



LUDLOW ORDINANCE 2013-17

AN ORDINANCE AMENDING CHAPTER 112 OF THE CITY OF LUDLOW CODE OF ORDINANCES RELATING TO ALCOHOLIC BEVERAGES.

WHEREAS, the Kentucky General Assembly passed Senate Bill 13, which involved comprehensive reform of KRS Chapters 241 through 244 relating to Alcoholic Beverages, during its 2013 Regular Session; and

WHEREAS, the City of Ludlow desires to bring Chapter 112 of the City's Code of Ordinances current and make it consistent with such comprehensive reform.

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

SECTION I

§112.20 is hereby rescinded and repealed in its entirety.

SECTION II

§112.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

(A) Pursuant to the authority of KRS 243.070, there is hereby established a city license for each of the licenses authorized by that KRS section. The actions, business, and transactions authorized and permitted by the possession of a city license shall be the same as those permitted by the state license to which said city license corresponds. The fees and expiration dates for the city license shall be as indicated in the following schedule:

<u>License Description</u>	<u>Annual Expiration</u>	<u>Fee Per Annum</u>
Distiller's License	June 30	\$2,000.00
Small Farm Winery License	June 30	\$100.00
Microbrewery License	June 30	\$500.00
Brew-on-premises License	June 30	\$500.00

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Quota Retail Package License	June 30	\$500.00
Quota Retail Drink License	June 30	\$600.00
Non-Quota type 1 Retail Drink License	June 30	\$4,000.00
Non-Quota type 2 Retail Drink License	June 30	\$800.00
Non-Quota type 3 Retail Drink License	June 30	\$300.00
Non-Quota type 4 Retail Drink License	June 30	\$200.00
Non-Quota Retail Malt Beverage Package License	June 30	\$200.00
Extended Hours Supplemental License	June 30	\$2,000.00
Distilled Spirits/Wine Storage License	June 30	\$600.00
Special Temporary License	June 30	\$90.00
Sampling License	June 30	\$100.00
Limited Restaurant License	June 30	\$700.00
Caterer's License	June 30	\$800.00
Special Sunday Retail Drink License	June 30	\$500.00

(B) No person shall cause, permit or engage in any of the actions, business or transactions authorized by the city and state licenses within the city without both a valid city license and a valid state license therefor.

SECTION III

§112.21 is hereby amended to read in full as follows:

§112.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby by this chapter shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City ABC Administrator, provided, however, that each document evidencing a city license shall be of the same color and designation as that of the corresponding state license and shall comply with the provisions of KRS 243.440.

~~—(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:~~

~~—(1) Comply with all of the provisions for state licenses required by KRS 243.440; and~~

~~—(2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.~~

SECTION IV

§112.22 is hereby amended to read in full as follows:

§ 112.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk-Treasurer and renewed by ~~him or her~~ the City ABC Administrator upon the expiration thereof upon receipt of the following documents and fees no more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of the application shall be prescribed by regulation of the City ABC Administrator; however, provision for the following information, statements and representations shall and must be included therein:

(1) All information required by KRS 243.390 to be contained for state licenses;

~~(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom~~

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of any evidence of any crime or other violation of any law and the use thereof in any trial or hearing in regard thereto; and

(32) The names, addresses, photographs and fingerprints of the applicant and all shareholders, officers, agents, servants and employees thereof.

(B) The approval of the applicant, the application and the premises described therein by the City ABC Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

SECTION V

§ 112.26 is hereby amended to read in full as follows:

§ 112.26 PREMISES SELLING GROCERIES, GASOLINE AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

~~No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline or lubricating oil.~~

(A) As prohibited in KRS 243.280, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5000 of food, groceries, and related products valued at cost.

(B) As prohibited in KRS 243.230, no city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline or lubricating oil.

SECTION VI

§ 112.43 is hereby amended to read in full as follows:

§ 112.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

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As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

Persons under the age of 21 years are subject to a fine up to ~~\$500~~ one hundred (\$100) if they:

- a. Enter licensed premises to buy or have served ~~or delivered~~ to them any alcoholic beverages;
- b. Possess, purchase or attempt to purchase, or get another to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display the licenses shall be prima facie evidence that no valid licenses have been issued or exist and all actions, business and transactions authorized thereby conducted on the premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

SECTION VII

§112.46 is hereby amended to read in full as follows:

§ 112.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city ~~wholesale or retail distilled spirits, wine or malt beverage license must~~ shall be permitted to conduct the actions, business and transactions authorized thereby only upon the licensed premises.

(B) When no such actions, business or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City ABC Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether the acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

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(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City ABC Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

§ 112.76 RIGHT OF ENTRY; SEARCH AND SEIZURE.

~~A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.~~

SECTION VIII

§ 112.77 is hereby amended to read in full as follows:

§ 112.77 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.560 and 243.590, city licenses may be either revoked or suspended by the City ABC Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the City ABC Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses, pursuant to KRS 243.500, or the revocation of a state license to which a city license corresponds. Further, with the approval of the City ABC Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: ~~Distillers, rectifiers, vintners, brewers and blenders: \$1,000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$400 per day; retail drink liquor licensees: \$50 per day; retail package liquor licensees: \$50 per day; retail beer licensees: \$50 per day; and all remaining licensees: \$50 per day.~~

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(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City ABC Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City ABC Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City ABC Administrator. The City ABC Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City ABC Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

SECTION IX

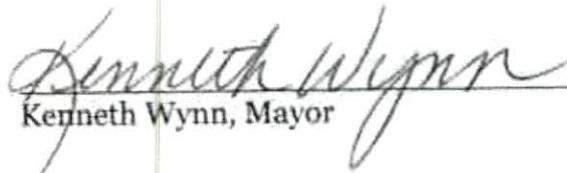
All ordinances or parts thereof in conflict herewith are, to the extent of such conflict hereby repealed.

SECTION X

This Ordinance shall be in full force and effect from and after its passage, approval and publication as required by law. This Ordinance may be published in summary form.

Passed by the City Council this 10th day of December, 2013.

