

Following the 8-19-13 adoption of O-2013-011, Chapter 111 of the Code of Ordinances of the City of Newport, Kentucky will now read as follows. An update to the codification is expected in Dec. 2013 or Jan. 2014.

CHAPTER 111: ALCOHOLIC BEVERAGES

§ 111.01 DEFINITIONS.

- (A) The definitions contained in KRS 241.010 are adopted as the meaning of the words used in this chapter.
- (B) The term ALCOHOLIC BEVERAGE as used herein shall encompass any distilled spirit, wine, or malt beverage.

§ 111.02 INCORPORATION OF STATUTORY PROVISIONS.

So much of KRS 241 through 244 and any regulation of the Kentucky Alcoholic Beverage Control Board as may apply and be pertinent to cities of the second class, are incorporated and made a part hereof by reference as if fully set forth herein.

§ 111.03 HOURS AND DAYS OF OPERATION.

- (A) No holder of a Non-Quota (NQ) Retail Malt Beverage Package license, Non-Quota 4 (NQ-4) Retail Malt Beverage Drink license, or Special Temporary license, or any agents of the licensee, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have, possess, use or consume on or about the licensed premises any malt beverage; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday, except as otherwise permitted in division (C) of this section.
- (B) No holder of a Quota Retail Drink license or Special Temporary license, or any agents the licensee, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have possession, use or consume on or about the licensed premises any distilled spirits or wine; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. on Sunday.
- (C) No holder of a Quota Retail Package license, or any of agents the licensee, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to purchase distilled spirits and wines; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee,

actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday.

- (D) However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the City, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatus connected with his or her business as a licensee and the area shall be kept locked during this period of time.

§ 111.04 TEMPORARY SUSPENSION OF SALE.

The Mayor or City Manager shall have the right at any time, to suspend the sale, furnishment or delivery of alcoholic beverages throughout the entire City, or any portion thereof whenever either shall declare a state of emergency to exist. The State Alcoholic Beverage Control Board shall be notified of the action when taken.

§ 111.05 REGISTRATION; PHOTOGRAPHING AND FINGERPRINTING OF EMPLOYEES.

- (A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where distilled spirits, wine, or malt beverages are sold or dispensed by the drink as defined in both the Kentucky Revised Statutes and/or the City ordinances, shall register in a book of registration to be kept by the Newport Police Department, and is required to be registered, fingerprinted and photographed by the Police Department of the City prior to the date of commencing his or her employment with the establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing the employment.
- (B) No employer, whether a person, firm or corporation, shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.
- (C) The registrants under this section are required to have the identification cards issued by the Newport Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment.
- (D) The City shall require a payment of \$42 of each person registered, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

- (E) Those businesses having a distilled spirits, wine, or malt beverages by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to restaurants and hotels/motel, shall register only those persons who are directly engaged in that portion of that business which sells distilled spirits, wine, or malt beverages by the drink.
- (F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.
- (G) Any employee, volunteer help or working proprietors at a festival or similar event which lasts less than five days, for which a Special Temporary liquor license has been secured, shall not be required to register under this section.
- (H) The employees, volunteer help or working proprietors of a holder of a Non-Quota 3 (NQ3) Retail Drink license shall be exempt from registration under this section if and only if the use of the Non-Quota 3 (NQ3) Retail Drink license is an accessory use to a principal permitted use.
- (I) Any establishment having a distilled spirits, wine, or malt beverage by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of distilled spirits, wine, or malt beverage by the drink.

§ 111.06 REMOVAL OF ALCOHOLIC BEVERAGES FROM LICENSED PREMISES.

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

BUSINESS ESTABLISHMENT. A business within the City where distilled spirits, wine, and/or malt beverages are sold for consumption on the licensed premises pursuant to Quota Retail Drink, Quota Retail Package, Non-Quota (NQ) Retail Malt Beverage Package, Non-Quota 2 (NQ-2) Retail Drink, Non-Quota 3 (NQ-3) Retail Drink, or Non-Quota 4 (NQ-4) Retail Malt Beverage Drink license that has been issued by the City.

LICENSE. A Quota Retail Drink, Quota Retail Package, Non-Quota (NQ) Retail Malt Beverage Package, Non-Quota 2 (NQ-2) Retail Drink, Non-Quota 3 (NQ-3) Retail Drink, or Non-Quota 4 (NQ-4) Retail Malt Beverage Drink license issued by the City.

LICENSED PREMISES. The land, including adjacent owned or leased parking lots, and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

LICENSEE. Any person to whom a Quota Retail Drink, Quota Retail Package, Non-Quota (NQ) Retail Malt Beverage Package, Non-Quota 2 (NQ-2) Retail Drink, Non-Quota 3 (NQ-3) Retail Drink, or Non-Quota 4 (NQ-4)

Retail Malt Beverage Drink license has been issued by the City, including the officers and agents of the licensee.

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

- (B) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if the alcoholic beverage is in any open container.
- (C) There is exempted from this section any person or licensee holding any license herein which has an outside public facility adjacent and connected to the licensed premises (such as a "beer garden" or "patio") and which is used primarily during certain seasons of the year, for consumption of alcoholic beverages by its patrons in such an outdoor setting. For the purpose of this section, the same shall be considered as a part of the licensed premises as though it were located indoors.
- (D) There is exempted from this section any person or licensee which holds a Special Temporary license, which license permits the operation of an outdoor festival.
- (E) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of the alcoholic beverages on any parking lot which is adjacent, adjoining, connected with or used by the patrons of the business establishment which is under the direct control of the licensee.
- (F) No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.
- (G) No licensee with a Quota Retail Package or a combination of Quota Retail Package and Quota Retail Drink license shall sell, give away or otherwise serve its patrons any alcoholic beverage in any disposable type cup or disposable drinking container or sell, give away or otherwise serve its patrons ice in any disposable type cup or disposable drinking container.

§ 111.07 FOREIGN STATE OFFICERS RESTRICTION.

- (A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
 - FOREIGN STATE AGENT or FOREIGN STATE OFFICER. Any person compensated directly or indirectly by a state other than the Commonwealth of Kentucky.

- (B) No foreign state agent or foreign state officer shall be able to come into the City to enforce that state's laws relating to alcoholic beverages, including any law levying a tax on alcoholic beverages, or to conduct any investigation or surveillance activities done in the City relating to a possible violation of the foreign state's law relating to the importation of alcoholic beverages.

§ 111.08 CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES.

It is unlawful for any employee or independent contractor of an establishment with a distilled spirits, wine, or malt beverages by the drink license to solicit patrons of the establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the distilled spirits, wine, or malt beverages by the drink license.

§ 111.09 FLOOR PLAN REQUIRED TO BE FILED.

- (A) For the purpose of providing emergency services when necessary, it shall be required that the licensees of all business establishments within the City which sell, dispense or furnish any alcoholic beverages, by appropriate retail package or retail drink licenses, to submit to and file with the City, a floor plan of the licensed premises which shall clearly indicate all points of entrance and exit. The floor plan shall be drawn on the form to be submitted to each licensee by the City.
- (B) The licensee shall be required to supplement or update the floor plan, which shall be on file with the City, from time to time and in the event that the licensed premises shall undergo any change in the number of entrances and exits. The addition to or removal from any licensed premises of any entrance or exit shall be clearly indicated on the supplemental or updated floor plan.
- (C) An entrance or exit shall be construed as a door, opening or passageway that is or can be used as a point of ingress and egress to the licensed premise.

§ 111.10 RETAIL PREMISES TO FURNISH CLEAR VIEW.

- (A) (1) Any premises for which a distilled spirits, wine, or malt beverage by the drink license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance, whether at street level or otherwise.
- (2) No partition, box, stall, screen, curtain or other device shall be installed or placed so as to obstruct the view or the general observation of persons.
- (3) However, partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing a view or the general observation of persons from the front inside entrance of the licensed premise.

- (B) In the event the premises shall have a back room, patio, or additional floors, no alcoholic beverages shall be served therein unless the back room, patio, or additional floors, shall have a clear view from the entrance thereto.
- (C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

§ 111.11 INSPECTION OF PREMISES.

(A) All licensed premises shall be subject to the entry of police and other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and at all times during the operation of business at the licensed premises.

(B) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time, nor shall violations of any law be permitted thereon.

§ 111.12 DOORS TO REMAIN CLOSED.

(A) All establishments with an entrance(s) from public rights-of-way with any distilled spirits, wine, or malt beverage by the drink license shall be required to keep all doors to the premises closed at all times during normal hours of operations.

(B) The doors to the premises may be opened, however, for the purpose of allowing a person or group of persons ingress and egress to the premise, so long as the door is closed immediately after each person or group of persons enters or leaves the premise.

§ 111.13 POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS.

(A) No person shall possess an alcoholic beverage in any type of open container in a public place within the City.

(B) No person shall possess an alcoholic beverage in any type of open container upon City owned property, unless specifically permitted by permit, lease, contract or written agreement.

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

PUBLIC PLACE. The same as that set forth in KRS 525.010. There is specifically exempted herefrom any premises licensed to sell alcoholic beverages.

TYPES OF LICENSES

§ 111.25 REQUIREMENT.

It shall be unlawful for any person to sell or dispense at retail or wholesale, or have in his or her possession for sale, or manufacture, distill, rectify, brew, blend or otherwise traffic in any alcoholic beverage within the City without first obtaining a license therefore. No person who conducts a place of business patronized by the public, who does not hold a license to sell distilled spirits, wine or malt beverages, shall permit any person to drink the same on the premises of the place of business.

§ 111.26 BUSINESS AUTHORIZED BY MALT BEVERAGE LICENSES.

- (A) A Brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license and to sell malt beverages produced under the license, at wholesale or at retail, from the licensed premises only.
- (B) A Distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them from the licensed premises only, to other distributors to retailers or to consumers for their personal use and not for resale. A separate distributor's license shall be required and must be obtained for each separate warehouse, agent distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it be a licensed brewery.
- (C) A Microbrewery license shall authorize the licensee to perform the following functions:
- (1) Engage in the business of a brewer; provided that, production of malt beverages at the microbrewery shall not exceed 25,000 barrels in one year;
 - (2) Serve, on the premises, complimentary samples of malt beverages produced by the microbrewery in amounts not to exceed 16 ounces per patron; and
 - (3) Sell malt beverages produced on the premises of the microbrewery to licensed distributors.
- (D) A Non-Quota (NQ) Retail Malt Beverage license shall authorize the licensee to perform the following functions:
- (1) Purchase, receive, possess and sell malt beverages in unbroken packages only, and only for consumption off the licensed premises between the hours of 6:00 a.m. and 1:00 a.m. Monday through Saturday; and 11:00 a.m. to 1:00 a.m. on Sunday.
 - (2) The licensee shall purchase malt beverages in retail packages only and only from licensed wholesalers.
 - (3) The licensee may sell only to consumers and may make deliveries only at the premises designated in the license.
- (E) A Non-Quota 4 (NQ-4) Retail Malt Beverage Drink license shall authorize the licensee to perform the following functions:

- (1) Purchase, receive, possess and sell malt beverages at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase malt beverages from licensed wholesalers only. An NQ-4 Retail Malt Beverage Drink license shall not authorize the sale of malt beverages by the package.
 - (2) An NQ-4 Retail Malt Beverage Drink license shall permit the sale of malt beverages from 6:00 a.m. to 1:00 a.m. Monday through Saturday and 11:00 a.m. Sunday through 1:00 a.m. Monday; and no such sale shall be permitted on Sunday unless the licensee holds a "special Sunday retail license."
- (F) The holder of a Nonquota Retail Malt Beverage Package license may also obtain a Secondary Nonquota Type 4 Malt Beverage Drink license for an additional fee of fifty dollars (\$50). The holder of a Nonquota Type 4 Malt Beverage Drink license may also obtain a Secondary Nonquota Retail Malt Beverage Package license for a fee of fifty dollars (\$50).

§ 111.27 BUSINESS AUTHORIZED BY DISTILLED SPIRIT AND WINE LICENSES.

- (A) A Distiller's license shall authorize the licensee to engage in the business of a distiller at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he or she is permitted to manufacture or sell.
- (B) A Rectifier's license shall authorize the licensee to engage in the business of a rectifier at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he or she is permitted to manufacture or sell.
- (C) A Wholesaler's license shall authorize the licensee to purchase, receive, store or possess distilled spirits and wines, to sell them at wholesale, from the licensed premises only, and to transport from the licensed premises for himself alcoholic beverages which his or her license authorizes him or her to sell.
- (D)(1) A Non-Quota 2 (NQ-2) Retail Drink license shall authorize the licensee (the business must be a qualifying restaurant, hotels/motels, or riverboat) to perform the following functions:
- (a) Purchase, receive, possess and sell distilled spirits, wines and malt beverages at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wines from licensed wholesalers only and unless he or she also holds a retail package license, he or she shall not buy or possess distilled spirits in containers of a capacity smaller than 20 ounces, but mixed drinks may be purchased in containers of a capacity not smaller than 12 ounces. A Non-Quota 2 Retail Drink license shall not authorize the sale of distilled spirits or wines by the package.
 - (b) A Non-Quota 2 Retail Drink license shall permit the sale of alcoholic beverages from 6:00 a.m. to 1:00 a.m. Monday through Sunday; and no such sale shall be permitted on

Sunday unless the licensee holds a Special Sunday Retail license.”

