

CITY OF MIDDLETOWN
ORDINANCE #13-08, SERIES 2013
AN ORDINANCE RELATING TO CHANGING THE LICENSES AND FEES TO
COMPLY WITH KRS 243.070, AS AMENDED BY SENATE BILL 13

WHEREAS, KRS Chapter 243.070 was changed by Senate Bill 13 and therefore the licenses and fees issued and charged by the Fourth-Class city of Middletown must be corrected,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF ON THE CITY OF MIDDLETOWN

Section 1:

Section 113.02 of the Codified Ordinances is hereby repealed and replaced in its entirety as follows:

113.02 ISSUANCE OF LICENSE; RECEIPT OF FEES.

All licenses granted under this chapter shall be approved and issued by the City ABC Administrator and shall be those fees authorized under KRS 243.070, set out below and as amended by Senate Bill 13. All license fees from licenses issued under this chapter shall be collected by the City ABC Administrator.

Distiller's License, per annum	\$500.00
Rectifier's License, per annum	\$3,000.00
Wholesaler's Distilled Spirit and Wine License, per annum	\$1,750.00
Quota Retail Package License, per annum	\$630.00
Quota Retail Drink License, per annum	\$1,600.00
Special Temporary License, per event	Spirits \$133.33 Malt/Wine \$12.50
Nonquota Type 1 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum	\$2,000.00
Nonquota Type 2 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum	\$1,200.00
Nonquota Type 3 Retail Drink License (includes distilled spirits, wine, and malt beverages), per annum	\$150.00
Distilled Spirits and Wine Special Temporary Auction License, per event	\$200.00

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CITY OF MIDDLETOWN
ALCOHOL BEVERAGE CONTROL

Special Sunday Retail Drink License, per annum		\$300.00
Extended Hours Supplemental License, per annum	Spirits	\$300.00
	Malt/Wine	\$75.00
Caterer's License, per annum		\$800.00
Bottling House or Bottling House Storage License, per annum		\$1,000.00
Malt Beverage Licenses as follows:		
Brewer's License, per annum		\$500.00
Microbrewery License, per annum		\$500.00
Malt Beverage Distributor's License, per annum		\$400.00
Nonquota Retail Malt Beverage Package License, per annum		\$200.00
Nonquota Type 4 Retail Malt Beverage Drink License, per annum		\$200.00
Malt Beverage Brew-On-Premises License, per annum		\$100.00
Limited Restaurant License (includes distilled spirits, Wine, and malt beverages), per annum		\$1,800.00
Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum		\$1,800.00

Section 2:

Section 113.03 of the Codified Ordinance is hereby repealed in its entirety

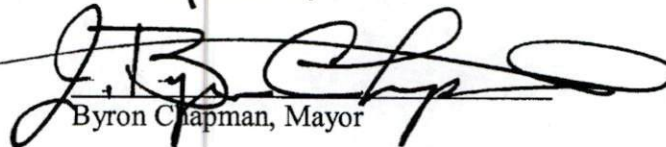
Section 3: Effective date

This ordinance shall take effect upon its reading, adoption and publication according to law.

Adopted this 14th day of November 2013.

Introduction and First Reading: October 10, 2013

Second Reading and Passage: Nov. 14, 2013


Byron Chapman, Mayor

ATTEST:


Betty Daigrepoint, City Clerk

Aye votes: 5
Nay votes: 0

CITY OF MIDDLETOWN

Ordinance No. 05-05

AN ORDINANCE RELATING TO THE HOURS AND TIMES IN WHICH DISTILLED SPIRITS, WINE AND BEER MAY BE SOLD AND AMENDING ORDINANCE 89-08.

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

Section 1. Ordinance No. 89-08 of the City of Middletown is hereby amended to read as follows:

(1) Hours of Sale - Distilled Spirits and Wine. It shall be unlawful for any person, firm or corporation licensed for the sale of distilled spirits or wine at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of two o'clock a.m. and six o'clock a.m. on any week day and Saturday or between the hours of two o'clock a.m. Sunday and 1:00 p.m. on Sunday or the hours 9:00 p.m. Sunday and six o'clock a.m. Monday, or on election day when polls are open in the City of Middletown.