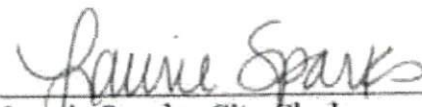
**CITY OF LUDLOW, KENTUCKY,
A Municipal Corporation of the Fourth Class**



Kenneth Wynn, Mayor

FIRST READING: 11/20/13

SECOND READING: 12/10/13

ATTEST: 

Laurie Sparks, City Clerk

LUDLOW

CHAPTER 112: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS**§ 112.01 DEFINITIONS.**

(A) As used herein, the words and phrases defined in KRS 241.010 and 243.015 have the meanings indicated therein.

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

BOARD. The State Alcoholic Beverage Control Board established pursuant to KRS 241.020.

CITY ABC ADMINISTRATOR. The person appointed to the Office of Alcoholic Beverage Control Administration created and established by the city pursuant to § 112.60.

CITY LICENSE. A license established and authorized pursuant to the terms hereof.

CITY LICENSEE. A person who has been issued a city license pursuant to the terms hereof.

KRS. Kentucky Revised Statutes.

PERSON. Any natural person, corporation, partnership, joint venture or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants and employees thereof.

PREMISES. The premises described in the city license issued pursuant to the terms hereof and the application therefor.

STATE. The Commonwealth of Kentucky.

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STATE LICENSE. A license authorized by KRS 243.020 through 243.075.

TRAFFIC IN ALCOHOLIC BEVERAGES. Any action, business or transaction in regard to the production, storage, transportation, distribution, sale, delivery and transfer of alcoholic beverages. ('96 Code, § 112.01)

LICENSES**§ 112.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.**

(A) (1) For the privilege of causing, permitting and engaging in the actions, business and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the schedule, which is kept on file in the office of the City Clerk-Treasurer.

(2) The actions, business and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule.

(3) The fees for the city licenses shall be per the following schedule:

- (a) Distilled spirits and wine retail package license per anum \$1,000;
- (b) Distilled spirits and wine retail drink license; motel drink license; restaurant drink license; or supplemental bar license per anum \$1,000;
- (c) Distilled spirits and wine special temporary liquor license per event \$166.66;
- (d) Special temporary wine license per event \$50;
- (e) Special private club license per anum \$25;
- (f) Distilled spirits and wine special Sunday retail drink license per anum \$300;
- (g) Extended hours supplemental license \$2,000;
- (h) Restaurant wine license per anum;

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1. New applicant \$600;
2. Applicant for renewal \$400;
- (i) Caterer's license per anum \$800;
- (j) Riverboat license per anum \$1,200;
- (k) Bottling house distilled spirits license or wine storage license per anum \$,1000;
- (l) Souvenir retail liquor license per anum \$1,000;
- (m) Malt beverage licenses as follows:
 1. Brewer license per anum \$500;
 2. Micro-brewery license per anum \$500;
 3. Malt beverage distributors license per anum \$400;
 4. Retail malt beverage license per anum \$200;
 5. Special temporary retail malt beverage license per event \$25;
 6. Malt beverage brew on premises license anum \$100;
 7. Limited restaurant license per anum (includes distilled spirits, wine, and malt beverages):
 - a. New applicants \$1,200;
 - b. Renewal \$800.

(B) No person shall cause, permit or engage in any of the actions, business or transactions authorized by the city and state licenses within the city without both a valid city license and a valid state license therefor.

(^96 Code, § 112.20) (Ord. 2005-7, passed 6-9-2005) Penalty, see § 112.99

§ 112.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City ABC Administrator.

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(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

- (1) Comply with all of the provisions for state licenses required by KRS 243.440; and
- (2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.
(`96 Code, § 112.21)

§ 112.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk-Treasurer and renewed by him or her upon the expiration thereof upon receipt of the following documents and fees no more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of the application shall be prescribed by regulation of the City ABC Administrator; however, provision for the following information, statements and representations shall and must be included therein:

- (1) All information required by KRS 243.390 to be contained for state licenses;
- (2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law and the use thereof in any trial or hearing in regard thereto; and
- (3) The names, addresses, photographs and fingerprints of the applicant and all shareholders, officers, agents, servants and employees thereof.

(B) The approval of the applicant, the application and the premises described therein by the City ABC Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.
(`96 Code, § 112.22)

Ludlow - Business Regulations**§ 112.23 APPROVAL OF APPLICATION.**

Within 30 days of the date of the receipt of the application for an original city license and 15 days of the date of an application for renewal of a city license, the City ABC Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

(`96 Code, § 112.23)

§ 112.24 DENIAL OF APPLICATION.

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

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

(B) The applicant and/or any shareholder, officer, agent, servant or employee thereof has caused, permitted or engaged in any act for which the revocation of a state or city license is authorized;

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

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

(E) In the exercise of sound discretion, the City ABC Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City ABC Administrator shall consider in the exercise of his or her discretion are: public sentiment in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

(`96 Code, § 112.24)

§ 112.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license

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corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license.

(^96 Code, § 112.25) Penalty, see § 112.99

§ 112.26 PREMISES SELLING GROCERIES, GASOLINE AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline or lubricating oil.

(^96 Code, § 112.26)

SALE OF ALCOHOLIC BEVERAGES**§ 112.40 HOURS.**

(A) Pursuant to the authority of KRS Section 244.290 and KRS 244.480, no distilled spirits, wine, and malt beverages may be sold at retail, whether by the drink or by the package, in the city between the hours of 2:30 a.m. and 6:00 a.m. prevailing time on any day except Sunday. On Sundays, no distilled spirits, wine or malt beverages may be sold at retail by the drink in the city between the hours of 2:30 a.m. and 1:00 p.m.; and no distilled spirits, wine, or malt beverages may be sold at retail by the package on Sunday between the hours of 2:30 a.m. and 11:00 a.m. In addition, no distilled spirits, wine, or malt beverages may be sold at retail in the city during the hours when any polls are open in the city on any election day.