- (2) Requirements for restaurants, hotels/motels, and riverboats applying for a Non-Quota 2 (NQ-2) Retail Drink license are as set forth in KRS 243.083 and KRS 243.084.
- (E)(1) A Quota Retail Package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail, in unbroken packages only, and only for consumption off the licensed premises between the hours of: 6:00 a.m. and 1:00 a.m. Monday through Saturday; and 11:00 a.m. to 1:00 a.m. on Sunday.
- (2) The licensee shall purchase distilled spirits and wines in retail packages only and only from licensed wholesalers.
 - (3) The licensee may sell only to consumers and may make deliveries only at the premises designated in his or her license.
- (F)(1) Any Quota Retail Drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wines from licensed wholesalers only and unless he or she also holds a retail package license, he or she shall not buy or possess distilled spirits in containers of a capacity smaller than 20 ounces, but mixed drinks may be purchased in containers of a capacity not smaller than 12 ounces. A retail drink license shall not authorize the sale of distilled spirits or wines by the package.
- (2) A Quota Retail Drink license shall permit the sale of alcoholic beverages from 6:00 a.m. to 1:00 a.m. Monday through Sunday; and no such sale shall be permitted on Sunday unless the licensee holds a Special Sunday Retail license.
- (G)(1) Any person holding a Quota Retail Package or Quota Retail Drink license issued by the City for the sale of distilled spirits and wine may apply for a Special Sunday Retail license.
- (2) It is unlawful for any person to sell distilled spirits or wine on a Sunday without first having obtained the license.
- (H)(1) Non-Quota 3 (NQ-3) Retail Drink licenses, may be issued to any non-profit social, fraternal, military or political organization or club, which for more than 1 year prior to the date of application has maintained and operated rooms from which the general public is excluded, and shall authorize the licensee to purchase, receive, possess and sell distilled spirits, wines and/or malt beverages at retail by the drink for consumption on the licensed premises by members only. Members shall be defined as those persons having membership in any organization set forth above pursuant to the by-laws thereof.
- (2) The City, including officers of the Newport Police Department, shall be admitted to the rooms for the purpose of making inspections of licenses, the licensed premises and to determine the compliance with all laws, ordinances and regulations pertaining to the sale, use and traffic in alcoholic beverages, without the necessity of a search warrant and the holders of any such licenses, by applying for and receiving the same,

expressly waive the requirements of any search warrant for the making of the inspections aforesaid.

- (3) Any Non-Quota 3 (NQ-3) Retail Drink license shall not authorize the sale of distilled spirits, wine and/or malt beverages by the package. In addition to the restrictions and prohibitions provided herein, any rooms provided for hereunder and this section must be separate and apart from any other premises licensed for the sale of malt beverages and distilled spirits and wine.
- (1)(1) A Distilled Spirits and Wine Special Temporary Auction license may be issued to a charitable organization upon the payment of the fee set forth in § 111.51 and satisfaction of the requirements prescribed by ordinance.
- (2) A Distilled Spirits and Wine Special Temporary Auction license shall authorize the charitable organization to:
 - (a) Purchase, transport, receive, possess, store, sell and deliver distilled spirits and wine to be sold at auction;
 - (b) Obtain distilled spirits and wine from distillers, rectifiers, wineries, wholesalers, distributors, retailer or any other person by gift or donation, for the purpose of charity auctions; and,
 - (c) Receive payment for distilled spirits and wine sold at auctions.
- (3) Each distilled spirits and wine auction conducted by a charitable organization shall be subject to all restrictions and limitations contained in KRS 241 to 244 and the administrative regulations issued under those chapters and shall be authorized only on the dates and only during the hours that the sale of alcoholic beverages is otherwise authorized in the City.
- (4)
 - (a) The location at which the distilled spirits and wine are auctioned under this section shall not constitute a public place for the purpose of KRS 222.
 - (b) Distilled spirits and wine auctions may be conducted on licensed or unlicensed premises.
 - (c) The charitable organization possessing a Distilled Spirits and Wine Special Temporary Auction license shall post of the license at the location of the auction. During this period, not more than one auction shall be held.
- (5) A Distilled Spirits and Wine Special Temporary Auction license shall not be issued for any period longer than 30 days. During this period not more than 1 auction shall be held
- (6) All restrictions and prohibitions applying to a Quota Retail Package and Quota Retail drink license, not inconsistent with this section, shall apply.

§ 111.29 BUSINESS AUTHORIZED BY SUPPLEMENTAL BAR LICENSES.

- (A) A Supplemental Bar license shall authorize the licensee to sell distilled spirits or wine upon the showing of good cause to the City, at more than 1 bar on the premises for which the applicants of existing retail drink license was issued.

The City shall issue a Supplemental Bar license if the Alcoholic Beverage Control Administrator determines that a Supplemental Bar license is permissible and upon payment of the appropriate fee.

§ 111.30 BUSINESS AUTHORIZED BY SPECIAL TEMPORARY LICENSES.

(A)(1) All rules and regulations herein incorporated or hereafter adopted by the City shall apply to such Special Temporary licensee the same as a regular licensee.

(2) A Special Temporary license may be issued at the discretion of the City to any appropriate association, organization, club, lodge or fraternal organization or other entity by appropriate application therefore and upon payment of the appropriate fee. The license shall authorize the licensee to sell at retail only, and only from the specifically designated premises, any alcoholic beverages, for a definite period of time, not, however, to exceed thirty days. The requisite license fee for each event shall be assessed for each individual booth or point of sale from which alcoholic beverages are dispensed.

§ 111.31 BUSINESS AUTHORIZED BY CATERER'S LICENSE.

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

CATERER. A corporation, partnership or individual that operates the business of a food service professional preparing food and beverages in a licensed and inspected commissary, transporting the food and beverages in a location selected by the customer away from the commissary premises and serving the food and beverages to the customer's guests.

(B) A Caterer's license may be issued as a supplementary license to a caterer that holds a Quota Retail Package or any distilled spirits or wine by the drink license.

(C) The Caterer's license may be issued to a caterer that does not meet the requirements of division (B) above for the premise that serves as the caterer's commissary. The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function.

(D) The Caterer's license shall authorize the caterer to:

- (1) Purchase and store alcoholic beverages;
- (2) Transfer, sell, serve and deliver alcoholic beverages by the drink at locations away from the licensed premises in conjunction with the catering of food and beverages for a customer and his or her guests;
- (3) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a function catered by the licensee; and,
- (4) Receive payment for alcoholic beverages served at a function on a by-the-drink or by-the-function basis. The caterer may bill the host for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.

- (E) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverages or special temporary licenses have been issued.
- (F) The location at which alcoholic beverages are sold, served and delivered by a caterer, pursuant to this section shall not constitute a public place. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from public place provisions.
- (G) The caterer licensee shall post a copy of his or her caterer's license at the location of the function for which alcoholic beverages are catered.

§ 111.35 LIMITED SPECIAL OUTDOOR EVENTS.

The City Manager may grant, in writing, upon application to the City's Alcoholic Beverage Control Administrator, no later than fourteen days prior to the commencement date of any limited special outdoor event, the sale of distilled spirits, malt beverages or wine, by any valid license holder, at such limited special outdoor event, the parameters of which shall be determined by and coordinated with the Alcoholic Beverage Control Administrator, which shall include, but not be limited to the size and proposed location, access for ingress and egress, availability of parking, security and fees or admission charges.

§ 111.50 APPLICATION; ORIGINAL LICENSE; RENEWAL AND DORMANT LICENSES.

- (A) Every person desiring to engage in any business for which a license is provided for herein shall, for the initial license, first apply to the City for such required license. The application shall be in writing, on forms furnished by the City, shall be notarized, and shall include the following information:
 - (1) The name, age, address and residence of each applicant and if there be more than 1 and they are partners, the partnership name and address, or, if doing business under an assumed name, the name under which the business is intended to be conducted;
 - (2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses and ages of each officer, director and managerial employee, and the state under the laws of which the corporate applicant is incorporated; (The City may, at its discretion, also require the names of all stockholders.)
 - (3) A business entity that owns more than two licensed premises shall initially submit common information about ownership, officers, directors, managerial employees, and shall provide current criminal background checks once for all separately licensed premises in one master file. Any business qualifying under this subsection shall only be required to amend its master file information for material changes under KRS 243.390(2) or ownership transfers under KRS 243.630.
 - (4) The premises to be licensed, stating the street and number, if the premises has a street number, and otherwise such a description as will

reasonably indicate the location of the premises; (The applicant shall also state the nature of the interest in the premises and the name, age and address of any other person, either as principal or associate, who is interested with the applicant, either in the premises or in the business to be licensed.)

- (5) (a) A statement that neither the applicant nor any other person referred to in this section has been convicted of any felony until five years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the two years immediately preceding the application or if any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two years immediately preceding the application; and that he or she has not had any license that has been issued to him or her under any alcoholic beverage statute or ordinance revoked for cause within two years prior to the date of his or her application. (It shall be the duty of the City's Police Department, through its Chief of Police, to investigate the criminal record of the applicant, if any, before affixing his or her signature of approval to the application. His or her signature shall constitute verification that the applicant has not violated any of the provisions of this section.)
(b) If the Chief of Police shall find such a violation of this section to exist, he or she shall immediately notify the City of the same and refuse to sign the application. Such shall be sufficient grounds for denial of the requested liquor license.
- (6) A statement that the applicant will, in good faith, abide by every statute and ordinance relating to the manufacture, sale and transportation of alcoholic beverages that may be in force in the location at which he or she seeks to do business, as well as all regulations of the state's Alcoholic Beverage Control Board and all regulations of the City;
- (7) (a) The City shall be required to give notice to each owner/occupier of real estate parcels within a radius of 200 feet of the place in which the sales are proposed to be made, by certified mail, giving notice of the proposed operation of the business. The costs of the certified mailing will be the responsibility of the applicant
(b) An owner/occupier of a real estate parcel to whom notice shall be given under this section shall be construed as one individual person who is vested the ownership or title or partial ownership or title to the real estate parcel within the prescribed radius and who is also an actual occupier living within the residence or structure located upon the real estate parcel within the prescribed radius. Any owner of a real estate parcel within the prescribed radius who does not actually reside upon the parcel or any occupier of the residence or structure upon the parcel who does not own or partially own the same shall not qualify.
(c) The measurement of the prescribed radius, that being 200 feet from the place in which the sales are proposed to be made, shall be taken in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the residence or habitable structure on the owner/occupier real estate parcel.
(d) If any owner/occupier shall object to the operation of the business, in writing, to the City within fifteen days after mailing of the notice of intent by certified mail by the applicant, the City shall be required to hold a public

hearing to evaluate public sentiment before issuance or denial of the license. Failure of any owner/occupier to receive and/or sign for certified mail notice from the applicant shall not act to invalidate any decision of the City.

- (8) The signature of the owner/occupier of the premises wherein the sales are proposed to be made;
 - (9) (a) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement, in writing, giving notice of the change shall be filed with the City within ten days after the change. The word "change," with reference to corporate licensees, is construed to include any change of directors or officers of the corporation, or a change in ownership of stock whereby any person secures 10% of the outstanding stock or effects a transfer of the percentage of stock; transfer of more than 10% of the total stock shall require a new license.
(b) The following information will be required concerning any new director, officer or person securing any interest in an alcoholic beverage license:
 - 1. Name and address;
 - 2. Nature of interest;
 - 3. Whether or not a citizen of the City;
 - 4. Date of birth;
 - 5. Date residence was established in Newport, if a resident thereof;
 - 6. Whether or not he or she has any interest in any other license or corporation holding a license under this section;
 - 7. A full statement concerning the extent of stock ownership, including the amount thereof, the person from whom the stock was obtained and the extent of any managerial authority in the person; and,
 - 8. The name and address of a person resident within the City upon whom notices, citations or other process with reference to the alcoholic beverage license may be served.
 - (c) The foregoing information shall be filed with the City as an amendment to any previous application pursuant to which the license was granted and shall be considered by the City as an application for a new license.
 - (d) Any such information shall be conclusively presumed to be correct and shall be deemed material in any subsequent prosecutions.
- (10) Such other information as the City may require.

(B) Application for the renewal of a pre-existing license shall be made to the City upon payment of the established fees therefore. All applications and fees for renewal shall be due and payable thirty days prior to the expiration of the current license.

(C) The placement of any pre-existing license into dormancy shall be determined by the rules and regulations promulgated of the Kentucky Alcoholic Beverage Control Board.

§ 111.51 FEES.

(A) For the privilege of manufacturing and/or trafficking in alcoholic beverages within the City, the following licenses are provided, the fees for which shall be as herein indicated:

License Type	Per Annum
Malt beverage licenses	
Brewer's license	\$500
Distributor's license	\$400
Non-Quota (NQ) Retail Malt Beverage Package license	\$200
Non-Quota 4 (NQ-4) Retail Malt Beverage Drink license	\$200
Secondary NQ/NQ-4 Malt Beverage License	\$50
Microbrewery	\$500
Distilled Spirits and wine licenses	
Distiller's license	\$500
Rectifier's license	\$3,000
Non-Quota 2 (NQ-2) Retail Drink license	\$1,000
Non-Quota 3 (NQ-3) Retail Drink license	\$300
Quota Retail Package license	\$1,000
Quota Retail Drink license	\$1,000
Wholesaler's license	\$3,000
Bottling House Distilled Spirits license / Wine Storage license	\$1,000
Special Sunday Retail drink	\$300
Supplemental bar licenses (each, up to 5)	\$1,000
Caterer's license	\$800
Temporary licenses, per event	
Special Temporary	166.66
Distilled Spirits and Wine Special Temporary Auction license	\$200
Other licenses	
Extended Hours license	\$3,000

(B) A non-refundable application fee of \$50 shall be charged to process each new application under this section. The application fee shall be applied to the licensing fee if the application is approved and shall be retained by the City's Finance and Administration Department if the application is denied by the City or voluntarily withdrawn by the applicant.