(2) Hours of Sale - Malt Beverages. It shall be unlawful for any person, firm or corporation licensed for the sale of malt beverages at retail, to sell, give away, permit to be sold or given away, or permit on the licensed premises the consumption of such products between the hours of two o'clock a.m. and six o'clock a.m. on any week day and Saturday or between the hours of two o'clock a.m. Sunday and one o'clock p.m. Sunday or on any election day when the polls are open in the City of Middletown.

(3) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in paragraphs (1) and (2) above, shall be the hours of four o'clock a.m. and six o'clock a.m. for the Monday before the first Saturday in May of each year, through four o'clock A.M. of the following Sunday.

(4) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in paragraph (1) and (2) above, shall be between the hours of four o'clock a.m. and six o'clock a.m. for January 1 or each year; except when December 31 and January 1 fall on Sunday and Monday respectively, in which case the rules from paragraph (1) and (2) of this section apply.

(5) The sale of distilled spirits or wine at retail may be permitted, on premises licensed for such purposes, between the hours of two o'clock a.m. and four o'clock a.m. on each day of the week, except for the hours of four o'clock a.m. Sunday through 1:00 p.m. Sunday, six o'clock a.m. Monday, upon issuance of a special hours license as set forth in Section 2.

(6) The sale of malt beverages at retail may be permitted on premises licensed for such purposes between the hours of two o'clock a.m. and four o'clock a.m. on each day of the week, except for the hours of four o'clock A.M. Sunday through one o'clock p.m. Sunday, upon issuance of a special hours license as set forth in Section 2.

Section 2.

(1) The Middletown City Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell distilled spirits and wine at retail upon payment in advance to the City of Middletown of an annual license fee of Two Hundred Fifty Dollars (\$250.00).

(2) The Middletown City Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell malt beverages at retail upon the payment in advance to the City of Middletown of the sum of Fifty Dollars (\$50.00).

Section 3.

Any person violating any provision of this ordinance shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or be imprisoned not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or be imprisoned not more than six months, or both.

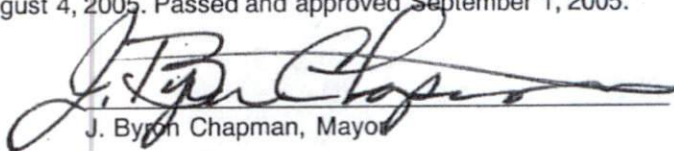
Section 4.

All ordinances, or part thereof, in conflict with the provisions hereof are hereby repealed, provided however this ordinance shall not reduce the privileges granted by any other ordinance, license, or supplemental license.

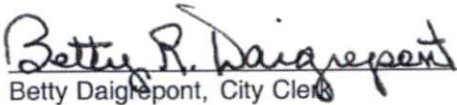
Section 5.

This ordinance shall take effect upon its adoption and publication, which publication may be by summary.

Introduction and first reading, August 4, 2005. Passed and approved September 1, 2005.


J. Byron Chapman, Mayor

ATTEST:


Betty Daigrepont, City Clerk

CITY OF MIDDLETOWN

Ordinance No. 89-10

AN ORDINANCE RELATING TO THE
LICENSING AND SALE OF ALCOHOLIC
BEVERAGES (RESTAURANT WINE
LICENSE).

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

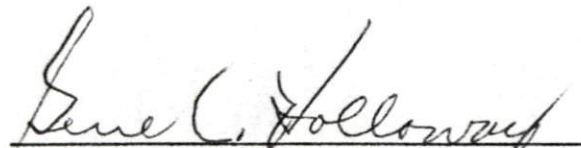
Section 1. In addition to those licenses authorized by other city ordinances, the City may issue a restaurant wine license in accordance with the provisions of KRS 243.032, as amended, upon payment in advance to the City of the sum of \$300.00 for new applicants and \$300.00 for renewals.