(B) During the restricted hours set forth in division (A), no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Alcoholic Beverage Control Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits,

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wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

(D) All retail sellers that hold a valid license for the sale of distilled spirits, wine or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, whether by the drink or by package, according to the terms of their individual license, during the hours of 6:00 a.m. and 2:30 a.m. the following day, on every day except for Sundays, and except for any hours when any polls are open in the city on any election day. All retail sellers that hold a valid license for the sale of wine, sprites or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays; and between the hours of 1:00 p.m. on Sundays and 2:30 a.m. on Mondays. All retail sellers that hold a valid license for the sale of wine, spirits, or malt beverages within the jurisdictional boundaries of the city, are hereby authorized to sell distilled spirits, wine, and malt beverages, by package, according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays; and between the hours of 11:00 a.m. on Sundays and 2:30 a.m. on Mondays.

('96 Code, § 112.40) (Ord. 2004-13, passed 12-9-2004) Penalty, see § 112.99

§ 112.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City ABC Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business and transactions conducted thereon; and the city licensee shall comply fully therewith.

('96 Code, § 112.41) Penalty, see § 112.99

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§ 112.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

(`96 Code, § 112.42) Penalty, see § 112.99

§ 112.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

Persons under the age of 21 years are subject to a fine up to \$500 if they:

- a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages;
- b. Possess, purchase or attempt to purchase any alcoholic beverages; or
- c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display the licenses shall be prima facie evidence that no valid licenses have been issued or exist and all actions, business and transactions authorized thereby conducted on the premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

(`96 Code, § 112.43) Penalty, see § 112.99

Statutory reference:

Display of state license required, see KRS 243.620, 244.270 and 244.360

§ 112.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any law, rule or regulation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

(`96 Code, § 112.44) Penalty, see § 112.99

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§ 112.45 CONDUCTING BUSINESS WITH MINOR.

As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage or engage in any of the following actions in the city:

(A) The possession or consumption of any alcoholic beverages by any person under 21 years of age in or upon any licensed premises or public places; and

(B) The misrepresentation of the name, address, age or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

(`96 Code, § 112.45) Penalty, see § 112.99

§ 112.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine or malt beverage license must conduct the actions, business and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City ABC Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether the acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City ABC Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

(`96 Code, § 112.46)

Ludlow - Business Regulations***NUDE OR NEARLY NUDE ACTIVITIES*****§ 112.60 DEFINITIONS.**

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

BUSINESS ESTABLISHMENTS. A business within the city, where liquor, beer or wine is sold for consumption on the premises pursuant to a retail drink liquor license or retail cereal malt beverage liquor license that has been issued by the city.

CITY ABC ADMINISTRATOR. The duly appointed Alcoholic Beverage Control Administrator of the city.

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

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

OCCUPATION LICENSE. The occupational license issued for the business establishment pursuant to Chapters 110 and 111 of this code.

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

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

RETAIL LICENSEE. Any licensee, including its officers and agents, who sells, at retail, any alcoholic beverage for the sale of which an occupational license is required.
('96 Code, § 112.60) (Ord. 1986-1, passed 3-20-1986)

§ 112.61 PURPOSE.

(A) Numerous business establishments with a retail drink liquor license or retail cereal malt beverage liquor license from the city are providing adult entertainment, with the possibility of nude or nearly nude dancing, for its patrons. The City Council has determined that such conduct or activities are injurious to the citizens of the city.

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(B) Therefore, the City Council believes that this subchapter is necessary for the following purposes:

- (1) To protect property values;
 - (2) To prevent blight and the deterioration of the city's neighborhoods;
 - (3) To promote a climate conducive to a return of residences and businesses to the city's neighborhoods;
 - (4) To enhance the quality of life within the city;
 - (5) To preserve and stabilize the city's neighborhoods; and
 - (6) To decrease the incidence of crime, disorderly conduct and juvenile delinquency.
- ('96 Code, § 112.61) (Ord. 1986-1, passed 3-20-1986)

§ 112.62 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

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

('96 Code, § 112.62) (Ord. 1986-1, passed 3-20-1986) Penalty, see § 112.99

§ 112.63 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

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

('96 Code, § 112.63) (Ord. 1986-1, passed 3-20-1986) Penalty, see § 112.99

Ludlow - Business Regulations**§ 112.64 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.**

(A) In the event that a violation of §§ 112.62 or 112.63 occurs, the city shall forthwith conduct a hearing pursuant to KRS 243.520, in conjunction with KRS 241.160 and 241.190, to determine whether the liquor licensee, at whose business establishment the activity prohibited by this subchapter occurred, shall have his or her license suspended or revoked.

(B) In the event three or more violations of §§ 112.62 or 112.63 occur at a business establishment within a 12-month period, the City ABC Administrator, after a hearing, shall revoke the retail drink license or retail cereal malt beverage license or both.

(`96 Code, § 112.64) (Ord. 1986-1, passed 3-20-1986)

§ 112.65 REVOCATION OR SUSPENSION OF OCCUPATIONAL LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 112.62 or 112.63 occurs, the Liquor Administrator shall prefer charges against the retail license, pursuant to Chapter 110 of this code, after notice and a hearing are held by the City Council, the occupational license may either be revoked or suspended.

(B) In the event that three or more violations of §§ 112.62 or 112.63 occur at a business establishment within a 12-month period, after notice and hearing, pursuant to Chapter 110 of this code, the City Council shall revoke the occupational license of the retail licensee.

(`96 Code, § 112.65) (Ord. 1986-1, passed 3-20-1986)

ADMINISTRATION AND ENFORCEMENT**§ 112.75 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

Provisions concerning the Alcoholic Beverage Control Administrator are contained in § 32.39.
(`96 Code, § 112.75)

§ 112.76 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

(`96 Code, § 112.76)

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§ 112.77 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.560 and 243.590, city licenses may be either revoked or suspended by the City ABC Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the City ABC Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses, pursuant to KRS 243.500, or the revocation of a state license to which a city license corresponds. Further, with the approval of the City ABC Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, vintners, brewers and blenders: \$1,000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$400 per day; retail drink liquor licensees: \$50 per day; retail package liquor licensees: \$50 per day; retail beer licensees: \$50 per day; and all remaining licensees: \$50 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City ABC Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City ABC Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City ABC Administrator. The City ABC Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City ABC Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

(96 Code, § 112.77)

Ludlow - Business Regulations**§ 112.99 PENALTY.**

(A) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof in a court of competent jurisdiction, be sentenced to pay a fine for each offense or violation of no more than \$500.