§ 111.52 RENEWALS.

All licenses to sell alcoholic beverages in the City will be renewable based on the renewal date established by the Kentucky Department of Alcoholic Beverage Control, which is November 1 of each year. The regular licensing period will be November 1 to October 31 of the following year.

§ 111.53 PRORATION.

- (A) When any person applies for a new license authorized to be issued under this chapter, the applicant shall be charged, if the license is issued, the full fee for the respective license if six months or more remain before the license is due to the applicant renewed and 1/2 the fee if less than six months remain before the license is due to be renewed.
- (B) No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

§ 111.54 INVESTIGATION AND ISSUANCE.

- (A) The City Alcoholic Beverage Control Administrator shall require all applications to be in proper form and shall thereafter make an investigation of the application and the premises sought to be licensed.
- (B) If the Alcoholic Beverage Control Administrator determines after investigating that all requirements have been met, the appropriate license shall be issued.

§ 111.55 DENIAL TO DELINQUENT TAXPAYERS.

The City shall not issue, renew, or transfer any City license provided for herein to or from any person who is delinquent in the payment of any:

- (A) personal property taxes levied and assessed against property which is used or contemplated to be used in the licensed premises; real property taxes levied and assessed against the real estate which is used or contemplated to be used in the licensed premises; any City payroll taxes due and owing; any City occupational license fee so levied and assessed; and/or, any other remaining City real, personal property or other taxes or fees, until all delinquencies shall have been eliminated.

§ 111.56 TRANSFERS AND NAME CHANGES; FEES.

- (A) An application for a transfer of any license shall be considered as an initial application. No license, therefore, shall be transferred from one person to another, or from one location to another, until the applicant shall have complied with all the provisions of § 111.50(A). No transfer shall be made or application for transfer acted upon after either the applicant or the license holder has been charged with a violation of any provision of this chapter until the time as the

charge shall have been finally disposed of. When authorized, the City shall issue all transfers or name changes.

- (B) The fee for a change of a name of any licensed premise provided for herein shall be \$25.
- (C) The fee for a transfer of any license is the same as the established in §§ 111.51 and 111.52.

§ 111.57 DUPLICATES.

Whenever any license shall have been lost or destroyed, without fault or negligence on the part of the holder thereof, a duplicate may be issued by the City's Alcoholic Beverage Control Administrator, upon proper proof of the loss or destruction and upon payment of a fee of \$1.

§ 111.58 EXTENDED HOURS LICENSE.

- (A) No person shall operate or maintain a business establishment within the City permitting the sale of any alcoholic beverages between the hours of 1:00 a.m. and 2:30 a.m. without first obtaining an Extended Hours license from the City Alcoholic Beverage Control Administrator who shall be responsible for the issuance of all such licenses.
- (B)
 - (1) All applications for an Extended Hours license shall be in writing and made directly to the City's Alcoholic Beverage Control Administrator. The City's Alcoholic Beverage Control Administrator shall request a confidential police report and recommendation from the Chief of Police concerning the applicant's eligibility and the written certification of approval from the City's Development Services Director.
 - (2) In order to be eligible for an Extended Hours license, the applicant must have current and valid City and state alcoholic beverage licenses for the sale of distilled spirits, wine, or malt beverages by the drink, retail or package.
 - (3) All fees and taxes fewer than 111.55 hereof due to the City must be paid before an applicant shall be considered.
 - (4) No new licenses shall be issued without the written certification of the City's Development Services Director upon the application that the proposed site requesting issuance of the permit is not located within any residential zone of the City. All existing Extended Hours permits (now licenses) in residential zones are hereby grandfathered and may be transferred to a new holder at the same location.
 - (5) No applicant shall be granted an Extended Hours license who has been convicted of any felony until five years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the two years immediately preceding the application; or of any misdemeanor directly or indirectly attributable to the

- use of alcoholic beverages in the two years immediately preceding the a application.
- (6) No applicant shall be granted an Extended Hours license unless the person is a resident of or is a corporation licensed to do business within the Commonwealth.
 - (7) The approval or denial of any Extended Hours license application shall be made by the City's Alcoholic Beverage Control Administrator, in conformance herewith.
- (C) All licenses issued herein shall be subject to the following.
- (1) No licensee shall sell any alcoholic beverages between the hours of 2:30 a.m. and 6:00 a.m. Monday through Saturday, or from 2:30 a.m. to 11:00 a.m. on Sunday.
- (D)
- (1) No live entertainment shall be permitted after 11:00 p.m. on Sunday through Thursday, or after 1:00 a.m. on Friday and Saturday for those establishments located in a residential zone or in a commercial zone that also permits residential uses, unless the requisite permit is obtained from the City Manager pursuant to the provisions of Chapter 100 hereof.
 - (2) All Extended Hours license holders shall regulate noise levels to assure that noises emanating from the establishment do not disturb the surrounding residents.
 - (3) All Extended Hours license holders shall regulate the conduct of their patrons, to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in conduct such as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, using excessive profanity; or, trespassing upon private property in the immediate area.
 - (4) If the City's Alcoholic Beverage Control Administrator, upon review and a hearing, shall find repeated violations of divisions (D)(1) through (3), hereof, the Administrator may suspend or fail to renew any Extended Hours license so issued.
- (E)
- (1) It shall be the responsibility of the City's Alcoholic Beverage Control Administrator to investigate initial applications, transfers, and renewals of Extended Hours licenses, and to make determinations upon suspensions and/or revocations of the Extended Hours licenses. The City's Alcoholic Beverage Control Administrator shall also make determinations upon verified complaints from citizens or upon complaints received by the Police Department or other enforcement personnel regarding the violation of law by an Extended Hours license holder for the purpose of issuing suspensions and/or revocations of the same.
 - (2) The City's Alcoholic Beverage Control Administrator shall conduct an annual review before the renewal of any Extended Hours license and if it is found, upon review, that the Extended Hours license holder has had three or more criminal violations occur at the business establishment and/or within the licensed premises, within the annual period, then, upon a hearing, the City's Alcoholic Beverage Control Administrator shall revoke the Extended Hours license, and no renewal of the same shall be granted.

- (3) The decision of the City's Alcoholic Beverage Control Administrator shall be reduced to writing. In the event that the City's Alcoholic Beverage Control Administrator shall deny any initial application for an Extended Hours license or, at the Administrator's discretion, delay the issuance thereof, or shall revoke or suspend any existing Extended Hours license, for cause, or shall fail to renew any Extended Hours license, the applicant or holder shall be permitted to appeal the decision of the City's Alcoholic Beverage Control Administrator to the City Manager, in writing, within ten days of the decision. The City Manager shall have the final determination and shall notify the applicant or holder of his or her decision, in writing, within ten days thereof. If the City Manager shall approve the appeal, the Administrator shall instruct the City's Alcoholic Beverage Control Administrator to grant the initial application or issue or renew the existing license. In the event of further denial of the initial application or suspension or revocation of the license, the applicant or holder shall be notified of his or her right to further appeal to the Campbell Circuit Court within 30 days thereof.
- (F) Whenever transfer of an Extended Hours license to a different transferee is proposed at the same location, the Extended Hours license may be transferred only the transferee meets all eligibility requirements herein and if the transferee has the approval of the City's Alcoholic Beverage Control Administrator.
- (J) The time changes brought into effect by the provisions of Daylight Savings Time shall have no effect upon the hours of operation of establishments operating within an extended hours permit and such establishments shall be permitted to remain open and operating for the additional hour, lost or gained, as if the same did not exist. Therefore, at 2:00 a.m. on the day when Daylight Savings Time takes effect and the hour advances to 3:00 a.m., those establishments operating within an Extended Hours license shall be permitted to remain open for business until 3:30 a.m. Eastern Daylight Time. They shall, however, be required to close the business immediately thereafter. At 2:00 a.m. on the day when Daylight Savings Time changes back to Eastern Standard Time and the hour reverts to 1:00 a.m., those establishments operating with an extended hours permit shall be permitted to remain open for business until 1:30 a.m. Eastern Standard Time. They shall, however, be required to close the business immediately thereafter. On the day immediately following each, the hours of operation for establishments operating with an extended hours permit shall be required to return to the normal operating hours of 1:00 a.m. to 2:30 a.m. Eastern Daylight Time or Eastern Standard Time, whichever is applicable. The purpose of this division is to enable Extended Hours license holders to continue normal business operating hours, in terms of the usual actual time they are open, without regard to the time changes brought about by the conversion to and from Eastern Daylight Time and Eastern Standard Time.

§ 111.99 PENALTY.

Any person, firm, organization, or corporation who violates any of the provisions of this chapter shall, upon conviction, be guilty of a Class B misdemeanor in accordance with the Kentucky Revised Statutes.

CHAPTER 111: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

The definitions contained in KRS 241.010 are adopted as the meaning of the words used in this chapter.

(1995 Code, § 5.08.010)

§ 111.02 INCORPORATION OF STATUTORY PROVISIONS.

So much of KRS 241 through 244 and any regulation of the Kentucky Alcoholic Beverage Control

Board as may apply and be pertinent to cities of the second class, are incorporated and made a part hereof by reference as if fully set forth herein.

(1995 Code, § 5.08.020)

§ 111.03 HOURS AND DAYS OF OPERATION.

(A) No holder of a retail malt beverage license or a temporary malt beverage license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have, possess, use or consume on or about the licensed premises any malt beverage; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday, except as otherwise permitted in division (C) of this section.

(B) No holder of a retailer's regular drink license or a temporary liquor license, or any of his or her agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have possession, use or consume on or about the licensed premises any vinous or distilled beverages; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. on Sunday.

(C) No holder of a retailer's package license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to purchase distilled spirits and wines; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday.

(D) However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the City, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatus connected with his or her business as a licensee and the area shall be kept locked during this period of time.

(1995 Code, § 5.08.030)

§ 111.04 TEMPORARY SUSPENSION OF SALE.

The Mayor or City Manager shall have the right at any time, to suspend the sale, furnishment or delivery of alcoholic beverages throughout the entire City, or any portion thereof whenever either shall declare a state of emergency to exist. The State Alcoholic Beverage Control Board shall be notified of the action when taken.

(1995 Code, § 5.08.050)

§ 111.05 REGISTRATION; PHOTOGRAPHING AND FINGERPRINTING OF EMPLOYEES.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where liquor or malt beverages are sold or dispensed by the drink as defined in both the Kentucky Revised Statutes and/or the City ordinances, shall register in a book of registration to be kept by the Newport Police Department, and is required to be registered, fingerprinted and photographed by the Police Department of the City prior to the date of commencing his or her employment with the establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing the employment.

(B) No employer, whether a person, firm or corporation, shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the Newport Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment.

(D) The City shall require a payment of \$20 of each person registered, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

(E) Those businesses having a liquor or beer by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help or working proprietors at a festival or similar event which lasts less than 5 days, for which a temporary liquor license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help or working proprietors of a holder of a special private club license shall be exempt from registration under this section if and only if the use of the special private club license is an accessory use to a principal permitted use.

(I) Any establishment having a liquor or beer by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of liquor or beer by the drink.

(1995 Code, § 5.08.070) Penalty, see § 111.99

§ 111.06 REMOVAL OF ALCOHOLIC BEVERAGES FROM LICENSED PREMISES.

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

BUSINESS ESTABLISHMENT. A business within the City where liquor, beer and/or wine is sold for consumption on the licensed premises pursuant to a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license and/or retail package liquor license that has been issued by the City.

LICENSE. A retail drink liquor license, retail malt beverage liquor license, special private club liquor license and/or retail package liquor license issued by the City.

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

LICENSEE. Any person to whom a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license and/or retail package liquor license has been issued by the City, including the officers and agents of the licensee.

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

(B) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if the alcoholic beverage is in any opened container.

(C) There is exempted from this section any person or licensee holding any license herein which has an outside public facility adjacent and connected to the licensed premises (such as a "beer garden" or "patio") and which is used primarily during certain seasons of the year, for consumption of alcoholic beverages by its patrons in such an outdoor setting. For the purpose of this section, the same shall be considered as a part of the licensed premises as though it were located indoors.

(D) There is exempted from this section any person or licensee which holds a temporary retail drink and/or malt beverage license, which license permits the operation of an outdoor festival, if the festival is conducted for more than 2 consecutive days annually.

(E) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of the alcoholic beverages on any parking lot which is adjacent, adjoining, connected with or used by the patrons of the business establishment which is under the direct control of the licensee.

(F) No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(G) No licensee with a package liquor license or a combination of a package liquor license and a

liquor by the drink license shall sell, give away or otherwise serve its patrons any alcoholic beverage in any disposable type cup or disposable drinking container or sell, give away or otherwise serve its patrons ice in any disposable type cup or disposable drinking container.

(1995 Code, § 5.08.080) Penalty, see § 111.99

§ 111.07 FOREIGN STATE OFFICERS RESTRICTION.

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

FOREIGN STATE AGENT* or *FOREIGN STATE OFFICER. Any person compensated directly or indirectly by a state other than the Commonwealth of Kentucky.

(B) No foreign state agent or foreign state officer shall be able to come into the City to enforce that state's laws relating to alcoholic beverages, including any law levying a tax on alcoholic beverages, or to conduct any investigation or surveillance activities done in the City relating to a possible violation of the foreign state's law relating to the importation of alcoholic beverages.

(1995 Code, § 5.08.090) Penalty, see § 111.99

§ 111.08 CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES.

It is unlawful for any employee or independent contractor of an establishment with a liquor by the drink license to solicit patrons of the establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the liquor by the drink license.

