIES 1996

SECTION 1. NUDE OR NEARLY NUDE ACTIVITIES PROHIBITED ON LICENSED PREMISES.

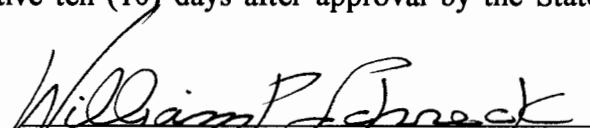
No licensee, employee, or agent thereof shall permit any person to perform or appear on its premises in a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or human or simulated male genitals in a discernible, turgid state, even if complete and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, buttocks or female breasts below a point immediately above the top of the areola.


SECTION 2. PENALTY.

Per LCO §§111.032 and 111.037, violation of this regulation may result in the suspension or revocation of any license issued under LCO §§111.020 to 111.054.

SECTION 3. This regulation shall become effective ten (10) days after approval by the State Alcoholic Beverage Control Board.

APPROVED AS TO FORM:


WILLIAM P. SCHRECK


WILLIAM C. STONE
DIRECTOR OF LAW

DATE: 6-17-96

Pursuant to KRS 241.190, Louisville ABC Regulation No. 1, Series 1996, was approved by the State Alcoholic Beverage Control Board on the _____ day of _____, 1996.

COMMISSIONER

APPROVED AS TO FORM
AND LEGALITY:

PAM CARROLL FARMER
GENERAL COUNSEL

MA:[MBH]NUDEREG



City of Louisville

DEPARTMENT OF INSPECTIONS, PERMITS & LICENSES

617 West Jefferson Street • Louisville, Kentucky 40202-2714
(502) 574-3361



JERRY E. ABRAMSON
MAYOR

WILLIAM P. SCHRECK
DIRECTOR

LOUISVILLE ABC REGULATION NO. 3, SERIES 1996

SECTION 1. OVERCROWDING.

A person shall not permit overcrowding or admittance of any person beyond the established posted occupant load of any one place of assembly. The code official, upon finding overcrowded conditions or obstruction in aisles, passageways or other means of egress, or upon finding any condition that constitutes a health hazard to life and safety shall cause the performance, presentation, spectacle or entertainment to be stopped until such a condition or obstruction is corrected and the addition of any further occupants prohibited until the posted occupant load is reestablished.


SECTION 2. PENALTY.

Per LCO §§111.032 and 111.037, violation of this regulation may result in the suspension or revocation of any license issued under LCO §§111.020 to 111.054.

SECTION 3. This regulation shall become effective ten (10) days after approval by the State Alcoholic Beverage Control Board.

APPROVED AS TO FORM:


WILLIAM P. SCHRECK


WILLIAM C. STONE
DIRECTOR OF LAW

DATE: 6-17-96

Pursuant to KRS 241.190, Louisville ABC Regulation No. 1, Series 1996, was approved by the State Alcoholic Beverage Control Board on the _____ day of _____, 1996.

COMMISSIONER

APPROVED AS TO FORM
AND LEGALITY:

PAM CARROLL FARMER
GENERAL COUNSEL

MA:[MBH]CROWDREG

ALCOHOLIC BEVERAGE CONTROL BOARD

In the matter of:

Order No. R-15

Approval of Alcoholic Beverage
Control Regulation for Jefferson
County, Kentucky

ORDER

* * * * *

Kenneth L. Quinn, Alcoholic Beverage Control Administrator for Jefferson County, Kentucky, having filed with the Alcoholic Beverage Control Board a regulation designated Regulation No. 1 Series 1991, amending and replacing Jefferson County regulations approved by the state Alcoholic Beverage Control Board on January 5, 1972; and,

It appearing that the regulation is not in conflict with statutes relating to alcoholic beverage control and other regulations of this Board;

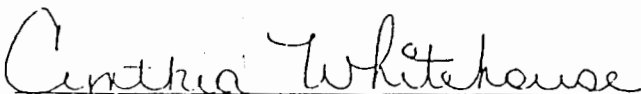
IT IS, THEREFORE, ORDERED AND ADJUDGED that said regulation, Regulation No. Series 1991, as attached hereto, be, and the same hereby is approved by the Board.

This the 20th day of March, 1991.