Section 2. A restaurant wine license shall authorize the sale of wine as provided in KRS 243.032.


Section 3. Fees for all licenses issued hereunder shall be due and payable on July 1 of each year. All licenses shall expire on June 30 next following date of issuance.

Section 4. This ordinance shall take effect upon its passage and approval and publication as required by law.

Introduction and first reading, June 1, 1989. Passed and approved June 12, 1989.


Gene C. Holloway, Mayor

ATTEST:


Helen Y. Carter, City Clerk

CITY OF MIDDLETOWN

Ordinance No. 89-09

AN ORDINANCE RELATING TO THE LICENSING AND SALE
OF ALCOHOLIC BEVERAGES ON SUNDAY.

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

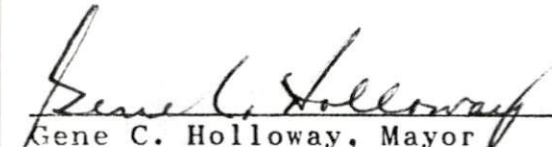
Section 1. In addition to those licenses authorized by Ordinance 89-07, the City shall issue a special Sunday Retail Drink License to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, upon payment in advance to the City of the sum of \$300.00.

Section 2. Sales of alcoholic beverages on Sunday pursuant to the license granted under Section 1 hereof shall permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 P.M. until 2:00 A.M. Monday by 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 in accordance with KRS 244.290.

Section 3. Fees for all licenses issued hereunder shall be due and payable on July 1 of each year. All licenses shall expire on June 30 next following date of issuance.

Section 4. This ordinance shall take effect upon its passage and approval and publication as required by law.

Introduction and first reading, May 20, 1989. Passed and approved May 22, 1989.



Gene C. Holloway, Mayor

ATTEST:



Helen Y. Carter, City Clerk

CITY OF MIDDLETOWN

Ordinance No. 89-08

AN ORDINANCE RELATING TO THE HOURS AND TIMES IN WHICH DISTILLED SPIRITS, WINE AND BEER MAY BE SOLD.

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

Section 1.

(1) Hours of Sale - Distilled Spirits and Wine. It shall be unlawful for any person, firm or corporation licensed for the sale of distilled spirits or wine at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of two o'clock a.m. and six o'clock a.m. on any week day and Saturday or between the two o'clock a.m. Sunday and six o'clock a.m. Monday, or on election day when polls are open in the City of Middletown.

(2) Hours of Sale - Malt Beverages. It shall be unlawful for any person, firm or corporation licensed for the sale of malt beverages at retail, to sell, give away, permit to be sold or given away, or permit on the licensed premises the consumption of such products between the hours of two o'clock a.m. and six o'clock a.m. on any week day and Saturday or between the hours of two o'clock a.m. Sunday and one o'clock p.m. Sunday or on any election day when the polls are open in the City of Middletown.

(3) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in paragraphs (1) and (2) above, shall be the hours of four o'clock a.m. and six o'clock a.m. for the Monday before the first Saturday in May of each year, through four o'clock A.M. of the following Sunday.

(4) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in paragraph (1) and (2) above, shall be between the hours of four o'clock a.m. and six o'clock a.m. for January 1 of each year; except when December 31 and January 1 fall on Sunday and Monday respectively, in which case the rules from paragraph (1) and (2) of this section apply.

(5) The sale of distilled spirits or wine at retail may be permitted, on premises licensed for such purposes, between the hours of two o'clock a.m. and four o'clock a.m. on each day of the week, except for the hours of four o'clock a.m. Sunday through six o'clock a.m. Monday, upon issuance of a special hours license as set forth in Section 2.