(1995 Code, § 5.08.100) Penalty, see § 111.99

§ 111.09 FLOOR PLAN REQUIRED TO BE FILED.

(A) For the purpose of providing emergency services when necessary, it shall be required that the licensees of all business establishments within the City which sell, dispense or furnish alcoholic and/or malt beverages, by appropriate retail package or retail drink licenses, to submit to and file with the City, a floor plan of the licensed premises which shall clearly indicate all points of entrance and exit. The floor plan shall be drawn on the form to be submitted to each licensee by the City.

(B) The licensee shall be required to supplement or update the floor plan, which shall be on file with the City, from time to time and in the event that the licensed premises shall undergo any change in the number of entrances and exits. The addition to or removal from any licensed premises of any entrance or exit shall be clearly indicated on the supplemental or updated floor plan.

(C) An entrance or exit shall be construed as a door, opening or passageway that is or can be used as a point of ingress and egress to the licensed premise.

(1995 Code, § 5.08.060)

§ 111.10 RETAIL PREMISES TO FURNISH CLEAR VIEW.

(A) (1) Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance, whether at street level or otherwise.

(2) No partition, box, stall, screen, curtain or other device shall be installed or placed so as to obstruct the view or the general observation of persons.

(3) However, partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing a view or the general observation of persons from the front inside entrance of the licensed premise.

(B) In the event the premises shall have a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

(C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

(1995 Code, § 5.08.110) Penalty, see § 111.99

§ 111.11 INSPECTION OF PREMISES.

(A) All licensed premises shall be subject to the entry of police and other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and at all times during the operation of business at the licensed premises.

(B) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time, nor shall violations of any law be permitted thereon.

§ 111.12 DOORS TO REMAIN CLOSED.

(A) All establishments located in public rights-of-way with a liquor by the drink license shall be required to keep all doors to the premises closed, at all times during normal hours of operations.

(B) The doors to the premises may be opened, however, for the purpose of allowing a person or group of persons ingress and egress to the premise, so long as the door is closed immediately after each person or group of persons enters or leaves the premise.

(1995 Code, § 5.08.300) Penalty, see § 111.99

§ 111.13 POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS.

(A) No person shall possess an alcoholic beverage in any type of open container in a public place within the City.

(B) No person shall possess an alcoholic beverage in any type of open container upon City owned property, unless specifically permitted by permit, lease, contract or written agreement.

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

PUBLIC PLACE. The same as that set forth in KRS 525.010. There is specifically exempted herefrom any premises licensed to sell alcoholic beverages.

(1995 Code, § 5.08.120) (Ord. O-95-21, passed - -) Penalty, see § 111.99

TYPES OF LICENSES

§ 111.25 REQUIREMENT.

It shall be unlawful for any person to sell or dispense at retail or wholesale, or have in his or her possession for sale, or manufacture, distill, rectify, brew, blend or otherwise traffic in any alcoholic or malt beverages within the City without first obtaining a license therefor. No person who conducts a place of business patronized by the public, who does not hold a license to sell distilled spirits, wine or malt beverages, shall permit any person to drink the same on the premises of the place of business.

(1995 Code, § 5.08.130) (Am. Ord. O-2001-40, passed 11-26-2001)

§ 111.26 BUSINESS AUTHORIZED BY MALT BEVERAGE LICENSES.

(A) A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license and to sell malt beverages produced under the license, at wholesale or at retail, from the licensed premises only.

(1995 Code, § 5.08.140)

(B) A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them from the licensed premises only, to other distributors to retailers or to consumers for their personal use and not for resale. A separate distributor's license shall be required and must be obtained for each separate warehouse, agent distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it be a licensed brewery.

(1995 Code, § 5.08.150)

(C) A retailer's license shall authorize the licensee to sell malt beverages at retail from the licensed premises only, for consumption on or off the premises, and to purchase malt beverages from licensed brewers or distributors only.

(1995 Code, § 5.08.160)

(D) A microbrewery licence shall authorize the licensee to perform the following functions:

(1) Engage in the business of a brewer; provided that, production of malt beverages at the microbrewery shall not exceed 25,000 barrels in one year;

(2) Serve, on the premises, complimentary samples of malt beverages produced by the microbrewery in amounts not to exceed 16 ounces per patron, provided the microbrewery is located in wet territory; and

(3) Sell malt beverages produced on the premises of the microbrewery to licensed distributors.

(Ord. O-2001-42, passed 11-26-2001)

§ 111.27 BUSINESS AUTHORIZED BY DISTILLED SPIRIT AND WINE LICENSES.

(A) A distiller's license shall authorize the licensee to engage in the business of a distiller at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he or she is permitted to manufacture or sell.

(1995 Code, § 5.08.180)

(B) A rectifier's license shall authorize the licensee to engage in the business of a rectifier at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he or she is permitted to manufacture or sell.

(1995 Code, § 5.08.190)

(C) A blender's license shall authorize the licensee to process and produce traditional Kentucky whiskies exclusively, not exceeding 500 barrels annually.

(1995 Code, § 5.08.200)

(D) A wholesaler's license shall authorize the licensee to purchase, receive, store or possess distilled spirits and wines, to sell them at wholesale, from the licensed premises only, and to transport from the licensed premises for himself alcoholic beverages which his or her license authorizes him or her to sell.

(1995 Code, § 5.08.210)

(E) (1) A retailer's package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail, in unbroken packages only, and only for consumption off the licensed premises between the hours of 6:00 a.m. and 1:00 a.m. Monday through Saturday; and 11:00 a.m. to 1:00 a.m. on Sunday.

(2) The licensee shall purchase distilled spirits and wines in retail packages only and only from licensed wholesalers.

(3) He or she may sell only to consumers and may make deliveries only at the premises designated in his or her license.

(1995 Code, § 5.08.220)

(F) (1) Any retail drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wines from licensed wholesalers only and unless he or she also holds a retail package license, he or she shall not buy or possess distilled spirits in containers of a capacity smaller than 20 ounces, but mixed drinks may be purchased in containers of a capacity not smaller than 12 ounces. A retail drink license shall not authorize the sale of distilled spirits or wines by the package.

(2) A regular retail drink license shall permit the sale of alcoholic beverages from 6:00 a.m. to 1:00 a.m. Monday through Sunday; and no such sale shall be permitted on Sunday unless the licensee holds a "special Sunday retail license."

(1995 Code, § 5.08.230)

(G) (1) Any person presently holding a retail or package license issued by the City for the sale of distilled spirits and wine may apply for a "special Sunday retail license."

(2) It is unlawful for any person to sell distilled spirits or wine on a Sunday without first having obtained the license.

(1995 Code, § 5.08.240)

(H) (1) Special private club licenses, which shall include both special private club liquor drink and/or special private club malt beverage licenses, may be issued to any non-profit social, fraternal, military or political organization or club, which for more than 1 year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded, and shall authorize the licensee to purchase, receive, possess and sell distilled spirits, wines and/or malt beverages at retail by the drink for consumption on the licensed premises by members of the private club only. Members shall be defined as those persons having membership in any particular private club or organization pursuant to the by-laws thereof.

(2) The City, including officers of the Newport Police Department, shall be admitted to the club room or rooms for the purpose of making inspections of licenses, the licensed premises and to determine the compliance with all laws, ordinances and regulations pertaining to the sale, use and traffic in alcoholic beverages, without the necessity of a search warrant and the holders of any such licenses, by applying for and receiving the same, expressly waive the requirements of any search warrant for the making of the inspections aforesaid.

(3) Any special private club license shall not authorize the sale of distilled spirits, wine and/or malt beverages by the package. In addition to the restrictions and prohibitions provided herein, any club room or rooms provided for hereunder and this section must be separate and apart from any other premises licensed for the sale of malt beverages and distilled spirits and wine.

(1995 Code, § 5.08.250)

(I) (1) A special temporary distilled spirits and wine auction license may be issued to a charitable organization upon the payment of the fee set forth in § 111.51 and satisfaction of the requirements prescribed by ordinance.

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

(a) Purchase, transport, receive, possess, store, sell and deliver distilled spirits and wine to be sold at auction;

(b) Obtain distilled spirits and wine from distillers, rectifiers, vintners, wholesalers, distributors, retailer or any other person by gift or donation, for the purpose of charity auctions; and

(c) Receive payment for distilled spirits and wine sold at auctions.

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

(4) (a) The location at which the distilled spirits and wine are auctioned under this section shall not constitute a public place for the purpose of KRS 222.

(b) Distilled spirits and wine auctions may be conducted on licensed or unlicensed premises.

(c) The charitable organization possessing a special temporary distilled spirits and wine auction license shall post of the license at the location of the auction. During this period, not more than one auction shall be held.

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

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

(Ord. O-2001-49, passed 11-26-2001)

§ 111.28 BUSINESS AUTHORIZED BY RESTAURANT LICENSES.

(A) (1) A restaurant drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits, wine or malt beverages at retail by the drink for consumption on the licensed premises. The City may issue a restaurant drink license; provided, the license is for a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 100 persons or more at tables, and any applicant for the license shall submit to the City satisfactory proof that the facilities meet the above-stated criteria, including, but not limited to a certification of seating capacity by the City's Fire Marshal's office or its equivalent; and, provided, further, that, upon the application for renewal, the licensee shall submit an annual report to the City indicating annual gross receipts from the sale of food and from the sale of alcoholic beverages.

(2) It is unlawful for any person to sell distilled spirits, wine or malt beverages by the drink for consumption on the licensed premises without having first obtained the license.

(3) This license shall not authorize the sale of distilled spirits, wine or malt beverages by the package. This license shall be issued by the City upon payment of the appropriate fee.

(1995 Code, § 5.08.260) (Am. Ord. O-2001-43, passed 11-26-2001)

(B) (1) (a) A restaurant wine license shall authorize a licensee to purchase, receive and sell wine at retail for consumption on the licensed premises.

(b) The licensee shall purchase wine only from licensed wholesalers.

(2) A restaurant wine license shall only be issued to an applicant who is an owner or lessee of a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables.

(3) The issuance of a restaurant wine license shall also be subject to the limitations of KRS 243.032, 241.060(2) and 241.065.

(1995 Code, § 5.08.270)

§ 111.29 BUSINESS AUTHORIZED BY SUPPLEMENTAL BAR LICENSES.

(A) A supplemental bar license shall authorize the licensee to sell distilled spirits or wine upon the showing of good cause to the City, at more than 1 bar on the premises for which the applicants of existing retail drink license was issued.

(B) Due to modern business practices in the large interior areas of some licensees, it may become necessary to provide more than 1 bar within an already licensed premises in order to effectively serve the patrons at the premises.

(C) The City shall issue a supplemental bar license if the Alcoholic Beverage Control Administrator determines that a supplemental bar license should be permitted and upon payment of the appropriate fee.

(1995 Code, § 5.08.280)

§ 111.30 BUSINESS AUTHORIZED BY TEMPORARY LICENSES.

(A) (1) All rules and regulations herein incorporated or hereafter adopted by the City shall apply to such temporary licensee the same as a regular licensee.

(2) A temporary malt beverage license may be issued at the discretion of the City to any appropriate association, organization, club, lodge or fraternal organization or other entity by appropriate application therefor and upon payment of the appropriate fee. The license shall authorize the licensee to sell at retail only, and only from the specifically designated premises, malt beverages, for a definite period of time, not, however, to exceed 30 days.

(B) (1) A temporary distilled spirits and wine special temporary license or special temporary wine license may be issued at the discretion of the City to the same persons, under the same conditions and for the same period of time as a temporary malt beverage license, as stated above.

(2) This license shall authorize the licensee to sell, at retail, only, and from the specifically designated premises only, distilled spirits and wines, for consumption on the premises, except that the special temporary wine license shall apply to wine sales only.

(1995 Code, § 5.08.290) (Am. Ord. O-2001-45, passed 11-26-2001)

§ 111.31 BUSINESS AUTHORIZED BY CATERER'S LICENSE.

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

CATERER. A corporation, partnership or individual that operates the business of a food service professional preparing food and beverages in a licensed and inspected commissary, transporting the food and beverages in a location selected by the customer away from the commissary premises and serving the food and beverages to the customer's guests.

(B) A caterer's license may be issued as a supplementary licence to a caterer that holds a retail package liquor license or a distilled spirits and wine by the drink retail license.

(C) The caterer's license may be issued to a caterer that does not meet the requirements of division (B) above for the premise that serves as the caterer's commissary. The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function.

(D) The caterer's license shall authorize the caterer to:

(1) Purchase and store alcoholic beverages;

(2) Transfer, sell, serve and deliver alcoholic beverages by the drink at locations away from the licensed premises in conjunction with the catering of food and beverages for a customer and his or her guests;

(3) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a function catered by the licensee; and

(4) Receive payment for alcoholic beverages served at a function on a by-the-drink or by-the-function basis. The caterer may bill the host for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.

(E) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverages or special temporary licenses have been issued.

(F) The location at which alcoholic beverages are sold, served and delivered by a caterer, pursuant to this section shall not constitute a public place. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from public place provisions.

(G) The caterer licensee shall post a copy of his or her caterer's license at the location of the function for which alcoholic beverages are catered.

(Ord. O-2001-44, passed 11-26-2001)

§ 111.32 BUSINESS AUTHORIZED BY MOTEL LIQUOR DRINK LICENSE.

(A) The City may issue a retail drink licensee for an outlet in a hotel, inn or motel for accommodation of the traveling public that is designed primarily to serve transient patrons.