ALCOHOLIC BEVERAGE CONTROL BOARD


LANNY COMBS
CHAIRMAN

ATTEST:


CYNTHIA WHITEHOUSE, ACTING SECRETARY
ALCOHOLIC BEVERAGE CONTROL BOARD

*Co. 2000 Post Law*ALCOHOLIC BEVERAGE
CONTROL
LOUISVILLE, KY

MAR 27 11 58 AM '91

RECEIVED

JEFFERSON COUNTY, KENTUCKY
ALCOHOLIC BEVERAGE CONTROL REGULATIONSREGULATION NO. 1 SERIES 1991, AMENDING AND
REPLACING JEFFERSON COUNTY REGULATIONS APPROVED BY THE
STATE ALCOHOLIC BEVERAGE CONTROL BOARD ON JANUARY 5, 1972

Pursuant to the authority vested in the Jefferson County Alcohol Beverage Control Administrator by KRS 241.140, and subject to approval by the State Alcoholic Beverage Control Board as set forth in the Statute aforesaid, the following regulations concerning location of Retail by the Package Liquor licenses and Retail by the Drink Liquor licenses in that portion of Jefferson County under the primary jurisdiction of the Alcohol Beverage Control Administrator for Jefferson County, excluding only that portion of Jefferson County located and in any incorporated city, and said city having appointed its own Administrator as provided for in KRS 241.170, are hereby adopted:

- (1) No Retail by the Package Liquor License shall be granted or issued to any licensee for any location within two thousand ~~feet~~ feet of any existing premises licensed for such sales;
- (2) No Retail by the Drink Liquor License shall be granted or issued to any licensee for any location within two thousand (2,000) feet of any existing premises licensed for such sales;
- (3) All distances referred to in these regulations shall be measured along the right-of-way of existing public vehicular roadways from a point on any such right-of-way line nearest the entrance of any such existing license to a point on any such right-of-way line nearest the entrance of the proposed similar license. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way the measurement shall be made at right angles. In determining distances hereunder, the assessor's maps of Jefferson County shall be used and shall be presumed to be accurate by the Administrator. Applicants may, at their own expense, furnish a certified survey by any Registered Professional Engineer or Surveyor licensed in Jefferson County, and any such survey shall be given full consideration by the Administrator. For purposes of this section "public vehicular roadways" shall mean any road open to general public travel and actually and substantially used for automotive

Page 2

- travel; unpaved rights-of-way and dead-end roadways shall not be considered in making measurements hereunder.
- (4) The distance limitation prescribed by these regulations shall not affect any existing license location nor the right of the owner thereof to renew or transfer the license for such location. The location of any such existing license shall not be transferred to a new location in violation of these regulations, except the location of any presently existing license or renewal thereof in case of destruction of property, or loss of lease through failure of the landlord to renew such lease, may be transferred to a location which is not closer than one-half the distance between the existing licensed premises and the nearest similar licensed premises.
- (5) Provided, however, that at his discretion, the Alcohol Beverage Control Administrator for Jefferson County may issue retail drink licenses in that portion of Jefferson County under his primary jurisdiction within 2000 feet of the location of any similar establishment provided that the license is for an outlet in a hotel, inn, or motel for the accommodation of the traveling public, and is designed primarily to serve such transient patrons. Any applicant for such license shall submit to the Administrator satisfactory proof that such facilities for a hotel, inn, or motel will accommodate sufficient patrons to sustain the operation of a retail drink outlet, and said hotel, inn, or motel shall contain not less than fifty sleeping units, dining facilities for not less than 150 persons, and not less than 25,000 square feet of parking space.
- (6) Provided further, however, that at his discretion the Alcohol Beverage Control Administrator for Jefferson County may issue retail drink licenses in that portion of Jefferson County under his primary jurisdiction within 2000 feet of the location of any similar establishment provided that the license is for a restaurant where ~~(60%)~~ 50% or more of its gross sales is derived from the sale of food and said restaurant can accommodate within its seating capacity 100 or more people at a time. Any applicant for such license shall submit to the Administrator satisfactory proof that such a

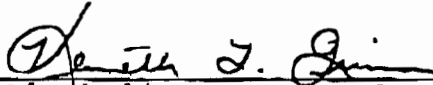
Page 3

facility will meet the qualifications set out in this paragraph.

- (7) The provisions of these regulations shall not apply to any private club that may qualify for the special private club license authorized by KRS 243.470.
- (8) These regulations shall be effective on and after approval of same by the State Alcoholic Beverage Control Board.

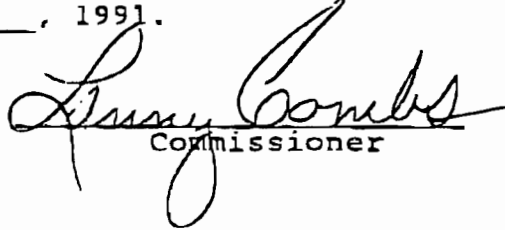
3-12-91

Date



Alcoholic Beverage Control
Administrator for Jefferson
County, Kentucky

It is hereby certified that the foregoing regulations for Jefferson County, Kentucky were approved by the State Alcoholic Beverage Control Board at a legally constituted meeting thereof held at Frankfort, Kentucky, on the 20th day of March, 1991.