(B) Any person who violates the distillers license fee provision of § 112.20 shall be guilty of a misdemeanor and shall, upon conviction and in accordance with KRS 243.990(2), be sentenced to pay a fine of not less than \$100, nor more than \$200, or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than \$200, nor more than \$500, or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than \$500, nor more than \$500, or sentenced to imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 112.20 other than as discussed in division (B) above, or any provision of §§ 112.21 through 112.26, 112.40 through 112.42, 112.44 or 112.45(A) shall be guilty of a misdemeanor and shall, upon conviction and in accordance with KRS 243.990(1) and 244.990(1), be fined not less than \$100, nor more than \$200, or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than \$200, nor more than \$500, or be imprisoned for no more than six months, or both.

(D) Any person who violates any provision of § 112.43 shall be guilty of a violation and shall, upon conviction and in accordance with KRS 244.990(5), be fined not less than \$10, nor more than \$100.

(E) Any person who violates any provision of § 112.45(B) shall be guilty of a violation, upon conviction and in accordance with KRS 244.990(5) and (6), be fined not less than \$10, nor more than \$100, for misrepresentation of age. For use of a false, fraudulent, or altered identification card, paper or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be guilty of a misdemeanor and shall be fined not less than \$50, nor more than \$500, for a first offense. For a second and each subsequent offense, the person shall be guilty of a misdemeanor and shall be fined not less than \$200, nor more than \$500.

(F) Performing nude or nearly nude activities as set forth in § 112.62 or permitting those activities as set forth in § 112.63, is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes. The second violation of §§ 112.62 or 112.63 within a 12-month period shall constitute a Class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes. Three or more violations of §§ 112.62 or 112.63 within a 12-month period shall constitute a Class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

(Ord. 1986-1, passed 3-20-1986)

(`96 Code, § 112.99)

LUDLOW ORDINANCE 2004-13**AN ORDINANCE OF THE CITY OF LUDLOW
KENTUCKY, AMENDING THE HOURS FOR THE
SALE OF ALCOHOLIC BEVERAGES IN THE CITY
TO INCLUDE SUNDAY SALES BY REPEALING THE
PREVIOUS PROVISIONS OF §112.40 OF THE CITY
CODE AND CREATING A NEW 112.40**

Whereas, Kentucky Revised Statutes 244.290 was amended to allow cities of the fourth class such as Ludlow, Kentucky, to establish hours and times in which distilled spirits and wine may be sold within their jurisdictional limits;

Whereas, the Commonwealth of Kentucky Court of Appeals affirmed the validity of KRS 224.290 regarding the ability of a city to establish the hours for the sale of distilled spirits and wine within jurisdictional boundaries;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Ludlow, Kentucky:

SECTION I

The existing Section of §112.40 of the Code of Ordinances of the City of Ludlow is hereby repealed in full and replaced as set forth in this Ordinance.

SECTION II

Pursuant to the authority of KRS Section 244.290 and KRS 244.480, no distilled spirits, wine, and malt beverages may be sold at retail, whether by the drink or by the package, in the City between the hours of 2:30 a.m. and 6:00 a.m. prevailing time on any day except Sunday. On Sundays, no distilled spirits, wine or malt beverages may be sold at retail by the drink in the City between the hours of 2:30 a.m. and 1:00 p.m.; and no distilled spirits, wine, or malt beverages may be sold at retail by the package on Sunday between the hours of 2:30 a.m. and 11:00 a.m. In addition, no distilled spirits, wine, or malt beverages may be sold at retail in the City during the hours when any polls are open in the City on any election day.

SECTION III

During the restricted hours set forth in Section II, no person who has a valid City license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times all persons who have such City licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of

the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

SECTION IV

If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Alcoholic Beverage Control Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and City licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times. For Penalty See Section City Code of Ordinance §112.99.

SECTION V

All retail sellers that hold a valid license for the sale of distilled spirits, wine or malt beverages within the jurisdictional boundaries of the City, are hereby authorized to sell distilled spirits, wine, and malt beverages, whether by the drink or by package, according to the terms of their individual license, during the hours of 6:00 a.m. and 2:30 a.m. the following day, on every day except for Sundays, and except for any hours when any polls are open in the City on any election day. All retail sellers that hold a valid license for the sale of wine, sprites or malt beverages within the jurisdictional boundaries of the City, are hereby authorized to sell distilled spirits, wine, and malt beverages, by the drink according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays; and between the hours of 1:00 p.m. on Sundays and 2:30 a.m. on Mondays. All retail sellers that hold a valid license for the sale of wine, spirits, or malt beverages within the jurisdictional boundaries of the City, are hereby authorized to sell distilled spirits, wine, and malt beverages, by package, according to the terms of their individual license, between the hours of 12:01 a.m. and 2:30 a.m. on Sundays; and between the hours of 11:00 a.m. on Sundays and 2:30 a.m. on Mondays.

SECTION VI

Any and all Ordinances in conflict with this Ordinance shall be, and hereby are, repealed to the extent of said conflict.

SECTION VII


Penalties shall be enforced pursuant to applicable sections of the Code of Ordinances of Ludlow, Kentucky.

SECTION VIII

This Ordinance shall take effect and be in full force from and after its passage, publication, which may be in summary form, and recording, according to law.

Passed by the City Council this 9th day of December, 2004.

CITY OF LUDLOW, KENTUCKY
A Municipal Corporation of the Fourth Class



Ed F. Schroeder, Mayor

ATTEST: 

Paul Weekley, Clerk/Treasurer

First Reading: 11-11-04
Second Reading: 12-9-04
Publication: 12-18-04

CHAPTER 31: CITY OFFICIALS

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- 31.01 Oath; bond
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GENERAL PROVISIONS

§ 31.01 OATH; BOND.