(B) An applicant shall submit to the City satisfactory proof that the facility shall accommodate sufficient patrons to sustain the operation of a retail drink outlet. The facility shall contain:

(1) Not less than 50 sleeping units;

(2) Dining facilities for not less than 100 persons;

(3) Receive not less than 50% of its gross annual alcoholic beverage and food receipts from the sale of food; and

(4) Have not less than 25,000 square feet of parking space.

(Ord. O-2001-46, passed 11-26-2001)

§ 111.33 BUSINESS AUTHORIZED BY HOTEL IN-ROOM SERVICE LICENSE.

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

HOTEL. Any hotel, motel, inn or other establishment which offers overnight accommodations to the public for hire.

IN-ROOM SERVICE. The delivery of alcoholic beverages in unbroken packages by an emcee of the hotel to a registered guest's room when the alcoholic beverages have been ordered by a guest and when the guest shall be billed for the cost of the alcoholic beverages at the time of delivery, with all sales of the alcoholic beverages being completed upon delivery; and, additionally, the provision of a cabinet or other facility located in a hotel guest's room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key or remote control device only to the guest, with the sale of the alcoholic beverages contained therein being final at the time requested, except for a credit which may be given to the guest for any unused portion. The licensee may stock a cabinet or other facility located in a hotel guest's room pursuant to this section, with 50 milliliter containers of distilled spirits.

(B) The City may issue a hotel in-room service license to any hotel which is licensed to sell distilled spirits, wine and malt beverages upon the payment of the fee set forth in § 111.51. The license shall authorize the licensee to sell distilled spirits, wine and malt beverages by in-room service. The sale of alcoholic beverage by in-room service shall be subject to all restrictions and limitations contained in KRS 241 to 244, and the administrative regulations issued under those chapters, and shall be authorized

only on the days and only during the hours as the sale of alcoholic beverages is otherwise authorized in the City.

(Ord. O-2001-47, passed 11-26-2001)

§ 111.34 BUSINESS AUTHORIZED BY RIVERBOAT LIQUOR DRINK LICENSE.

(A) A specials license may be issued for the retail sale of distilled spirits, wine and malt beverages for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry 100 or more passengers for hire on navigable waters in or adjacent to the state.

(B) Each boat or vessel must have a regular place of mooring in the City.

(C) The issuance of the license shall be at the discretion of the City.

(D) The licenses issued hereunder shall not be transferable to other premises.

(E) Any time a boat or vessel licensed under this section moors or makes landfall in a location other than its regular place or mooring in the City, all alcoholic beverages must be kept locked pursuant to the requirements of City ordinance.

(F) Except as provided herein, licenses issued under this section shall be governed by all the state statutes and City ordinances governing licensed premises in the regular place or mooring.

(Ord. O-2001-48, passed 11-26-2001)

§ 111.35 LIMITED SPECIAL OUTDOOR EVENTS.

The City Manager may grant, in writing, upon application to the City's Alcoholic Beverage Control Administrator, no later than 14 days prior to the commencement date of any limited special outdoor event, the sale of distilled spirits, malt beverages or wine, by any valid license holder, at such limited special outdoor event, the parameters of which shall be determined by and coordinated with the Alcoholic Beverage Control Administrator, which shall include, but not be limited to the size and proposed location, access for ingress and egress, availability of parking, security and fees or admission charges.

(1995 Code, § 5.08.294) (Ord. O-2001-12, passed - -)

LICENSING PROCEDURE

§ 111.50 APPLICATION; ORIGINAL LICENSE; RENEWAL AND DORMANT LICENSES.

(A) Every person desiring to engage in any business for which a license is provided for herein shall, for the initial license, first apply to the City for such required license. The application shall be in writing, on forms furnished by the City, shall be notarized, and shall include the following information:

(1) The name, age, address and residence of each applicant and if there be more than 1 and they are partners, the partnership name and address, or, if doing business under an assumed name, the name under which the business is intended to be conducted;

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses and ages of each officer, director and managerial employee, and the state under the laws of which the corporate applicant is incorporated; (The City may, at discretion, require also the names of all stockholders.)

(3) The premises to be licensed, stating the street and number, if the premises has a street number, and otherwise such a description as will reasonably indicate the location of the premises; (The applicant shall also state the nature of the interest in the premises and the name, age and address of any other person, either as principal or associate, who is interested with the applicant, either in the premises or in the business to be licensed.)

(4) (a) A statement that neither the applicant nor any other person referred to in this section has been convicted of any felony until five years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the 2 years immediately preceding the application or if any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the 2 years immediately preceding the application; and that he or she has not had any license that has been issued to him or her under any alcoholic beverage statute or ordinance revoked for cause within 2 years prior to the date of his or her application. (It shall be the duty of the City's Police Department, through its Chief of Police, to investigate the criminal record of the applicant, if any, before affixing his or her signature of approval to the application. His or her signature shall constitute verification that the applicant has not violated any of the provisions of this section.)

(b) If the Chief of Police shall find such a violation of this section to exist, he or she shall immediately notify the City of the same and refuse to sign the application. Such shall be sufficient grounds for denial of the requested liquor license.

(5) A statement that the applicant will, in good faith, abide by every statute and ordinance relating to the manufacture, sale and transportation of alcoholic beverages that may be in force in the location at which he or she seeks to do business, as well as all regulations of the state's Alcoholic Beverage Control Board and all regulations of the City;

(6) (a) The City shall be required to give notice to each owner/occupier of real estate parcels within a radius of 200 feet of the place in which the sales are proposed to be made, by certified mail, giving notice of the proposed operation of the business. The costs of the certified mailing will be the responsibility of the applicant

(b) An owner/occupier of a real estate parcel to whom notice shall be given under this section shall be construed as one individual person who is vested the ownership or title or partial ownership or title to the real estate parcel within the prescribed radius and who is also an actual occupier living within the residence or structure located upon the real estate parcel within the prescribed radius. Any owner of a real estate parcel within the prescribed radius who does not actually reside upon the parcel or any occupier of the residence or structure upon the parcel who does not own or partially own the same shall not qualify.

CHAPTER 111: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

The definitions contained in KRS 241.010 are adopted as the meaning of the words used in this chapter.

(1995 Code, § 5.08.010)

§ 111.02 INCORPORATION OF STATUTORY PROVISIONS.

So much of KRS 241 through 244 and any regulation of the Kentucky Alcoholic Beverage Control Board as may apply and be pertinent to cities of the second class, are incorporated and made a part hereof by reference as if fully set forth herein.

(1995 Code, § 5.08.020)

§ 111.03 HOURS AND DAYS OF OPERATION.

(A) No holder of a retail malt beverage license or a temporary malt beverage license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have, possess, use or consume on or about the licensed premises any malt beverage; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday, except as otherwise permitted in division (C) of this section.

(B) No holder of a retailer's regular drink license or a temporary liquor license, or any of his or her agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have possession, use or consume on or about the licensed premises any vinous or distilled beverages; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. on Sunday.

(C) No holder of a retailer's package license, or any of his or her agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to purchase distilled spirits and wines; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday.

(D) However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the City, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatus connected with his or her business as a licensee and the area shall be kept locked during this period of time.

(1995 Code, § 5.08.030)

§ 111.04 TEMPORARY SUSPENSION OF SALE.

The Mayor or City Manager shall have the right at any time, to suspend the sale, furnishment or delivery of alcoholic beverages throughout the entire City, or any portion thereof whenever either shall declare a state of emergency to exist. The State Alcoholic Beverage Control Board shall be notified of the action when taken.

(1995 Code, § 5.08.050)

§ 111.05 REGISTRATION; PHOTOGRAPHING AND FINGERPRINTING OF EMPLOYEES.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where liquor or malt beverages are sold or dispensed by the drink as defined in both the Kentucky Revised Statutes and/or the City ordinances, shall register in a book of registration to be kept by the Newport Police Department, and is required to be registered, fingerprinted and photographed by the Police Department of the City prior to the date of commencing his or her employment with the establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing the employment.

(B) No employer, whether a person, firm or corporation, shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the Newport Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment.

(D) The City shall require a payment of \$20 of each person registered, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

(E) Those businesses having a liquor or beer by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help or working proprietors at a festival or similar event which lasts less than 5 days, for which a temporary liquor license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help or working proprietors of a holder of a special private club license shall be exempt from registration under this section if and only if the use of the special private club license is an accessory use to a principal permitted use.

(I) Any establishment having a liquor or beer by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of liquor or beer by the drink.

(1995 Code, § 5.08.070) Penalty, see § 111.99

§ 111.06 REMOVAL OF ALCOHOLIC BEVERAGES FROM LICENSED PREMISES.

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

BUSINESS ESTABLISHMENT. A business within the City where liquor, beer and/or wine is sold for consumption on the licensed premises pursuant to a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license and/or retail package liquor license that has been issued by the City.

LICENSE. A retail drink liquor license, retail malt beverage liquor license, special private club liquor license and/or retail package liquor license issued by the City.

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

LICENSEE. Any person to whom a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license and/or retail package liquor license has been issued by the City, including the officers and agents of the licensee.

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

(B) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if the alcoholic beverage is in any opened container.

(C) There is exempted from this section any person or licensee holding any license herein which has an outside public facility adjacent and connected to the licensed premises (such as a "beer garden" or "patio") and which is used primarily during certain seasons of the year, for consumption of alcoholic beverages by its patrons in such an outdoor setting. For the purpose of this section, the same shall be considered as a part of the licensed premises as though it were located indoors.

(D) There is exempted from this section any person or licensee which holds a temporary retail drink and/or malt beverage license, which license permits the operation of an outdoor festival, if the festival is conducted for more than 2 consecutive days annually.

(E) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of the alcoholic beverages on any parking lot which is adjacent, adjoining, connected with or used by the patrons of the business establishment which is under the direct control of the licensee.

(F) No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(G) No licensee with a package liquor license or a combination of a package liquor license and a liquor by the drink license shall sell, give away or otherwise serve its patrons any alcoholic beverage in any disposable type cup or disposable drinking container or sell, give away or otherwise serve its patrons ice in any disposable type cup or disposable drinking container.

(1995 Code, § 5.08.080) Penalty, see § 111.99

§ 111.07 FOREIGN STATE OFFICERS RESTRICTION.

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

FOREIGN STATE AGENT* or *FOREIGN STATE OFFICER. Any person compensated directly or indirectly by a state other than the Commonwealth of Kentucky.

(B) No foreign state agent or foreign state officer shall be able to come into the City to enforce that state's laws relating to alcoholic beverages, including any law levying a tax on alcoholic beverages, or to conduct any investigation or surveillance activities done in the City relating to a possible violation of the foreign state's law relating to the importation of alcoholic beverages.

(1995 Code, § 5.08.090) Penalty, see § 111.99

§ 111.08 CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES.

It is unlawful for any employee or independent contractor of an establishment with a liquor by the drink license to solicit patrons of the establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the liquor by the drink license.

(1995 Code, § 5.08.100) Penalty, see § 111.99

§ 111.09 FLOOR PLAN REQUIRED TO BE FILED.

(A) For the purpose of providing emergency services when necessary, it shall be required that the licensees of all business establishments within the City which sell, dispense or furnish alcoholic and/or malt beverages, by appropriate retail package or retail drink licenses, to submit to and file with the City, a floor plan of the licensed premises which shall clearly indicate all points of entrance and exit. The floor plan shall be drawn on the form to be submitted to each licensee by the City.

(B) The licensee shall be required to supplement or update the floor plan, which shall be on file with the City, from time to time and in the event that the licensed premises shall undergo any change in the number of entrances and exits. The addition to or removal from any licensed premises of any entrance or exit shall be clearly indicated on the supplemental or updated floor plan.

(C) An entrance or exit shall be construed as a door, opening or passageway that is or can be used as a point of ingress and egress to the licensed premise.

(1995 Code, § 5.08.060)

§ 111.10 RETAIL PREMISES TO FURNISH CLEAR VIEW.

(A) (1) Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance, whether at street level or otherwise.

(2) No partition, box, stall, screen, curtain or other device shall be installed or placed so as to obstruct the view or the general observation of persons.

(3) However, partitions, subdivisions or panels that are not higher than 48 inches from the floor

shall not be construed as obstructing a view or the general observation of persons from the front inside entrance of the licensed premise.

(B) In the event the premises shall have a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

(C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

(1995 Code, § 5.08.110) Penalty, see § 111.99

§ 111.11 INSPECTION OF PREMISES.

(A) All licensed premises shall be subject to the entry of police and other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and at all times during the operation of business at the licensed premises.

(B) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time, nor shall violations of any law be permitted thereon.

§ 111.12 DOORS TO REMAIN CLOSED.

(A) All establishments located in public rights- of-way with a liquor by the drink license shall be required to keep all doors to the premises closed, at all times during normal hours of operations.

(B) The doors to the premises may be opened, however, for the purpose of allowing a person or group of persons ingress and egress to the premise, so long as the door is closed immediately after each person or group of persons enters or leaves the premise.

(1995 Code, § 5.08.300) Penalty, see § 111.99

§ 111.13 POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS.

(A) No person shall possess an alcoholic beverage in any type of open container in a public place within the City.

(B) No person shall possess an alcoholic beverage in any type of open container upon City owned property, unless specifically permitted by permit, lease, contract or written agreement.

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

PUBLIC PLACE. The same as that set forth in KRS 525.010. There is specifically exempted herefrom any premises licensed to sell alcoholic beverages.

(1995 Code, § 5.08.120) (Ord. O-95-21, passed - -) Penalty, see § 111.99

TYPES OF LICENSES

§ 111.25 REQUIREMENT.

It shall be unlawful for any person to sell or dispense at retail or wholesale, or have in his or her possession for sale, or manufacture, distill, rectify, brew, blend or otherwise traffic in any alcoholic or malt beverages within the City without first obtaining a license therefor. No person who conducts a place of business patronized by the public, who does not hold a license to sell distilled spirits, wine or malt beverages, shall permit any person to drink the same on the premises of the place of business.