Commissioner

ATTEST:



Secretary



ORDINANCE NO. 3
Series 1991

ORDINANCE

Jefferson Fiscal Court

An Ordinance Relating To:

AN ORDINANCE RELATING TO THE REGULATION OF MINORS
UPON PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES.

LOUISVILLE

Submitted by the Public Protection Department.

INTRODUCED 1-29-91 by County Judge/Executive Armstrong

FIRST READING 1-29-91

SECOND READING 2-12-91

ADOPTED 2-12-91 by unanimous vote - all present.

RECEIVED

FEB 15 12 21 PM '91

ALCOHOLIC BEVERAGE
CONTROL
LOUISVILLE, KY

JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 3, SERIES 1991

AN ORDINANCE RELATING TO THE REGULATION OF MINORS UPON
PREMISES LICENSED TO SELL ALCOHOLIC BEVERAGES.

BE IT ORDAINED BY THE Fiscal Court of Jefferson County, Kentucky:

Section I. DEFINITIONS.

(A) As used in this section, unless the context otherwise requires:

- (1) "Restaurant: means an establishment the principal business of which is the furnishing of meals to the public and such establishment derives at least 35% or more of its gross annual income from the sale of food.
- (2) "Loiter" means:
 - (a) To be slow in moving; delay; linger; saunter; tarry; lag behind; or
 - (b) To wander as an idle vagrant.
- (3) "Minor" means any person under the age of 21 years.

Section II. PROHIBITIONS.

(A) Minors shall not be permitted to loiter in or about the bar area or barroom of any licensed premises where alcoholic beverages are sold by the drink or in the distilled spirits and wine sales area of any retail package liquor premises.

(B) This ordinance shall not prevent minors from patronizing establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs, or public exhibitions where sports, athletic events, theatrical plays or concerts are scheduled. For the purpose of this ordinance, bowling shall be considered an athletic event. The sale of alcoholic beverages shall be prohibited on the premises of bowling lanes during the hours any junior league is bowling, unless the sale of alcoholic beverages is limited to a bar enclosed from the bowling area.

(C) In addition to the exemptions set forth in Section II(B), this ordinance shall not prevent minors from patronizing premises for the purpose of playing billiards or pool; provided:

- (1) The premises has, in use for patrons, a minimum of four
(4) regulation sized pool tables;

- (2) The bar area or barroom is enclosed and separated from the pool table area;
- (3) The licensee complies with the provisions of KRS 436.320; and
- (4) Alcoholic drinks and opened alcoholic beverage containers are prohibited in the area set aside for playing billiards or pool.

Section III. PENALTIES.

Any person who violates any provision of this ordinance shall, upon conviction, be subject to the following penalties:

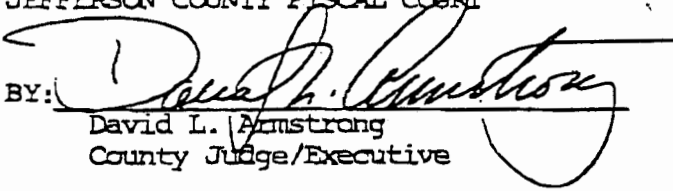
- (A) For the first offense a fine of up to one hundred dollars (\$100.00).
- (B) For each subsequent offense a fine of up to two hundred fifty dollars (\$250.00) or confinement in jail for no more than one hundred twenty (120) days, or both.

Section IV. EFFECTIVE DATE.

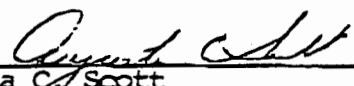
This Ordinance shall be effective upon passage and approval by the Fiscal Court.

ADOPTED AND EFFECTIVE this 12th day of February, 1991.

JEFFERSON COUNTY FISCAL COURT

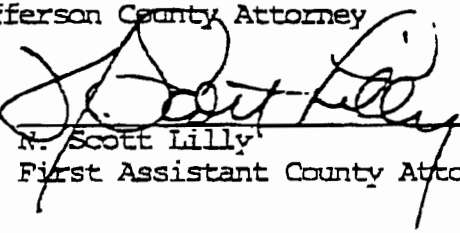
BY: 
 David L. Armstrong
 County Judge/Executive

ATTEST:


 Augusta C. Scott
 Fiscal Court Clerk

APPROVED AS TO FORM:

Michael E. Conliffe
 Jefferson County Attorney

BY: 
 N. Scott Lilly
 First Assistant County Attorney

ALCOHOLIC BEVERAGE CONTROL BOARD

In the matter of:

ORDER NO. R-10

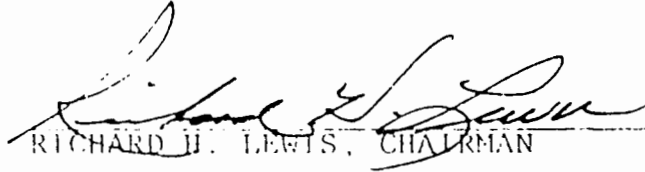
Approval of Regulation of Jefferson
County Alcoholic Beverage Control
Administrator

ORDER

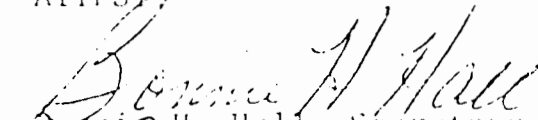
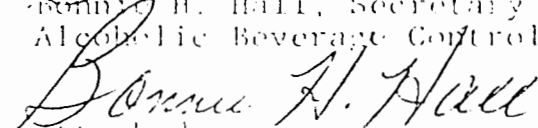
IT IS HEREBY ORDERED by the Kentucky Alcoholic Beverage
Control Board that the Regulation adopted by the Honorable Joseph
G. Schiff, Alcoholic Beverage Control Administrator for Jefferson
County, Kentucky, on the 3rd day of September, 1980, a copy attached
hereto, and marked Exhibit A, is hereby approved and effective on
the 18th day of September, 1980.

This the 18 of September, 1980.

ALCOHOLIC BEVERAGE CONTROL BOARD


RICHARD H. LEWIS, CHAIRMAN

ATTEST


Bonnie H. Hall, Secretary
Alcoholic Beverage Control Board

attached

AN ORDINANCE AMENDING CHAPTER 111 OF THE CITY OF LOUISVILLE CODIFIED ORDINANCES (ADDING A SECTION PROHIBITING NUDE OR NEARLY NUDE ACTIVITIES).

WHEREAS, the Board of Aldermen of the City of Louisville finds that live performances and appearances made by nude and nearly nude persons at licensed establishments begets undesirable and disorderly behavior and constitutes a danger to the public health and safety; and

WHEREAS, the practice of licensed establishments permitting performances and appearances by nude and nearly nude persons has blighted abutting residential and commercial properties; and

WHEREAS, it has long been the policy of the State of Kentucky Department of Alcoholic Beverage Control and the City of Louisville to prohibit disorderly conduct at licensed premises;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LOUISVILLE:

Section 1. That Chapter 111 of the City of Louisville Codified Ordinances shall be and the same is hereby amended by adding a new section 111.053 and by amending §111.999 as follows:

§111.053 -

(a) No person shall perform or appear on a licensed premises in such a manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or male genitals in a discernible, turgid state, even if completely and opaquely covered, or employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

(b) No licensee, employee or agent thereof shall permit any person to perform or appear on its premises in such manner or attire as to expose to public view of the patrons of the establishment at any time the bare female breast below a point immediately above the top of the areola, human genitals, pubic region or buttocks, or human or simulated male genitals in a discernible, turgid state, even if completely and opaquely covered, or permit any person to employ any device or covering intended to give the appearance of or to simulate male or female genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

§111.999 - PENALTY

Alcoholic Beverages.

(a) Any person who violates any provision of §111.020 through §111.052 for which no specific penalty is provided shall be fined not more than \$100.00, imprisoned not more than 50 days, or both.

(f) Any person who violates the provisions of §111.053 shall be fined not less than Two Hundred Fifty Dollars (\$250.00) nor more than One Thousand Dollars (\$1,000.00), imprisoned not more than fifty (50) days, or both.

(g) The fines imposed under divisions (a) through ~~(e)~~ (f) above shall be in addition to and independent of any action which may be taken by the City Alcoholic Beverage Administrator.

Section 2. This Ordinance shall take effect upon its passage and approval.

Linda C. James C.B.A. Steve Meyer P.B.A.

APPROVED: 2-10-87 John E. Quinn MAYOR

BOARD OF ALDERMEN
READ AND PASSED
2-10-87

CITY OF WEST BUECHEL, JEFFERSON COUNTY, KENTUCKY

ORDINANCE NO. 83

An Ordinance Relating to:

An Ordinance Amending Sections of Ordinance No. 17-60 and No. 60-66, To Permit the Sale of Distilled Spirits and Wine on Sunday, and To Establish the License Fee and Time of Sale Thereof.