(6) The sale of malt beverages at retail may be permitted on premises licensed for such purposes between the hours of two o'clock a.m. and four o'clock a.m. on each day of the week, except for the hours of four o'clock A.M. Sunday through one o'clock p.m. Sunday, upon issuance of a special hours license as set forth in Section 2.

Section 2.

(1) The Middletown City Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell distilled spirits and wine at retail upon payment in advance to the City of Middletown of an annual license fee of Two Hundred Fifty Dollars (\$250.00).

(2) The Middletown City Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell malt beverages at retail upon the payment in advance to the City of Middletown of the sum of Fifty Dollars (\$50.00).

Section 3.

Any person violating any provision of this ordinance shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or be imprisoned not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or be imprisoned not more than six months, or both.

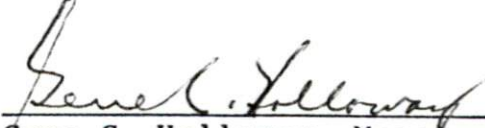
Section 4.

All ordinances, or part thereof, in conflict with the provisions hereof are hereby repealed, provided however this ordinance shall not reduce the privileges granted by any other ordinance, license, or supplemental license.

Section 5.

This ordinance shall take effect on June 30, 1989. upon adoption.

Introduction and first reading, May 20, 1989. Passed and approved May 22, 1989.


Gene C. Holloway, Mayor

ATTEST:


Helen Y. Carter, City Clerk

CITY OF MIDDLETOWN

Ordinance No. 89-07

AN ORDINANCE RELATING TO THE LICENSING AND SALE OF ALCOHOLIC BEVERAGES.

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

Section 1. No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting or other traffic in alcoholic beverages in the City unless he holds the kind of license that authorized such act issued by the City Alcoholic Beverage Control Administrator.

Section 2. The following kinds of distilled spirits and wine licenses may be issued by the City, the fees for which shall be:

(a) Distiller's license, per annum	\$ 500.00
(b) Rectifier's license, per annum	1500.00
(c) Blender's license, per annum	1500.00
(d) Wholesaler's license, per annum	1500.00
(e) Retail package license, per annum	600.00
(f) Retail drink license, per annum	800.00
(g) Special temporary license, per month or part of month, one-sixth of fee enumerated in subsection (f)	
(h) Special private club license, per annum	150.00
(i) Special Sunday retail drink license	300.00
(j) Nonresident, special agent or solicitor's license, per annum	20.00

Section 3. The following kinds of malt beverage licenses may be issued by the City, the fees for which shall be:

(a) Brewer's license, per annum	\$ 500.00
(b) Microbrewery license, per annum	250.00
(c) Distributor's license, per annum	200.00
(d) Retailer's license, per annum	
i. New applicants	200.00
ii. Renewals	150.00
(e) Special temporary license, per month or part thereof	12.50

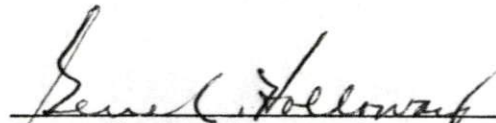
Section 4. The business authorized by the licenses provided for herein shall correspond to the business authorized by the corresponding licenses authorized by KRS Chapter 243 and KRS Chapter 446 and specifically including the definitions contained in KRS 446.010.

Section 5. Any person who, by himself, or acting through another, directly or indirectly, violates any of the provisions of this ordinance for which no other penalty is provided, shall for the first offense, be fined not less than One Hundred (\$100) Dollars nor more than Two Hundred (\$200) Dollars, or be imprisoned in the County jail for not more than six months, or both; and for the second and each subsequent violation, he shall be fined not less than Two Hundred (\$200) Dollars nor more than Five Hundred (\$500) Dollars, or be imprisoned in the County jail for not more than six months, or both. Each sale in violation of this ordinance shall constitute a separate offense. Penalties provided for herein shall be in addition to the revocation or suspension of the offender's license.