(1995 Code, § 5.08.130) (Am. Ord. O-2001-40, passed 11-26-2001)

§ 111.26 BUSINESS AUTHORIZED BY MALT BEVERAGE LICENSES.

(A) A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license and to sell malt beverages produced under the license, at wholesale or at retail, from the licensed premises only.

(1995 Code, § 5.08.140)

(B) A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them from the licensed premises only, to other distributors to retailers or to consumers for their personal use and not for resale. A separate distributor's license shall be required and must be obtained for each separate warehouse, agent distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it be a licensed brewery.

(1995 Code, § 5.08.150)

(C) A retailer's license shall authorize the licensee to sell malt beverages at retail from the licensed premises only, for consumption on or off the premises, and to purchase malt beverages from licensed brewers or distributors only.

(1995 Code, § 5.08.160)

(D) A microbrewery licence shall authorize the licensee to perform the following functions:

(1) Engage in the business of a brewer; provided that, production of malt beverages at the microbrewery shall not exceed 25,000 barrels in one year;

(2) Serve, on the premises, complimentary samples of malt beverages produced by the microbrewery in amounts not to exceed 16 ounces per patron, provided the microbrewery is located in wet territory; and

(3) Sell malt beverages produced on the premises of the microbrewery to licensed distributors.

(Ord. O-2001-42, passed 11-26-2001)

§ 111.27 BUSINESS AUTHORIZED BY DISTILLED SPIRIT AND WINE LICENSES.

(A) A distiller's license shall authorize the licensee to engage in the business of a distiller at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he or she is permitted to manufacture or sell.

(1995 Code, § 5.08.180)

(B) A rectifier's license shall authorize the licensee to engage in the business of a rectifier at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he or she is permitted to manufacture or sell.

(1995 Code, § 5.08.190)

(C) A blender's license shall authorize the licensee to process and produce traditional Kentucky whiskies exclusively, not exceeding 500 barrels annually.

(1995 Code, § 5.08.200)

(D) A wholesaler's license shall authorize the licensee to purchase, receive, store or possess distilled spirits and wines, to sell them at wholesale, from the licensed premises only, and to transport from the licensed premises for himself alcoholic beverages which his or her license authorizes him or her to sell.

(1995 Code, § 5.08.210)

(E) (1) A retailer's package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail, in unbroken packages only, and only for consumption off the licensed premises between the hours of 6:00 a.m. and 1:00 a.m. Monday through Saturday; and 11:00 a.m. to 1:00 a.m. on Sunday.

(2) The licensee shall purchase distilled spirits and wines in retail packages only and only from licensed wholesalers.

(3) He or she may sell only to consumers and may make deliveries only at the premises designated in his or her license.

(1995 Code, § 5.08.220)

(F) (1) Any retail drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wines from licensed wholesalers only and unless he or she also holds a retail package license, he or she shall not buy or possess distilled spirits in containers of a capacity smaller than 20 ounces, but mixed drinks may be purchased in containers of a capacity not smaller than 12 ounces. A retail drink license shall not authorize the sale of distilled spirits or wines by the package.

(2) A regular retail drink license shall permit the sale of alcoholic beverages from 6:00 a.m. to 1:00 a.m. Monday through Sunday; and no such sale shall be permitted on Sunday unless the licensee holds a "special Sunday retail license."

(1995 Code, § 5.08.230)

(G) (1) Any person presently holding a retail or package license issued by the City for the sale of distilled spirits and wine may apply for a “special Sunday retail license.”

(2) It is unlawful for any person to sell distilled spirits or wine on a Sunday without first having obtained the license.

(1995 Code, § 5.08.240)

(H) (1) Special private club licenses, which shall include both special private club liquor drink and/or special private club malt beverage licenses, may be issued to any non-profit social, fraternal, military or political organization or club, which for more than 1 year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded, and shall authorize the licensee to purchase, receive, possess and sell distilled spirits, wines and/or malt beverages at retail by the drink for consumption on the licensed premises by members of the private club only. Members shall be defined as those persons having membership in any particular private club or organization pursuant to the by-laws thereof.

(2) The City, including officers of the Newport Police Department, shall be admitted to the club room or rooms for the purpose of making inspections of licenses, the licensed premises and to determine the compliance with all laws, ordinances and regulations pertaining to the sale, use and traffic in alcoholic beverages, without the necessity of a search warrant and the holders of any such licenses, by applying for and receiving the same, expressly waive the requirements of any search warrant for the making of the inspections aforesaid.

(3) Any special private club license shall not authorize the sale of distilled spirits, wine and/or malt beverages by the package. In addition to the restrictions and prohibitions provided herein, any club room or rooms provided for hereunder and this section must be separate and apart from any other premises licensed for the sale of malt beverages and distilled spirits and wine.

(1995 Code, § 5.08.250)

(I) (1) A special temporary distilled spirits and wine auction license may be issued to a charitable organization upon the payment of the fee set forth in § 111.51 and satisfaction of the requirements prescribed by ordinance.

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

(a) Purchase, transport, receive, possess, store, sell and deliver distilled spirits and wine to be sold at auction;

(b) Obtain distilled spirits and wine from distillers, rectifiers, vintners, wholesalers, distributors, retailer or any other person by gift or donation, for the purpose of charity auctions; and

(c) Receive payment for distilled spirits and wine sold at auctions.

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

(4) (a) The location at which the distilled spirits and wine are auctioned under this section shall not constitute a public place for the purpose of KRS 222.

(b) Distilled spirits and wine auctions may be conducted on licensed or unlicensed premises.

(c) The charitable organization possessing a special temporary distilled spirits and wine auction license shall post of the license at the location of the auction. During this period, not more than one auction shall be held.

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

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

(Ord. O-2001-49, passed 11-26-2001)

§ 111.28 BUSINESS AUTHORIZED BY RESTAURANT LICENSES.

(A) (1) A restaurant drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits, wine or malt beverages at retail by the drink for consumption on the licensed premises. The City may issue a restaurant drink license; provided, the license is for a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 100 persons or more at tables, and any applicant for the license shall submit to the City satisfactory proof that the facilities meet the above-stated criteria, including, but not limited to a certification of seating capacity by the City's Fire Marshal's office or its equivalent; and, provided, further, that, upon the application for renewal, the licensee shall submit an annual report to the City indicating annual gross receipts from the sale of food and from the sale of alcoholic beverages.

(2) It is unlawful for any person to sell distilled spirits, wine or malt beverages by the drink for consumption on the licensed premises without having first obtained the license.

(3) This license shall not authorize the sale of distilled spirits, wine or malt beverages by the package. This license shall be issued by the City upon payment of the appropriate fee.

(1995 Code, § 5.08.260) (Am. Ord. O-2001-43, passed 11-26-2001)

(B) (1) (a) A restaurant wine license shall authorize a licensee to purchase, receive and sell wine at retail for consumption on the licensed premises.

(b) The licensee shall purchase wine only from licensed wholesalers.

(2) A restaurant wine license shall only be issued to an applicant who is an owner or lessee of a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables.

(3) The issuance of a restaurant wine license shall also be subject to the limitations of KRS 243.032, 241.060(2) and 241.065.

(1995 Code, § 5.08.270)

§ 111.29 BUSINESS AUTHORIZED BY SUPPLEMENTAL BAR LICENSES.

(A) A supplemental bar license shall authorize the licensee to sell distilled spirits or wine upon the showing of good cause to the City, at more than 1 bar on the premises for which the applicants of existing retail drink license was issued.

(B) Due to modern business practices in the large interior areas of some licensees, it may become necessary to provide more than 1 bar within an already licensed premises in order to effectively serve the patrons at the premises.

(C) The City shall issue a supplemental bar license if the Alcoholic Beverage Control Administrator determines that a supplemental bar license should be permitted and upon payment of the appropriate fee.

(1995 Code, § 5.08.280)

§ 111.30 BUSINESS AUTHORIZED BY TEMPORARY LICENSES.

(A) (1) All rules and regulations herein incorporated or hereafter adopted by the City shall apply to such temporary licensee the same as a regular licensee.

(2) A temporary malt beverage license may be issued at the discretion of the City to any appropriate association, organization, club, lodge or fraternal organization or other entity by appropriate application therefor and upon payment of the appropriate fee. The license shall authorize the licensee to sell at retail only, and only from the specifically designated premises, malt beverages, for a definite period of time, not, however, to exceed 30 days.

(B) (1) A temporary distilled spirits and wine special temporary license or special temporary wine license may be issued at the discretion of the City to the same persons, under the same conditions and for the same period of time as a temporary malt beverage license, as stated above.

(2) This license shall authorize the licensee to sell, at retail, only, and from the specifically designated premises only, distilled spirits and wines, for consumption on the premises, except that the special temporary wine license shall apply to wine sales only.

(1995 Code, § 5.08.290) (Am. Ord. O-2001-45, passed 11-26-2001)

§ 111.31 BUSINESS AUTHORIZED BY CATERER'S LICENSE.

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

CATERER. A corporation, partnership or individual that operates the business of a food service professional preparing food and beverages in a licensed and inspected commissary, transporting the food and beverages in a location selected by the customer away from the commissary premises and serving the food and beverages to the customer's guests.

(B) A caterer's license may be issued as a supplementary licence to a caterer that holds a retail package liquor license or a distilled spirits and wine by the drink retail license.

(C) The caterer's license may be issued to a caterer that does not meet the requirements of division (B) above for the premise that serves as the caterer's commissary. The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function.

(D) The caterer's license shall authorize the caterer to:

(1) Purchase and store alcoholic beverages;

(2) Transfer, sell, serve and deliver alcoholic beverages by the drink at locations away from the licensed premises in conjunction with the catering of food and beverages for a customer and his or her guests;

(3) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a function catered by the licensee; and

(4) Receive payment for alcoholic beverages served at a function on a by-the-drink or by-the-function basis. The caterer may bill the host for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.

(E) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverages or special temporary licenses have been issued.

(F) The location at which alcoholic beverages are sold, served and delivered by a caterer, pursuant to this section shall not constitute a public place. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from public place provisions.

(G) The caterer licensee shall post a copy of his or her caterer's license at the location of the function for which alcoholic beverages are catered.

(Ord. O-2001-44, passed 11-26-2001)

§ 111.32 BUSINESS AUTHORIZED BY MOTEL LIQUOR DRINK LICENSE.

(A) The City may issue a retail drink licensee for an outlet in a hotel, inn or motel for accommodation of the traveling public that is designed primarily to serve transient patrons.

(B) An applicant shall submit to the City satisfactory proof that the facility shall accommodate sufficient patrons to sustain the operation of a retail drink outlet. The facility shall contain:

(1) Not less than 50 sleeping units;

(2) Dining facilities for not less than 100 persons;

(3) Receive not less than 50% of its gross annual alcoholic beverage and food receipts from the sale of food; and

(4) Have not less than 25,000 square feet of parking space.

(Ord. O-2001-46, passed 11-26-2001)

§ 111.33 BUSINESS AUTHORIZED BY HOTEL IN-ROOM SERVICE LICENSE.

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

HOTEL. Any hotel, motel, inn or other establishment which offers overnight accommodations to the public for hire.

IN-ROOM SERVICE. The delivery of alcoholic beverages in unbroken packages by an emcee of the hotel to a registered guest's room when the alcoholic beverages have been ordered by a guest and when the guest shall be billed for the cost of the alcoholic beverages at the time of delivery, with all sales of the alcoholic beverages being completed upon delivery; and, additionally, the provision of a cabinet or other facility located in a hotel guest's room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key or remote control device only to the guest, with the sale of the alcoholic beverages contained therein being final at the time requested, except for a credit which may be given to the guest for any unused portion. The licensee may stock a cabinet or other facility located in a hotel guest's room pursuant to this section, with 50 milliliter containers of distilled spirits.

(B) The City may issue a hotel in-room service license to any hotel which is licensed to sell distilled spirits, wine and malt beverages upon the payment of the fee set forth in § 111.51. The license shall authorize the licensee to sell distilled spirits, wine and malt beverages by in-room service. The sale of alcoholic beverage by in-room service shall be subject to all restrictions and limitations contained in KRS 241 to 244, and the administrative regulations issued under those chapters, and shall be authorized only on the days and only during the hours as the sale of alcoholic beverages is otherwise authorized in the City.

(Ord. O-2001-47, passed 11-26-2001)

§ 111.34 BUSINESS AUTHORIZED BY RIVERBOAT LIQUOR DRINK LICENSE.

(A) A specials license may be issued for the retail sale of distilled spirits, wine and malt beverages for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry 100 or more passengers for hire on navigable waters in or adjacent to the state.

(B) Each boat or vessel must have a regular place of mooring in the City.

(C) The issuance of the license shall be at the discretion of the City.

(D) The licenses issued hereunder shall not be transferable to other premises.

(E) Any time a boat or vessel licensed under this section moors or makes landfall in a location other than its regular place or mooring in the City, all alcoholic beverages must be kept locked pursuant to the requirements of City ordinance.

(F) Except as provided herein, licenses issued under this section shall be governed by all the state statutes and City ordinances governing licensed premises in the regular place or mooring.

(Ord. O-2001-48, passed 11-26-2001)

§ 111.35 LIMITED SPECIAL OUTDOOR EVENTS.