Be it Ordained by the City of West Buechel, Kentucky:

Section 1. Within the corporate limits of the City of West Buechel, Kentucky, it shall be unlawful for any person, firm, or corporation to do any act authorized by an alcoholic, malt beverage or wine license with respect to the manufacture, storage, sale, purchase, transportation or other traffic in alcoholic beverages unless he holds the kind of license that authorizes such act from the Commonwealth of Kentucky, County of Jefferson and City of West Buechel.

Section 2. Section 3 of Ordinance No. 60-66, of the City of West Buechel, Kentucky, relating to license fees: Distilled Spirits, Liquor, Wine, and Malt Beverages is hereby amended to read in its entirety:

Section 3. Effective on the date this Ordinance is effective, and for each year thereafter, every person engaged in the selling of distilled spirits, liquors, and wine at retail by the package, not for consumption on the premises shall pay an annual license fee of seven-hundred-fifty dollars (\$750.00); and

(a) Every person engaged in the selling of malt beverages, not for consumption on the premises, shall pay an annual license fee of one-hundred-twenty dollars (\$120.00); and

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LOUISIANA

(b) Every person engaged in the selling of distilled spirits, liquors, and wines by the drink for consumption on the premises shall pay an annual license fee of seven-hundred-fifty dollars (\$750.00); and

(c) Every person engaged in the selling of malt beverages for consumption on the premises shall pay an annual license fee of one-hundred-twenty dollars (\$120.00); and

(d) Special Sunday Retail Drink License Fee - The City of West Buechel, Kentucky, shall issue a special Sunday retail drink license to any person who holds a license to sell at retail, liquor, and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, and Section 4 hereof, on payment in advance of the sum of Three Hundred Dollars (\$300.00).

Section 3. All licenses shall expire at the end of the City's fiscal year.

Section 4. Ordinance No. 17-60, Section 1(a) In Re: Liquor and Malt Traffic, shall be amended to read in its entirety:

Section 1. In Re: Liquor and Malt Traffic.

(a) No licensed alcoholic beverage dealer shall sell, give away or permit to be sold or given away any distilled spirits or wine between the hours of one o'clock A.M. and six o'clock A.M., on any weekday or between the hours of two A.M., Sunday and six A.M., Monday, except that after first obtaining a Special Sunday Retail Drink License, all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and who have dining capacity of one hundred (100) people at tables and who receive at least fifty percent (50%) or more of their gross annual income from dining facilities by the sale of food, may sell, permit to be sold, or permit consumption of liquor or wine on Sundays between the hours of one o'clock P.M. and two o'clock A.M. on Monday, the following day.

Section 5. This Ordinance shall take effect and be in force immediately upon its passage and publication.

The first reading of this Ordinance was given at a meeting of the City Council, held on the 3rd day of August, 1982, and unanimously approved by the vote of the members of the said Council present.

The second reading of this Ordinance was given at a meeting of the City Council held on the 7th day of September, 1982, and unanimously adopted by the vote of the members of the said Council present.

Approved:

Roy F. Olery
Roy F. Olery, Mayor

Attest:

Peggy Clarke
Peggy Clarke, City Clerk
Treasurer

Date approved and signed: September 7, 1982

LOUISVILLE

ORDINANCE NO. 122 SERIES 1982

AN ORDINANCE AMENDING SECTIONS OF "THE ALCOHOLIC BEVERAGE CONTROL ORDINANCE" OF THE CITY OF LOUISVILLE TO PERMIT THE SALE OF DISTILLED SPIRITS AND WINE ON SUNDAY, AND TO ESTABLISH THE LICENSE FEE AND TIME OF SALE THEREOF. *(As Amended)*

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LOUISVILLE:

SECTION 1. That Section 111.024 of the Codified General Ordinances of the City of Louisville, which Section is entitled "License Fees; Issuance Fee" be and the same is hereby amended to read in its entirety:

§111.024 LICENSE FEES; ISSUANCE FEE.

(A) Distiller license fee. Every person who engages in the business of distiller shall pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$500.

(B) Rectifier license fee. Every person who engages in the business of rectifier shall pay in advance to the City Alcoholic Beverage Administrator an annual fee of \$500.

(C) Liquor wholesale license fee. Every person, other than a distiller, manufacturer, or rectifier, who sells at wholesale any distilled spirits or wine within the corporate boundaries shall pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$1,500.

(D) Retail package license fee. Every person who sells distilled spirits and wine at retail by the package for consumption off the licensed premises shall pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$700.

(E) Retail drink license fee. Every person who sells distilled spirits and wine at retail by the drink for consumption on the licensed premises shall

pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$800.

(F) Special temporary retail drink license fee. The City Alcoholic Beverage Administrator may, in his sound discretion, issue a special temporary retail drink license to any person who qualifies for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be paid in advance and shall be 1/6 of the minimum fee provided for a regular retail drink license for each month or part of a month for which such special temporary license is issued.