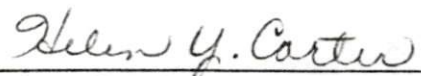
Section 6. All licenses issued hereunder shall expire on June 30 next following their effective date of issue. The license provided in Sections 2 and 3 hereof, if such license is issued between January 1 and June 30 of the license year, shall be one-half of the fee so specified in Sections 2 and 3 for all such licenses except temporary licenses as provided in Section 2(g) and Section 3(d).

Section 7. This ordinance shall become effective upon its passage and publication as required by law and apply to all licenses issued by the City, the effective date of which is on or after July 1, 1989.

Introduction and first reading, May 20, 1989. Passed and approved May 22, 1989.


Gene C. Holloway, Mayor

ATTEST:


Helen Y. Carter, City Clerk

CITY OF MIDDLETOWN

Ordinance No. 89-06

AN ORDINANCE ASSIGNING THE DUTIES OF
CITY ALCOHOLIC BEVERAGE CONTROL
ADMINISTRATOR TO THE CITY TREASURER

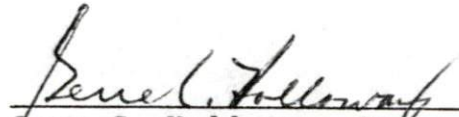
BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

Section 1. Pursuant to KRS 241.160, the statutory duties of City Alcoholic Beverage Control Administrator are hereby assigned to the duly appointed and qualified City Treasurer of the City of Middletown.

Section 2. The officer referred to in Section 1 hereof shall perform those duties required of City Alcoholic Beverage Administrator as specified in KRS Chapters 241 through 244 and perform such other duties as are required by law or by ordinance of the City Commission. Said officer is hereby authorized to issue those licenses authorized by law or ordinance.

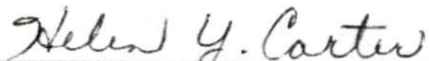
Section 3. This ordinance shall take effect upon its passage and publication as required by law.

Introduction and first reading, May 20, 1989. Passed and approved May 22, 1989.



Gene C. Holloway, Mayor

ATTEST:



Helen Y. Carter, City Clerk

CITY OF MIDDLETOWN

Ordinance No. 89-05

AN ORDINANCE ESTABLISHING THE OFFICE OF CITY
ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

BE IT ORDAINED BY THE CITY OF MIDDLETOWN:

Section 1.

A. There is hereby created the office of City Alcoholic Beverage Control Administrator pursuant to KRS 241.160.

B. The City Alcoholic Beverage Control Administrator shall be appointed by the City Commission and is removable at the pleasure of the City Commission.

Section 2. The City Alcoholic Beverage Control Administrator shall possess and exercise all duties and functions as specified in KRS Chapter 241, and those other functions as may be assigned to said office by the City Commission.

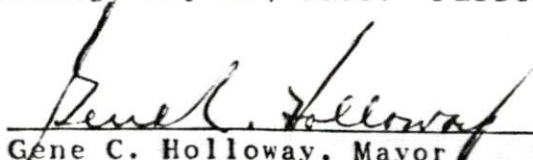
Section 3. Before entering upon the duties of his office, the City Alcoholic Beverage Control Administrator shall take the oath prescribed by Section 228 of the Kentucky Constitution and shall execute a bond with good corporate surety in the penal sum of not less than \$1000.00, the cost of which bond shall be borne by the City.

Section 4. The compensation of the City Alcoholic Beverage Control Administrator is hereby fixed at the sum of \$1.00 per annum.

Section 5. The term of office of the City Alcoholic Beverage Control Administrator shall be the same as that of the City Commissioners, provided, however, such term shall be automatically extended until the Alcoholic Beverage Control Administrator is removed, or until his successor is appointed and qualifies.

Section 6. This ordinance shall take effect upon its passage and publication as required by law.

Introduction and first reading, May 20, 1989. Passed and approved May 22, 1989.


Gene C. Holloway, Mayor

ATTEST:


Helen Y. Carter, City Clerk