The City Manager may grant, in writing, upon application to the City's Alcoholic Beverage Control Administrator, no later than 14 days prior to the commencement date of any limited special outdoor event, the sale of distilled spirits, malt beverages or wine, by any valid license holder, at such limited special outdoor event, the parameters of which shall be determined by and coordinated with the Alcoholic Beverage Control Administrator, which shall include, but not be limited to the size and proposed location, access for ingress and egress, availability of parking, security and fees or admission charges.

(1995 Code, § 5.08.294) (Ord. O-2001-12, passed - -)

LICENSING PROCEDURE

§ 111.50 APPLICATION; ORIGINAL LICENSE; RENEWAL AND DORMANT LICENSES.

(A) Every person desiring to engage in any business for which a license is provided for herein shall, for the initial license, first apply to the City for such required license. The application shall be in writing, on forms furnished by the City, shall be notarized, and shall include the following information:

(1) The name, age, address and residence of each applicant and if there be more than 1 and they are partners, the partnership name and address, or, if doing business under an assumed name, the name under which the business is intended to be conducted;

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses and ages of each officer, director and managerial employee, and the state under the laws of which the corporate applicant is incorporated; (The City may, at discretion, require also the names of all stockholders.)

(3) The premises to be licensed, stating the street and number, if the premises has a street number, and otherwise such a description as will reasonably indicate the location of the premises; (The applicant shall also state the nature of the interest in the premises and the name, age and address of any other person, either as principal or associate, who is interested with the applicant, either in the premises or in the business to be licensed.)

(4) (a) A statement that neither the applicant nor any other person referred to in this section has been convicted of any felony until five years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the 2 years immediately preceding the application or if any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the 2 years immediately preceding the application; and that he or she has not had any license that has been issued to him or her under any alcoholic beverage statute or ordinance revoked for cause within 2 years prior to the date of his or her application. (It shall be the duty of the City's Police Department, through its Chief of Police, to investigate the criminal record of the applicant, if any, before affixing his or her signature of approval to the application. His or her signature shall constitute verification that the applicant has not violated any of the provisions of this section.)

(b) If the Chief of Police shall find such a violation of this section to exist, he or she shall immediately notify the City of the same and refuse to sign the application. Such shall be sufficient grounds for denial of the requested liquor license.

(5) A statement that the applicant will, in good faith, abide by every statute and ordinance relating to the manufacture, sale and transportation of alcoholic beverages that may be in force in the location at which he or she seeks to do business, as well as all regulations of the state's Alcoholic Beverage Control Board and all regulations of the City;

(6) (a) The City shall be required to give notice to each owner/occupier of real estate parcels within a radius of 200 feet of the place in which the sales are proposed to be made, by certified mail, giving notice of the proposed operation of the business. The costs of the certified mailing will be the responsibility of the applicant

(b) An owner/occupier of a real estate parcel to whom notice shall be given under this section shall be construed as one individual person who is vested the ownership or title or partial ownership or title to the real estate parcel within the prescribed radius and who is also an actual occupier living within the residence or structure located upon the real estate parcel within the prescribed radius. Any owner of a real estate parcel within the prescribed radius who does not actually reside upon the parcel or any occupier of the residence or structure upon the parcel who does not own or partially own the same shall not qualify.

(c) The measurement of the prescribed radius, that being 200 feet from the place in which the sales are proposed to be made, shall be taken in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the residence or habitable structure on the owner/occupier real estate parcel.

(d) If any owner/occupier shall object to the operation of the business, in writing, to the City within 15 days after mailing of the notice of intent by certified mail by the applicant, the City shall be required to hold a public hearing to evaluate public sentiment before issuance or denial of the license. Failure of any owner/occupier to receive and/or sign for certified mail notice from the applicant shall not act to invalidate any decision of the City.

(7) The signature of the owner/occupier of the premises wherein the sales are proposed to be made;

(8) (a) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement, in writing, giving notice of the change shall be filed with the City within 10 days after the change. The word "change," with reference to corporate licensees, is construed to include any change of directors or officers of the corporation, or a change in ownership of stock whereby any person secures 10% of the outstanding stock or effects a transfer of the percentage of stock; transfer of more than 10% of the total stock shall require a new license.

(b) The following information will be required concerning any new director, officer or person securing any interest in an alcoholic beverage license:

1. Name and address;
2. Nature of interest;

3. Whether or not a citizen of the City;
4. Date of birth;
5. Date residence was established in Newport, if a resident thereof;
6. Whether or not he or she has any interest in any other license or corporation holding a license under this section;
7. A full statement concerning the extent of stock ownership, including the amount thereof, the person from whom the stock was obtained and the extent of any managerial authority in the person; and
8. The name and address of a person resident within the City upon whom notices, citations or other process with reference to the alcoholic beverage license may be served.

(c) The foregoing information shall be filed with the City as an amendment to any previous application pursuant to which the license was granted and shall be considered by the City as an application for a new license.

(d) Any such information shall be conclusively presumed to be correct and shall be deemed material in any subsequent prosecutions.

(9) Such other information as the City may require.

(1995 Code, § 5.08.320) (Am. Ord. O-2001-51, passed 11-26-2001; Am. Ord. O-2001-52, passed 11-26-2001)

(B) Application for the renewal of a pre-existing license shall be made to the City upon payment of the established fees therefor.

(C) The placement of any pre-existing license into dormancy shall be determined by the rules and regulations promulgated of the Kentucky Alcoholic Beverage Control Board.

§ 111.51 FEES.

(A) For the privilege of manufacturing and/or trafficking in alcoholic beverages within the corporate limits of the City, the following licenses are provided, the fees for which shall be as herein indicated:

<i>License Type</i>	<i>Per Annum</i>
Malt beverage licenses	
Brewer's license	\$500
Distributor's license	\$400
Retailer's license	\$200
Microbrewery	\$500

Distilled spirits and wine licenses	
Distiller's license	\$500
Rectifier's license	\$3,000
Blender's license	\$3,000
Wholesaler's license	\$3,000
Retailer's package license	\$1,000
Retailer's regular drink license	\$1,000
Special private club license	\$300
Restaurant wine license	\$400
Sunday sales license	\$300
Supplemental bar licenses	\$1,000
Restaurant drink license (1:00 a.m.)	\$1,000
Motel liquor drink license	\$1,000
Caterer's license	\$800
Riverboat license	\$1,200
Temporary licenses, per event	
Temporary malt license	\$25
Temporary liquor license	\$50
Special temporary wine license	\$50
Distilled spirits and wine auction license	\$50

(B) A non-refundable application fee of \$50 shall be charged to process each new application under this section. The application fee shall be applied to the licensing fee if the application is approved and shall be retained by the City's Finance and Administration Department if the application is denied him or her the City or voluntarily withdrawn by the applicant.

(1995 Code, § 5.08.340) (Am. Ord. O-2001-53, passed 11-26-2001)

§ 111.52 RENEWALS.

All licenses to sell alcoholic beverages in the City will be renewable based on the renewal date established by the Kentucky Department of Alcoholic Beverage Control, which is November 1 of each year. The regular licensing period will be November 1 to October 31 of the following year.

(1995 Code, § 5.08.345) (Ord. O-2001-19, passed - -)

§ 111.53 PRORATION.

(A) When any person applies for a new license authorized to be issued under this chapter, he or she shall be charged, if the license is issued, the full fee for the respective license if 6 months or more remain before the license is due to be renewed and 1/2 the fee if less than 6 months remain before the license is due to be renewed.

(B) No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(1995 Code, § 5.08.350) (Am. Ord. O-2001-54, passed 11-26-2001)

§ 111.54 INVESTIGATION AND ISSUANCE.

(A) The City Alcoholic Beverage Control Administrator shall be satisfy that each application is in proper form and shall thereafter make an investigation of the party applicant and the premises sought to be licensed.

(B) If the Alcoholic Beverage Control Administrator considers that a license shall issue he or she shall authorize and cause to be issued to the applicant the appropriate license.

(1995 Code, § 5.08.370)

§ 111.55 DENIAL TO DELINQUENT TAXPAYERS.

The City shall not issue or renew or transfer City licenses for any license provided for herein to or from any person who is delinquent in the payment of his or her water, rent or rates; or who is delinquent in the payment of personal property taxes levied and assessed against property which is used or contemplated to be used in the licensed premises; or who is delinquent in the payment of real property taxes levied and assessed against the real estate which is used or contemplated to be used in the licensed premises; or who is delinquent in the payment of any City payroll tax so due and owing; or who is delinquent in the payment of any City occupational license tax so levied and assessed; or who is delinquent in the payment of any other remaining City taxes or fees, until the delinquencies shall have been eliminated.

(1995 Code, § 5.08.380) (Am. Ord. O-2001-55, passed 11-26-2001)

§ 111.56 TRANSFERS AND NAME CHANGES; FEES.

(A) An application for a transfer of a license shall be considered as an initial application. No license, therefor, shall be transferred from 1 person to another, or from 1 location to another, until the applicant shall have complied with all the provisions of § 111.50(A). No transfer shall be made or application for transfer acted upon after either the applicant or the license holder has been charged with a violation of any provision of this chapter until the time as the charge shall have been finally disposed of. When authorized, the City shall issue all transfers or name changes.

(B) The fee for a change of a name of any licensed premise provided for herein shall be \$25.

(C) The fee for a transfer of any license is the same as the established in §§ 111.51 and 111.52.

(1995 Code, § 5.08.400) (Am. Ord. O-2001-56, passed 11-26-2001)

§ 111.57 DUPLICATES.

Whenever a license shall have been lost or destroyed, without fault or negligence on the part of the holder thereof, a duplicate may be issued therefor by the City's License Inspector, upon proper proof of the loss or destruction, upon payment of a fee of \$1.

(1995 Code, § 5.08.410)

§ 111.58 EXTENDED HOURS PERMIT.

(A) No person shall operate or maintain a business establishment within the City permitting the sale of any alcoholic beverages between the hours of 1:00 a.m. and 2:30 a.m. without first obtaining an extended hours permit (EHP) from the City license inspector who shall be responsible for the issuance of all such permits.

(B) (1) All applications for an extended hours permit shall be in writing and made directly to the City's License Inspector. Applications can be obtained from the City's Finance and Administration Department. The City's License Inspector shall request a confidential police report and recommendation from the Chief of Police with respect to the considered applicant's eligibility and the written certification of approval from the City's Zoning Administrator.

(2) In order to be eligible for an extended hours permit, the applicant must have a current and valid City and state alcoholic beverage license for the sale of liquor by the drink, retail or package.

(3) All fees and license charges in connection with the applicant's business establishment due to the City, including annual minimum occupational license, must be paid before an applicant shall be considered.

(4) Effective upon the passage of this section, no new permits shall be issued without the written certification of the City's Zoning Administrator upon the application that the proposed site requesting issuance of the permit is not located within any residential zone of the City. All existing extended hours permits in residential zones are hereby grandfathered and may be transferred to a new owner at the same location.

(5) No applicant shall be granted an extended hours permit who has been convicted of any felony until 5 years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the 2 years immediately preceding the application; or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the 2 years immediately preceding the a application.

(6) No applicant shall be granted an extended hours permit unless the person is an actual resident of the state or is a corporation licensed to do business within the commonwealth.

(7) The approval or denial of any extended hours permit application shall be made by the City's License Inspector.

(8) The City License Inspector, for just cause, may delay the issuance of any requested extended hours permit for a period of time not to exceed 45 days.

(C) Persons holding extended hours permits prior to the enactment of this section shall be granted the privilege of continuing operation without regard to the zoning requirements of division (B)(4) of this section.

(D) The fee for an extended hours permit shall be \$2,000 per year, effective for 2005/2006 license period and shall be increased to \$3,000 per year, for every year thereafter, payable on or before November 1 of each year.

(E) When any person applies for a new permit authorized to be issued under this section, he or she shall be charged, if the license is issued, the full fee for the respective license if 6 months or more remain before the license is due to be renewed and 1/2 the fee if less than 6 months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(F) Proceeds of the permit fees so collected shall be deposited in the City's general fund account.

(G) All applications and permits issued pursuant to the provisions herein shall contain the following:

(1) Name and address of applicant;

(2) Number of the permit;

(3) Street address of the licensed premises which holds the permit;

(4) The name and address of the owner of the building, business establishment or licensed premises in which the permit is located;

(5) The expiration date of the permit; and

(6) A statement that the permit shall not be a property right, and that it may be revoked or suspended, at any time, pursuant to the law.

(H) All permits issued herein shall be accepted by the applicant subject to the following.

(1) No licensee shall sell any alcoholic beverages between the hours of 2:30 a.m. and 6:00 a.m. Monday through Saturday, or from 2:30 a.m. to 11:00 a.m. on Sunday.

(I) (1) No live entertainment shall be permitted after 11:00 p.m. on Sunday through Thursday, or after 1:00 a.m. on Friday and Saturday for those establishments located in a residential zone or in a commercial zone that also permits residential uses.

(2) All extended hours permit holders shall make every reasonable effort to arrange for orderly closing of the establishment, including, but not limited to instructions to customers and patrons that they should depart the licensed premises in a quiet and orderly fashion.

(3) All extended hours permit holders shall regulate noise levels to assure that noises emanating from the establishment do not disturb the surrounding residents.

(4) All extended hours permit holders shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in the conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, using excessive profanity or trespassing upon private property in the immediate area.

(5) If the City's License Inspector, upon review and a hearing, shall find repeated violations of divisions (I)(1) through (4), he or she may suspend or fail to renew any existing extended hours permit.

(J) (1) It shall be the responsibility of the City's License Inspector to investigate initial applications, to investigate transfers and renewals of existing extended hours permits and to investigate and make determinations upon suspensions and/or revocations of the extended hours permits. He or she shall also make determinations upon verified complaints, filed with the City's Finance and Administration Department, from citizens or upon complaints received by the Police Department or other enforcement personnel regarding the violation of law by an extended hours permit holder for the purpose of issuing suspensions and/or revocations of the same.