(G) Special private club license fee. Every private club, as defined in KRS 243.270, which traffics in distilled spirits and wine for consumption on the premises shall pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$300.

(H) Brewer license fee. Every person who engages in the business of brewer shall pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$500.

(I) Malt beverage distributor license fee. Every person who engages in the business of malt beverage distributor, as defined in KRS 243.180, within the corporate boundaries shall pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$200.

(J) Annual license fee. Except as otherwise provided by ordinance, every person who sells at retail any malt beverages within the corporate boundaries shall pay in advance to the City Alcoholic Beverage Administrator an annual license fee of \$175.

(K) Special hours retail package license fee. The City Alcoholic Beverage Administrator shall issue a special hours retail package license to any person who holds a license to sell distilled spirits and wine at retail by

the package for consumption off the licensed premises on payment in advance to the City Alcoholic Beverage Administrator of an annual license fee of \$150.50.

(L) Special hours retail drink license fee. The City Alcoholic Beverage Administrator shall issue a special hours drink license to any person who holds a license to sell distilled spirits and wine at retail by the drink for consumption on the licensed premises on payment in advance to the City Alcoholic Beverage Administrator of an annual license fee of \$150.50

(M) Special hours retail malt beverage license fee. The City Alcoholic Beverage Administrator shall issue a special hours retail malt beverage license to any person who holds a license to sell at retail any malt beverages on the payment in advance to the City Alcoholic Beverage Administrator of the sum of \$25.50.

(N) Restaurant wine license fee.

(1) The City Alcoholic Beverage Administrator may issue a restaurant wine license to any person who qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended.

(2) The fee for such license shall be paid in advance to the City Alcoholic Beverage Administrator and shall be:

(a) New applicants: \$300 per annum.

(b) Renewals: \$300 per annum.

(O) Special sunday retail drink license fee. The City Alcoholic Beverage Administrator shall issue a special Sunday Retail Drink License to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended on payment in advance to the City Alcoholic Beverage Administrator of the sum of \$300.

(P) Convention center caterer's license fee. Notwithstanding the

provisions of division (E) and (J) above:

1. The City Alcoholic Beverage Administrator may issue an annual convention center caterer's license to any person who qualifies for such a license in accordance with the provisions of K.R.S. Chapter 243, as amended, and 804 K.A.R. 7:045.

2. The fee for such license shall be paid in advance to the City Alcoholic Beverage Administration and shall be:

A) New applicants: \$2,000 per annum.

B) Renewals: \$2,000 per annum.

(Ø)(Q) Fees, when due; licenses, when issued; expiration of licenses. Fees for all licenses issued under the provisions of this subchapter, except special temporary licenses and licenses issued after July 1 of any year for the remaining portion of the licensing period, shall be due and payable on July 1 of each year. All licenses, except special temporary licenses, shall expire on June 30 next following the date of issuance. No license shall be issued pursuant to this subchapter until the total amount of the license fee has been paid to the City Alcoholic Beverage Administrator.

(P)(R) Issuance Fee. A fee of \$.50 shall be charged by the City Alcoholic Beverage Administrator for each license issued under this subchapter.

(Q)(S) Responsibility for fee payment. The license fee for every license issued under this subchapter shall be payable by the person making application for such license and to whom is issued each license, and no other person shall pay for any license issued under this subchapter. In addition to all other penalties provided in this subchapter, a violation of this section shall authorize and require the revocation of the license, the tax for which was paid by another, and also the revocation of the license, if any, of the person paying for the license of another.

SECTION 2. That Section 111.036 of the Codified General Ordinances of the City of Louisville, which section is entitled "Hours of Sale on Sunday" be and the same is hereby amended to read in its entirety as follows:

§111.036 HOURS OF SALE ON SUNDAY.

It shall be unlawful for any licensee under this subchapter or any amendment or supplement thereto:

(A) To sell, give away, or permit to be sold or given away any malt beverage at retail between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday; or

(B) To permit the consumption of any malt beverage on the licensed premises between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday.

(C) Notwithstanding the provisions of divisions (A) and (B) above, any malt beverage licensee under this subchapter may sell, permit to be sold, or permit the consumption of malt beverages at any time between 2:00 a.m. on the Sunday following the first Saturday in May of each year and 6:00 a.m. on the Sunday following the first Saturday in May of each year, and also at any time between 12:00 noon on the Sunday following the first Saturday in May of each year and 2:00 a.m. on Monday, the following day.