(A) Oath. Each officer of the city shall, before entering upon the discharge of duties of his office, take the following oath: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of this Commonwealth, and the Constitution of the United States, and be faithful and true to the Commonwealth of Kentucky, so long as I continue a citizen thereof, and that I will faithfully execute, to the best of my ability, the office of _____, according to law; and I do further solemnly swear (or affirm) that, since the adoption of the present Constitution, I being a citizen of this United States, have not fought a duel with deadly weapons within this State, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted as a second in carrying a challenge, nor aided or assisted any person thus offending, so help me God", as established by section 228 of the Kentucky Constitution.

(B) Bond. Official bonds shall, if required, meet the standards of KRS 62.060.

§ 31.02 COMPENSATION.

(A) City Council shall establish the compensation of every elected city officer not later than the first Monday in May in the

except as tenure and terms of employment are protected by statute, ordinance, or contract and except for employees of the Council. ('73 Code, § 30.47)

(8) The Mayor shall provide for the orderly continuation of the functions of city government at any time he is unable to attend to the duties of his office by delegating responsibility for any function to be performed, in accordance with division (D)(5) above. However, the Mayor may not delegate the responsibility of presiding at meetings of the Council, and the authority to approve ordinances or promulgate administrative procedures may only be delegated to an elected officer. With approval of the Council, the Mayor may rescind any action taken in his absence under this section within 30 days of such action. If for any reason the disability of the Mayor to attend to his duties persists for 60 consecutive days, the office of Mayor may be declared vacant by a majority vote of the Council and the provisions of § 31.21(C) shall apply. ('73 Code, § 30.48(A), (B))

Statutory reference:

Powers and duties of Mayor, see KRS 83A.130

§ 31.22 COUNCILMEMBERS.

For provisions concerning City Council, see Chapter 32.

NONELECTED CITY OFFICIALS

§ 31.35 ESTABLISHMENT OF NONELECTED CITY OFFICES.

(A) All nonelected city offices shall be created by ordinance which shall specify:

- (1) Title of office;
 - (2) Powers and duties of office;
 - (3) Oath of office;
 - (4) Bond, if required; and
 - (5) Compensation.
- ('73 Code, § 30.20)

(B) With the exception of the Police Chief and all city police officers, all nonelected city officers shall be appointed by the Mayor with approval of City Council. The Police Chief and all city police officers shall be appointed by the Mayor at will and such appointments need not be approved by City Council.

(C) All nonelected officers may be removed by the Mayor at will unless otherwise provided by statute. ('73 Code, § 30.21)

(B) The Building Inspector shall be appointed by the Mayor with the approval of the City Council pursuant to KRS 83A.080; and may be removed by the Mayor at will.

(C) The powers and duties of this office are established as follows:

(1) Inspect building construction and repair activities at all stages; and ensure compliance with building and related codes and ordinances.

(2) Enforce building and related codes and ordinances by giving instructions, warnings or recommending stop work orders.

(3) Issue building repair and construction permits.

(4) Keep records and reports on building activities.

(5) Investigate and take necessary action against public nuisances.

(6) Perform any other duties as may be required by the direction of the Mayor, City Administrator, or City Council.

(D) The oath of office to be executed by the Building Inspector shall be that set forth in Section 228 of the Constitution of Kentucky.

(E) Compensation for this office shall be in an amount established by City Council by ordinance.
(Ord. 1982-4-2, passed 4-28-82)

(F) No person shall be appointed or act as the Building Inspector unless such person has provided a bond in the sum as established by City Council, with corporate surety authorized to transact business in Kentucky and conditioned upon the performance of the duties specified herein.

Cross-reference:

Administration of Housing and Property Maintenance Code, see § 152.105

§ 31.39 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) Under authority of KRS 241.160, the office of Alcoholic Beverage Control Administrator is created. ('73 Code, § 31.10)

(B) The Mayor of the city, under authority of KRS 241.170, shall appoint the Alcoholic Beverage Control Administrator. The Mayor may remove the Alcoholic Beverage Control Administrator at will. ('73 Code, § 31.11)

(C) No person can be appointed Alcoholic Beverage Control Administrator who has any interest in any premises or business where

alcoholic beverages are manufactured, stored, or sold, but no person shall be disqualified under this section by reason of his membership in any club. The Administrator shall not receive any commission or profit from any person applying for or receiving any license or permit. ('73 Code, § 31.12)

(D) The Alcoholic Beverage Control Administrator, before entering upon his duties as such, shall take the oath prescribed in Section 228 of the Kentucky Constitution. ('73 Code, § 31.13)

(E) The Alcoholic Beverage Control Administrator, shall before entering upon his duties, execute a bond with a good corporate surety in a penal sum of not less than \$1,000. The cost of the bond given under this division shall be borne by the city. ('73 Code, § 31.14)

(F) The functions of the Alcoholic Beverage Control Administrator shall be the same with respect to the city licenses and regulations, as the functions of the State Alcoholic Beverage Control Board with respect thereto, except that no regulation adopted by the Administrator may be less stringent than the State statutes relating to alcoholic beverage control, or than the regulations of the State Board. However, no regulation of the Administrator shall become effective until it has been approved by the State Board. These functions of the Administrator are governed by KRS 241.060 and the regulations, as set out by the State Board. ('73 Code, § 31.15)

(G) Appeals from the orders of the Alcoholic Beverage Control Administrator may be taken to the State Alcoholic Beverage Control Board and shall be governed by KRS 243.550 through 243.590. ('73 Code, § 31.16)

(H) For services as Alcoholic Beverage Control Administrator, this officer shall receive compensation as set by City Council by ordinance. ('73 Code, § 31.17)
(Ord. 1956-5-4, passed 6-14-56)

§ 31.40 SUPERINTENDENT OF THE DEPARTMENT OF WATER AND SEWERS.