(D) Notwithstanding the provisions of divisions (A), ~~and (B)~~, (C) and (E) herein, ~~above~~, any special hours retail drink, special hours package, or special hours malt beverage licensee may sell, permit to be sold, or permit consumption of liquor, wine, or malt beverages on Sundays between the hours of 2:00 a.m. and 4:00 a.m.

(E) Notwithstanding the provisions of division (A), (B), and (C) above, all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and who have dining facilities with a minimum seating capacity of one hundred (100) people at tables and who receive at least fifty

percent (50%) or more of their gross annual income from dining facilities by the sale of food, may sell, permit to be sold, or permit consumption of liquor or wine on Sundays between the hours of 1:00 p.m. and 2:00 a.m. on Monday, the following day.

SECTION 3. That this ordinance shall take effect ^{July 15, 1982. CW} ~~upon its passage and~~

approval:

Claudia Washington C.B.A.

Michael H. Carroll P.B.A.

APPROVED: July 7, 1982

Harry Stone MAYOR

APPROVED AS TO FORM:

Larry D. Beale
LARRY D. BEALE, BOARD COUNSEL

**BOARD OF ALDERMEN
READ AND PASSED**
June 30, 1982

ORDINANCE

Jefferson Fiscal Court

An Ordinance Relating To:

AN ORDINANCE RELATING TO THE SALE OF DISTILLED SPIRITS AND WINE BY THE DRINK ON SUNDAYS.

LOUISVILLE

INTRODUCED 6-29-82

FIRST READING 6-29-82

SECOND READING 7-8-82

ADOPTED 7-8-82 by unanimous - all present.

LOUISVILLE

ORDINANCE NO. 30, SERIES 1982

AN ORDINANCE RELATING TO THE SALE OF
DISTILLED SPIRITS AND WINE BY THE DRINK ON SUNDAYS

WHEREAS, the General Assembly of the Commonwealth of Kentucky has passed, at its regular 1982 session, Senate Bill No. 293, permitting the Fiscal Court of counties containing a city of the first class to permit, within certain limitations, the sale of distilled spirits and wine within certain portions of those counties on Sundays; and

WHEREAS, the Jefferson County Fiscal Court has determined that the convention and tourist industry in Jefferson County can only be assisted by enactment of legislation permitting such sale locally and in conformity with Senate Bill No. 293;

NOW, THEREFORE, be it ordained by the Fiscal Court of Jefferson County, Kentucky, that:

1. The sale of distilled spirits and wine shall be permitted within the boundaries of Jefferson County, Kentucky, with the exception of those areas excluded below, on premises properly licensed for such purposes between the hours of 1:00 p.m. Sunday and 2:00 a.m. Monday.

2. Sales of distilled spirits and wine shall be permitted pursuant to Paragraph 1 above, only in areas of Jefferson County, Kentucky, outside of the corporate limits of the City of Louisville, and outside of any other areas where such sales are otherwise prohibited.

This Ordinance shall not be construed as prohibiting the City of Louisville from enacting similar legislation. Sales permitted by Section 1 of this Ordinance shall be made only on the premises of hotels, motels, and restaurants which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of

the Fiscal Court of counties containing a city of the first class to permit, within certain limitations, the sale of distilled spirits and wine within certain portions of those counties on Sundays; and

WHEREAS, the Jefferson County Fiscal Court has determined that the convention and tourist industry in Jefferson County can only be assisted by enactment of legislation permitting such sale locally and in conformity with Senate Bill No. 293;

NOW, THEREFORE, be it ordained by the Fiscal Court of Jefferson County, Kentucky, that:

1. The sale of distilled spirits and wine shall be permitted within the boundaries of Jefferson County, Kentucky, with the exception of those areas excluded below, on premises properly licensed for such purposes between the hours of 1:00 p.m. Sunday and 2:00 a.m. Monday.

2. Sales of distilled spirits and wine shall be permitted pursuant to Paragraph 1 above, only in areas of Jefferson County, Kentucky, outside of the corporate limits of the City of Louisville, and outside of any other areas where such sales are otherwise prohibited. This Ordinance shall not be construed as prohibiting the City of Louisville from enacting similar legislation. Sales permitted by Section 1 of this Ordinance shall be made only on the premises of hotels, motels, and restaurants which are licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities by the sale of food.

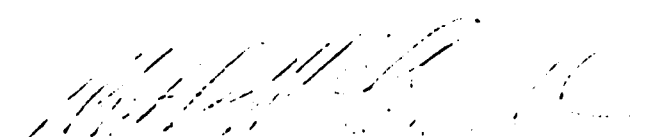
3. The retail sale of alcoholic beverages by the drink shall also be permitted within the geographic area defined in this Ordinance and between the hours of 1:00 p.m. Sunday and 2:00 a.m. Monday, at those

convention centers, horse race tracks licensed to conduct a race meeting under KRS Chapter 230, and at commercial airports through which more than five hundred thousand (500,000) passengers arrive or depart annually, which apply for and receive a supplemental license for the retail sale of alcoholic beverages by the drink and are determined by the Kentucky Department of Alcoholic Beverage Control to be locations beneficial for such sales in the interest of promoting tourism, conventions and the economic development of Kentucky or any part thereof.

4. Paragraphs 1 through 3 of this Ordinance notwithstanding, no person, partnership, proprietorship, corporation or other business entity, shall sell any distilled spirits, wine or other alcoholic beverages pursuant to this Ordinance, unless they have first paid to the Jefferson County Alcoholic Beverage Control Board an application fee of THREE HUNDRED DOLLARS (\$300.00). Said application fee shall be valid for a period of one (1) year from the date of acceptance of the application and may, in the reasonable discretion of the Jefferson County Alcoholic Beverage Control Board, be prorated for periods of less than one (1) year. No sales of beverages permitted by this Ordinance shall be allowed after the expiration of the initial application, until payment by the applicant of a one (1) year renewal fee for each succeeding year payable to the Jefferson County Alcoholic Beverage Control Board in the amount of THREE HUNDRED DOLLARS (\$300.00).

5. The effective date of this Ordinance shall be July 15, 1982, concurrent with the effective date of Senate Bill No. 293.

Approved this 8th day of July, 1982.



MITCH McCONNELL
County Judge/Executive

ATTEST:

REGULATION OF THE JEFFERSON COUNTY
ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

The following regulation is adopted by the Jefferson County Alcoholic Beverage Control Administrator pursuant to KRS 241.140:

1. Any license issued for licensed premises under KRS 243.020 to 243.670 may be suspended and/or revoked and/or fined not less than \$100 nor more than \$500 for each offense by the Jefferson County Alcoholic Beverage Control Administrator if a licensee, or any clerk, agent, servant, or employee of any licensee, irrespective of whether the licensee knew of or permitted the conduct or whether the conduct was committed in disobedience of the licensee's instructions shall have committed any of the following, to wit:

- a. Engaged or agreed or offered to engage in sexual conduct with another person in return for a fee;
- b. Advanced or profited from prostitution by managing, supervising, controlling or owning, either alone or in association with others, a house of prostitution or a prostitution business or enterprise involving prostitution activity by two or more prostitutes;
- c. Advanced or profited from prostitution of any person.
- d. Permitted prostitution by failing to make reasonable and timely effort to halt or abate the use of any licensed premises which he knows, or has reasonable cause to know is being used for prostitution purposes.

2. The provisions of KRS 243.480 shall apply with regard to any determinations made hereunder.

3. Definitions:

a. "License" - Means any license issued pursuant to KRS 243.020 to 243.670.

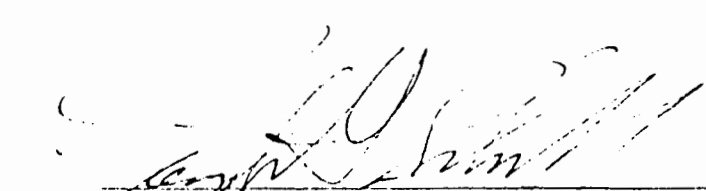
b. "Licensee" - Means any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670.

c. "Licensed premises" - Means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on.

d. "Sexual conduct" - Means sexual intercourse or any act of sexual gratification involving the sex organs.

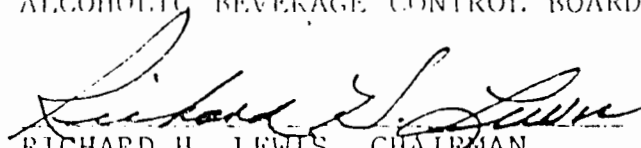
4. This regulation shall be effective upon approval by the State Alcoholic Beverage Control Board.

ADOPTED THIS 3rd DAY OF September, 1980.

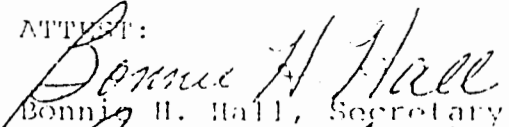


JOSEPH G. SCHIFF
Jefferson County Alcoholic
Beverage Control Administrator

Approved by the Kentucky Alcoholic Beverage Control Board on the 18th day of September, 1980.

ALCOHOLIC BEVERAGE CONTROL BOARD.


RICHARD H. LEWIS, CHAIRMAN

ATTEST:


Bonnie H. Hall, Secretary
Alcoholic Beverage Control Board