(A) The Superintendent of the Department of Water and Sewers shall be appointed by the Mayor with the approval of City Council and shall hold office at the pleasure of the Mayor. He shall perform and discharge the duties hereinafter set out in division (C) of this section and any further duties as may be assigned him from time to time by the Mayor or the City Council not inconsistent with the general duties contained in division (C) of this section. ('73 Code, § 31.05) (Ord. 1969-6-2, passed 7-23-69)

(B) The Superintendent of the Department of Water and Sewers shall attend the regular meetings of Council when requested by Chairperson of the Public Works Committee. He shall be compensated for each attendance. ('73 Code, § 31.06) (Ord. 1969-6-2, passed 7-23-69; Am. Ord. 1974-2-1, passed 2-27-74)

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GENERAL PROVISIONS

§ 112.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

(1) "BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

(2) "CITY ABC ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administration created and established by the city pursuant to § 112.60.

(3) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(4) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(5) "KRS." Kentucky Revised Statutes.

(6) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

(7) "PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

(8) "STATE." The Commonwealth of Kentucky.

(9) "STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

(10) "TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

LICENSES

§ 112.20 CLASSIFICATION OF LICENSES; FEE SCHEDULE.

(A) For the privilege of causing, permitting, and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the city and pursuant to the authority of KRS 243.070, there is hereby established a corresponding city license for each of the state licenses described in the following schedule. The actions, business, and transactions authorized and permitted thereby and the expiration dates thereof shall be and are the same as those of the state licenses to which the city licenses correspond and which are indicated and described in the sections of state law indicated in the following schedule. The fees for such city licenses shall be the maximum allowed by law as indicated in the following schedule.

(B) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by such city and state licenses within the city without both a valid city license and a valid state license therefor:

<u>License Description</u>	<u>Statutory Authorization (KRS §)</u>	<u>Statutory Description of Authorized Business and Transactions (KRS §)</u>	<u>Annual Expiration Date (KRS § 243.090)</u>	<u>Fee (Per Annum)</u>
<u>Distilled Spirits and Wine Licenses</u>				
Distillers	243.030 (1), 243.070	243.120 243.130	June 30	\$ 500
Rectifier	243.030 (2)	243.120 243.130	June 30	3000
Blenders	243.030 (3)	243.140	June 30	3000
Wholesaler	243.030 (6)	243.160 243.170	June 30	3000
Retail package	243.030 (7)	243.240	June 30	1000
Retail drink	243.030 (8)	243.250	June 30	1000
Special temporary	243.030 (16)	243.260	NA	1/6 of retail package license fee (above), per month
Special private club	243.030 (17)	243.270	June 30	300
Special Sunday retail drink	243.030 (18), 243.070	243.290	June 30	300
Nonresident special agent	243.030 (19)	243.340	June 30	40
<u>Malt Beverage Licenses</u>				
Brewers	243.040 (1), 243.070	243.150	June 30	500
Microbrewery	243.040 (2)	243.157	June 30	500
Distributors	243.040 (3)	243.180	June 30	400
Retailers (new applicants)	243.040 (4), 243.070	243.280	June 30	200
Renewal	243.040 (4)	243.280	June 30	150
Special temporary	243.040 (7)	243.290	NA	25 per month

Penalty, see § 112.99

§ 112.21 FORM, CONTENT OF CITY LICENSE.

(A) The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City ABC Administrator.

(B) However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must:

(1) Comply with all of the provisions for state licenses required by KRS 243.440; and

(2) Contain a declaration that the license authorizes the search of the licensed premises by any peace officer at any time for any purpose; the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

§ 112.22 APPLICATION; ISSUANCE.

Subject to the limitations and restrictions described herein, city licenses shall be originally issued by the City Clerk-Treasurer and renewed by him upon the expiration thereof upon receipt of the following documents and fees more than 30 days prior to the effective date of an original license and more than 15 days prior to the expiration date of any license to be renewed:

(A) A written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City ABC Administrator; however, provision for the following information, statements, and representations shall and must be included therein:

(1) All information required by KRS 243.390 to be contained in the application for state licenses.

(2) A consent by the applicant to the search of the licensed premises by any peace officer at any time for any purpose, the removal therefrom of any evidence of any crime or other violation of any law; and the use thereof in any trial or hearing in regard thereto.

(3) The names, addresses, photographs, and fingerprints of the applicant and all shareholders, officers, agents, servants, and employees thereof.

(B) The approval of the applicant, the application, and the premises described therein by the City ABC Administrator.

(C) Documentary evidence of a valid state license which corresponds to the city license for which the application is being made.

(D) The applicable fee, paid in cash or by certified or cashier's check, for the city license which is the subject of the application.

§ 112.23 APPROVAL OF APPLICATION.

Within 30 days of the date of the application for an original

city license and 15 days of the date of an application for renewal of a city license, the City ABC Administrator shall, by mail or personal delivery thereof, notify the applicant, in writing, of either the approval thereof or the disapproval thereof and a hearing in regard thereto.

§ 112.24 DENIAL OF APPLICATION.

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

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

(B) The applicant and/or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

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

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

(E) In the exercise of sound discretion, the City ABC Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City ABC Administrator shall consider in the exercise of his discretion are: public sentiment in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

§ 112.25 TRANSFER OF LICENSE.

A city licensee shall not assign or transfer any city license to any other person or premises unless that person and/or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10 shall be paid to the city for the transfer of the city license. Penalty, see § 112.99

§ 112.26 PREMISES SELLING GROCERIES, GASOLINE, AND THE LIKE PROHIBITED FROM OBTAINING LICENSE.

(A) As prohibited in KRS 243.230, no city license shall be issued to sell malt beverages at retail within or upon any premises from which gasoline and lubricating oil are sold or from which the servicing and repair of motor vehicles is conducted unless there is continuously maintained an inventory on the premises for sale at retail of not less than \$5,000 of food, groceries, and related products valued at cost.

(B) No city license shall be issued to sell distilled spirits or wine at retail by the drink or package from any premises used as or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries, or gasoline or lubricating oil.

SALE OF ALCOHOLIC BEVERAGES§ 112.40 HOURS.

(A) Pursuant to the authority of KRS 244.290 and KRS 244.480, the times and hours during which distilled spirits, wine, and malt beverages may be sold at retail in the city are hereby established to be the hours after 6:00 a.m. and before 2:30 a.m. prevailing time on any day except Sunday, and the hours after 1:00 p.m. and before 2:30 a.m. prevailing time on any Sunday. However, no distilled spirits or wine or malt beverages shall be sold at retail in the city during the hours the polls are open in the city on any election day.

(B) During the hours before 6:00 a.m. and after 2:30 a.m. prevailing time on any day except Sunday, and the hours after 2:30 a.m. and before 1:00 p.m. prevailing time on any Sunday, and the hours when any polls are open in the city on any election day, no person who has a valid city license for the sale of distilled spirits or wine or malt beverages at retail shall cause, permit, or engage in any of the actions, business, or transactions authorized and permitted thereby. During such times, all persons who have such city licenses shall cause the licensed premises to be closed and vacated by all persons except the applicant and those persons identified on the application for such city licenses or any supplements thereto as officers, agents, or employees of the person to whom such city license was issued. All other persons shall vacate the licensed premises and remove themselves therefrom during such times; however, any person upon the premises who purchased any alcoholic beverages by the drink from the licensee within 30 minutes prior to any such times may remain upon the premises for a period not to exceed 30 minutes thereafter for the sole purpose of the consumption of the drink purchased.

(C) If a separate department of such licensed premises is maintained in a manner previously approved in writing by the City Administrator as being capable of being locked, closed off, and separated from the remainder of the licensed premises and all

distilled spirits, wine, and malt beverages and all fixtures and apparatus connected with the acts of business and transactions authorized by the state licenses and city licenses for the retail sale of distilled spirits, wine, and malt beverages from such premises are located within such approved department, and such approved department is continuously kept locked, physically separated, and closed off from the remainder of the licensed premises during such times, the remainder of the licensed premises may remain open and any lawful activity may be conducted thereon during such times.

Penalty, see § 112.99

§ 112.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City ABC Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.

Penalty, see § 112.99

§ 112.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 112.99

§ 112.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to Five Hundred (\$500.00) Dollars if they:

a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or

b. Possess, purchase or attempt to purchase any alcoholic beverages; or

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

(B) All valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.

Penalty, see § 112.99

Statutory reference:

Display of state license required, see KRS 243.620, 244.270, and 244.360

§ 112.44 CRIMINAL CONDUCT ON PREMISES PROHIBITED.

A city licensee shall not cause, permit, or engage in any conduct upon the licensed premises by either the commission of a prohibited act or the omission of a required act which is a crime or other violation of any law, rule, or regulation of any governmental agency having jurisdiction thereof or any officer or agency thereof.

Penalty, see § 112.99

§ 112.45 CONDUCTING BUSINESS WITH MINOR.

As prohibited by KRS 244.080 and 244.085, no person shall cause, permit, encourage, or engage in any of the following actions in the city:

(A) The possession or consumption of any alcoholic beverages by any person under 21 years of age in or upon any licensed premises or public places; and

(B) The misrepresentation of the name, address, age, or other identification of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

Penalty, see § 112.99

§ 112.46 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City ABC Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City ABC Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of business at the licensed premises for any of the causes or reasons described herein.

NUDE OR NEARLY NUDE ACTIVITIES

§ 112.60 DEFINITIONS.

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

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

"CITY ABC ADMINISTRATOR." The duly appointed Alcoholic Beverage Control Administrator of the city.

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

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

"OCCUPATION LICENSE." The occupational license issued for the business establishment pursuant to Chapters 110 and 111.

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

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

"RETAIL LICENSEE." Any licensee including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.
(Ord. 1986-1, passed 3-20-86)

§ 112.61 PURPOSE.

(A) Numerous business establishments with a retail drink liquor license or retail cereal malt beverage liquor license from the city are providing adult entertainment, with the possibility of nude or nearly nude dancing, for its patrons. The City Council has determined that such conduct or activities are injurious to the citizens of the city.

(B) Therefore, the City Council believes that this subchapter is necessary for the following purposes:

- (1) To protect property values;
- (2) To prevent blight and the deterioration of the city's neighborhoods;
- (3) To promote a climate conducive to a return of residences and businesses to the city's neighborhoods;
- (4) To enhance the quality of life within the city;
- (5) To preserve and stabilize the city's neighborhoods;
and
- (6) To decrease the incidence of crime, disorderly conduct, and juvenile delinquency.
(Ord. 1986-1, passed 3-20-86)

§ 112.62 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

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

(Ord. 1986-1, passed 3-20-86) Penalty, see § 112.99

§ 112.63 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A licensee or retail licensee is guilty of permitting nude or nearly nude activities when having control of the business establishment's premises which he knows or has reasonable cause to know, is being used by any person to appear on the premises in a manner or attire as to expose to view portions of the pubic area,

anus, vulva, or genitals, or any simulation thereof; or used by any female to appear on the premises in a manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof, he permits that activity or fails to make reasonable and timely effort to halt or abate that activity or use. (Ord. 1986-1, passed 3-20-86) Penalty, see § 112.99

§ 112.64 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 112.62 or 112.63 occurs, the city shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.160 and 241.190), to determine whether the liquor licensee, at whose business establishment the activity prohibited by this subchapter occurred, shall have his license suspended or revoked.

(B) In the event three or more violations of §§ 112.62 or 112.63 occur at a business establishment within a 12-month period, the City ABC Administrator, after a hearing, shall revoke the retail drink license or retail cereal malt beverage license or both. (Ord. 1986-1, passed 3-20-86)

§ 112.65 REVOCATION OR SUSPENSION OF OCCUPATIONAL LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 112.62 or 112.63 occurs, the Liquor Administrator shall prefer charges against the retail license pursuant to Chapter 110, after notice and a hearing are held by the City Council, the occupational license may either be revoked or suspended.

(B) In the event that three or more violations of §§ 112.62 or 112.63 occur at a business establishment within a 12-month period, after notice and hearing pursuant to Chapter 110, the City Council shall revoke the occupational license of the retail licensee. (Ord. 1986-1, passed 3-20-86)

ADMINISTRATION AND ENFORCEMENT

§ 112.75 ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

Provisions concerning the Alcoholic Beverage Control Administrator are contained in § 31.39.

§ 112.76 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

§ 112.77 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the City ABC Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other alcoholic beverage control ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the City ABC Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the City ABC Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, vintners, brewers, and blenders: \$1000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$100 per day; retail drink liquor licensees: \$25 per day; retail package liquor licensees: \$25 per day; retail beer licensees: \$10 per day; and all remaining licensees: \$10 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City ABC Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City ABC Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City ABC Administrator. The City ABC Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City ABC Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

§ 112.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall, upon conviction thereof in a court of competent

jurisdiction, be sentenced to pay a fine for each offense or violation of no more than \$500.

(B) Any person who violates the distillers license fee provision of § 112.20 shall, upon conviction and in accordance with KRS 243.990(2), be sentenced to pay a fine of not less than \$100 nor more than \$200, or sentenced to imprisonment for no more than six months, or both for the first offense. For the second offense, the person shall be fined not less than \$200 nor more than \$500, or sentenced to imprisonment for no more than six months, or both. On the third and each subsequent offense, the person shall be sentenced to pay a fine of not less than \$500 nor more than \$5,000, or sentenced to imprisonment for not more than five years, or both.

(C) Any person who violates any provision of § 112.20 other than as discussed in division (B) above, or any provision of §§ 112.21 through 112.26, 112.40 through 112.42, 112.44, or 112.45(A) shall, upon conviction and in accordance with KRS 243.990(1) and 244.990(1), be fined not less than \$100 nor more than \$200, or be imprisoned for no more than six months, or both for the first offense. On the second and each subsequent offense, the person shall be fined not less than \$200 nor more than \$500, or be imprisoned for no more than six months, or both.

(D) Any person who violates any provision of § 112.43 shall, upon conviction and in accordance with KRS 244.990(5), be fined not less than \$10 nor more than \$100.

(E) Any person who violates any provision of § 112.45(B) shall, upon conviction and in accordance with KRS 244.990(5) and (6), be fined not less than \$10 nor more than \$100 for misrepresentation of age. For use of a false, fraudulent, or altered identification card, paper, or other document to purchase, attempt to purchase, or otherwise obtain any alcoholic beverage, the person shall be fined not less than \$50 nor more than \$500 for a first offense. For a second and each subsequent offense, the person shall be fined not less than \$200 nor more than \$2,000.

(F) Performing nude or nearly nude activities as set forth in § 112.62 or permitting those activities as set forth in § 112.63, is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes. The second violation of §§ 112.62 or 112.63 within a 12-month period shall constitute a Class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes. Three or more violations of §§ 112.62 or 112.63 within a 12-month period shall constitute a Class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes. (Ord. 1986-1, passed 3-20-86)

CHAPTER 112: ALCOHOLIC BEVERAGES

RECEIVED

Section

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- 112.01 The Kentucky Alcoholic Beverage Control Law adopted
- 112.02 License required
- 112.03 License fees
- 112.04 License fees to be paid to the city treasurer
- 112.05 Application to be filed in writing
- 112.06 License conditions and regulations
- 112.07 State permit
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ALCOHOLIC
BEVERAGE CONTROL

Sunday Retail Sales

- 112.15 License required
- 112.16 Application to be written; requirements
- 112.17 License fees

Penalty

- 112.99 Penalty

§ 112.01 The Kentucky Alcoholic Beverage Control Law adopted.

All of the provisions of the Kentucky Alcoholic Beverage Control Act, KRS Chapters 241, 242, and 243 and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, purchase or other traffic in alcoholic beverages, are adopted as a portion of this chapter, in so far as they are not inconsistent with the terms provided for herein. (Ord. 950, passed 4-29-39)
Penalty, see § 112.99

§ 112.02 License required.

No person, firm or corporation shall vend, sell, deal or traffic in, or for the purpose of evading any law or ordinance, give away any spirituous, cereal, malt, or vinous alcoholic intoxicating beverages in any quantity, whatsoever, or cause the same to be done, without having first procured a license as hereafter provided, nor without complying with all of the provisions of this chapter, and all statutes and other laws applicable thereto.
(Ord. 950, passed 4-29-39) Penalty, see § 112.99

§ 112.03 License fees.

There shall be 6 classes of license fees:

(A) "Wholesale liquor license." A wholesale liquor license when issued by the city under authority of the city council shall permit its holder to see, deal and traffic in intoxicating liquors to any person for the purpose of resale. The fee for such wholesale liquor license shall be \$200 per year.

OFFICE OF ALCOHOLIC BEVERAGE

§ 31.10 Office of alcoholic beverage established.

Under authority of Kentucky Revised Statutes, § 241.160, the office of city alcoholic beverage control administrator is created. (Ord. 1956-5-4, passed 6-14-56)

§ 31.11 Mayor to appoint.

The mayor of the city, under authority of Kentucky Revised Statute § 241.170, shall appoint the administrator, but no appointment can be for more than the term of the mayor of the city. (Ord. 1956-5-4, passed 6-14-56)

§ 31.12 Qualifications, restrictions.

No person can be appointed city control administrator who has any interest in any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit from any person applying for or receiving any license or permit. But no person shall be disqualified under this section by reason of his membership in any club. (Ord. 1956-5-4, passed 6-14-56)

§ 31.13 Oath.

The city control administrator, before entering upon his duties as such, shall take the oath prescribed in § 228. of the Kentucky Constitution. (Ord. 1956-5-4, passed 6-14-56)

§ 31.14 Bond required.

The city control administrator, shall before entering upon his duties, execute a bond with a good corporate surety in a penal sum of not less than \$1,000. The cost of the bond given under this section, shall be borne by the city. (Ord. 1956-5-4, passed 6-14-56)

§ 31.15 Duties.

The functions of the city control administrator shall be the same with respect to the city licenses and regulations, as the functions of the state board with respect thereto, except that no regulation adopted by the city control administrator may be less stringent than the Kentucky Revised Statutes relating to alcoholic beverage control, or than the regulations of the board. However, no regulation of the city control administrator shall be come effective until it has been approved by the board at Frankfort, Kentucky. These functions of the city control administrator are governed by Kentucky Revised Statute § 241.060 and the regulations, as set out by the state alcoholic beverage control board. (Ord. 1956-5-4, passed 6-14-56)