(2) The City's License Inspector shall conduct an annual review before the renewal of any extended hours permit and if it is found, upon the review, that the extended hours permit holder has had three or more criminal violations occur at the business establishment and/or within the licensed premises, within the annual period, upon a hearing, he or she shall revoke the extended hours permit, and no renewal of the same shall be granted.

(3) The decision of the City's License Inspector shall be reduced to writing. In the event that the City's License Inspector shall deny any initial application for an extended hours permit or, at his or her discretion, delay the issuance thereof, or shall revoke or suspend any existing extended hours permit, for cause, or shall fail to renew any existing extended hours permit, the applicant or holder shall be permitted to appeal the decision of the City's License Inspector to the City Manager, in writing, within ten days of the decision. The City Manager shall have the final determination and shall notify the applicant or holder of his or her decision, in writing, within 10 days thereof. If the City Manager shall approve the appeal, he or she shall instruct the City's License Inspector to grant the initial application or issue or renew the existing permit. In the event of further denial of the initial application or suspension or revocation of the existing permit, the applicant or holder shall be notified of his or her right to further appeal to the Campbell Circuit Court within 30 days thereof..

(K) Whenever transfer of an extended hours permit to a different transferee is proposed at the same location, the extended hours permit may be transferred only if the transferee meets all eligibility requirements herein and if the transferee has the approval of the City's License Inspector.

(L) The time changes brought into effect by the provisions of Daylight Savings Time shall have no effect upon the hours of operation of establishments operating within an extended hours permit and such establishments shall be permitted to remain open and operating for the additional hour, lost or gained, as if the same did not exist. Therefore, at 2:00 a.m. on the day when Daylight Savings Time takes effect and the hour advances to 3:00 a.m., those establishments operating within an extended hours permit shall be permitted to remain open for business until 3:30 a.m. Eastern Daylight Time. They shall, however, be required to close the business immediately thereafter. At 2:00 a.m. on the day when Daylight Savings Time changes back to Eastern Standard Time and the hour reverts to 1:00 a.m., those establishments operating with an extended hours permit shall be permitted to remain open for business until 1:30 a.m. Eastern Standard Time. They shall, however, be required to close the business immediately thereafter. On the day immediately following each, the hours of operation for establishments operating with an extended hours permit shall be required to return to the normal

operating hours of 1:00 a.m. to 2:30 a.m. Eastern Daylight Time or Eastern Standard Time, whichever is applicable. The purpose of this division (M) is to enable extended hours permit holders to continue normal business operating hours, in terms of the usual actual time they are open, without regard to the time changes brought about by the conversion to and from Eastern Daylight Time and Eastern Standard Time.

(1995 Code, § 5.08.420) (Am. Ord. O-2001-58, passed 11-26-2001; Am. Ord. O-2001-59, passed 11-26-2001; Am. Ord. O-2001-60, passed 11-26-2001) Penalty, see § 111.99

§ 111.99 PENALTY.

Any person, firm, organization, or corporation who violates any of the provisions of this chapter shall, upon conviction be guilty, of a Class B misdemeanor in accordance with the Kentucky Revised Statutes.

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COMMISSIONERS ORDINANCE NO. 0-2005-09

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2005 OCT -5 A 9:43

ALCOHOLIC BEVERAGE CONTROL

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY ADOPTING CHAPTER 111 OF THE RECODIFICATION OF THE NEWPORT CODE OF ORDINANCES CONCERNING ALCOHOLIC BEVERAGES AND REPEALING ANY AND ALL PRIOR ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

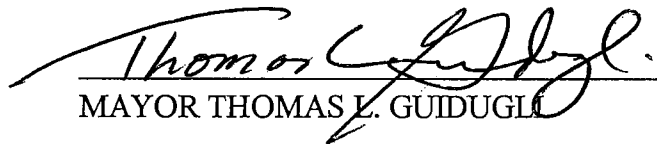
As part of the overall Recodification of the Newport Code of Ordinances, Chapter 111, concerning Alcoholic Beverages, a copy of which is attached hereto and incorporated herein by reference, shall be and hereby is adopted, repealing any and all prior ordinances in conflict therewith.

SECTION II

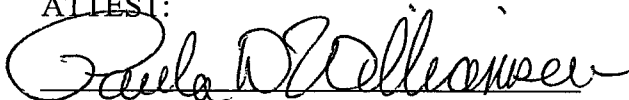
That this Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and effective upon publication.

PASSED: First reading 8/22/05

PASSED: Second reading 9/12/2005


MAYOR THOMAS L. GUIDUGLI

ATTEST:


PAULA D. WILLIAMSON, CMC
CITY CLERK

PUBLISHED: By summary in the Campbell County Recorder the 15th day of September, 2005.

NEWPORT ORDINANCE

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CHAPTER 111: ALCOHOLIC BEVERAGES

ALCOHOLIC BEVERAGE CONTROL

Section

General Provisions

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- 111.02 Incorporation of statutory provisions
- 111.03 Hours and days of operation
- 111.04 Temporary suspension of sale
- 111.05 Registration; photographing and fingerprinting of employees
- 111.06 Removal of alcoholic beverages from licensed premises
- 111.07 Foreign state officers restriction
- 111.08 Consumption of alcoholic beverages by employees
- 111.09 Floor plan required to be filed
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- 111.28 Business authorized by restaurant licenses
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- 111.56 Transfers and name changes; fees
- 111.57 Duplicates
- 111.58 Extended hours permit
- 111.99 Penalty

GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

The definitions contained in KRS 241.010 are adopted as the meaning of the words used in this chapter. (1995 Code, § 5.08.010)

§ 111.02 INCORPORATION OF STATUTORY PROVISIONS.

So much of KRS 241 through 244 and any regulation of the Kentucky Alcoholic Beverage Control Board as may apply and be pertinent to cities of the second class, are incorporated and made a part hereof by reference as if fully set forth herein. (1995 Code, § 5.08.020)

§ 111.03 HOURS AND DAYS OF OPERATION.

(A) No holder of a retail malt beverage license or a temporary malt beverage license, or any of his agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have, possess, use or consume on or about the licensed premises any malt beverage; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday, except as otherwise permitted in division (C) of this section.

(B) No holder of a retailer's regular drink license or a temporary liquor license, or any of his agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have possession, use or consume on or about the licensed premises any vinous or distilled beverages; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. on Sunday.

(C) No holder of a retailer's package license, or any of his agents, servants or employees or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to purchase distilled spirits and wines; nor shall the premises

remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of the licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 11:00 a.m. Sunday.

(D) However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the City, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatus connected with his business as a licensee and the area shall be kept locked during this period of time. (1995 Code, § 5.08.030)

§ 111.04 TEMPORARY SUSPENSION OF SALE.

The Mayor or City Manager shall have the right at any time, to suspend the sale, furnishment or delivery of alcoholic beverages throughout the entire City, or any portion thereof whenever either shall declare a state of emergency to exist. The State Alcoholic Beverage Control Board shall be notified of the action when taken. (1995 Code, § 5.08.050)

§ 111.05 REGISTRATION; PHOTOGRAPHING AND FINGERPRINTING OF EMPLOYEES.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where liquor or malt beverages are sold or dispensed by the drink as defined in both the Kentucky Revised Statutes and/or the City ordinances, shall register in a book of registration to be kept by the Newport Police Department, and is required to be registered, fingerprinted and photographed by the Police Department of the City prior to the date of commencing his employment with the establishment or place of business. No person shall fail to register or

be fingerprinted and photographed prior to commencing the employment.

(B) No employer, whether a person, firm or corporation, shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in division (A) above.

(C) The registrants under this section are required to have the identification cards issued by the Newport Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment.

(D) The City shall require a payment of \$20 of each person registered, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

(E) Those businesses having a liquor or beer by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

(F) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(G) Any employee, volunteer help or working proprietors at a festival or similar event which lasts less than 5 days, for which a temporary liquor license has been secured, shall not be required to register under this section.

(H) The employees, volunteer help or working proprietors of a holder of a special private club license shall be exempt from registration under this section if and only if the use of the special private club license is an accessory use to a principal permitted use.

(I) Any establishment having a liquor or beer by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those

persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of liquor or beer by the drink.

(1995 Code, § 5.08.070) Penalty, see § 111.99

§ 111.06 REMOVAL OF ALCOHOLIC BEVERAGES FROM LICENSED PREMISES.

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

BUSINESS ESTABLISHMENT. A business within the City where liquor, beer and/or wine is sold for consumption on the licensed premises pursuant to a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license and/or retail package liquor license that has been issued by the City.

LICENSE. A retail drink liquor license, retail malt beverage liquor license, special private club liquor license and/or retail package liquor license issued by the City.

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

LICENSEE. Any person to whom a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license and/or retail package liquor license has been issued by the City, including the officers and agents of the licensee.

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

(B) Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if the alcoholic beverage is in any opened container.

(C) There is exempted from this section any person or licensee holding any license herein which has an outside public facility adjacent and connected to the licensed premises (such as a "beer garden" or "patio") and which is used primarily during certain seasons of the year, for consumption of alcoholic beverages by its patrons in such an outdoor setting. For the purpose of this section, the same shall be considered as a part of the licensed premises as though it were located indoors.

(D) There is exempted from this section any person or licensee which holds a temporary retail drink and/or malt beverage license, which license permits the operation of an outdoor festival, if the festival is conducted for more than 2 consecutive days annually.

(E) Any person or licensee which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of the alcoholic beverages on any parking lot which is adjacent, adjoining, connected with or used by the patrons of the business establishment which is under the direct control of the licensee.

(F) No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

(G) No licensee with a package liquor license or a combination of a package liquor license and a liquor by the drink license shall sell, give away or otherwise serve its patrons any alcoholic beverage in any disposable type cup or disposable drinking container or sell, give away or otherwise serve its patrons ice in any disposable type cup or disposable drinking container.

(1995 Code, § 5.08.080) Penalty, see § 111.99

§ 111.07 FOREIGN STATE OFFICERS RESTRICTION.

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

FOREIGN STATE AGENT or **FOREIGN**

STATE OFFICER. Any person compensated directly or indirectly by a state other than the Commonwealth of Kentucky.

(B) No foreign state agent or foreign state officer shall be able to come into the City to enforce that state's laws relating to alcoholic beverages, including any law levying a tax on alcoholic beverages, or to conduct any investigation or surveillance activities done in the City relating to a possible violation of the foreign state's law relating to the importation of alcoholic beverages.

(1995 Code, § 5.08.090) Penalty, see § 111.99

§ 111.08 CONSUMPTION OF ALCOHOLIC BEVERAGES BY EMPLOYEES.

It is unlawful for any employee or independent contractor of an establishment with a liquor by the drink license to solicit patrons of the establishment to purchase any beverage for consumption by any employee or independent contractor of the establishment with the liquor by the drink license.

(1995 Code, § 5.08.100) Penalty, see § 111.99

§ 111.09 FLOOR PLAN REQUIRED TO BE FILED.

(A) For the purpose of providing emergency services when necessary, it shall be required that the licensees of all business establishments within the City which sell, dispense or furnish alcoholic and/or malt beverages, by appropriate retail package or retail drink licenses, to submit to and file with the City, a floor plan of the licensed premises which shall clearly indicate all points of entrance and exit. The floor plan shall be drawn on the form to be submitted to each licensee by the City.

(B) The licensee shall be required to supplement or update the floor plan, which shall be on file with the City, from time to time and in the event that the licensed premises shall undergo any change in the number of entrances and exits. The addition to or removal from any licensed premises of any entrance or exit shall be clearly indicated on the supplemental or updated floor plan.

(C) An entrance or exit shall be construed as a

door, opening or passageway that is or can be used as a point of ingress and egress to the licensed premise. (1995 Code, § 5.08.060)

§ 111.10 RETAIL PREMISES TO FURNISH CLEAR VIEW.

(A) (1) Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance, whether at street level or otherwise.

(2) No partition, box, stall, screen, curtain or other device shall be installed or placed so as to obstruct the view or the general observation of persons.

(3) However, partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing a view or the general observation of persons from the front inside entrance of the licensed premise.

(B) In the event the premises shall have a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

(C) The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

(1995 Code, § 5.08.110) Penalty, see § 111.99

§ 111.11 INSPECTION OF PREMISES.

(A) All licensed premises shall be subject to the entry of police and other duly authorized representatives of the City at all reasonable hours for the purpose of inspection and at all times during the operation of business at the licensed premises.

(B) The licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time, nor shall violations of any law be permitted thereon.

§ 111.12 DOORS TO REMAIN CLOSED.

(A) All establishments located in public rights-of-way with a liquor by the drink license shall be required to keep all doors to the premises closed, at all times during normal hours of operations.

(B) The doors to the premises may be opened, however, for the purpose of allowing a person or group of persons ingress and egress to the premise, so long as the door is closed immediately after each person or group of persons enters or leaves the premise.

(1995 Code, § 5.08.300) Penalty, see § 111.99

§ 111.13 POSSESSION OF ALCOHOLIC BEVERAGES IN OPEN CONTAINERS.

(A) No person shall possess an alcoholic beverage in any type of open container in a public place within the City.

(B) No person shall possess an alcoholic beverage in any type of open container upon City owned property, unless specifically permitted by permit, lease, contract or written agreement.

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

PUBLIC PLACE. The same as that set forth in KRS 525.010. There is specifically exempted herefrom any premises licensed to sell alcoholic beverages.

(1995 Code, § 5.08.120) (Ord. O-95-21, passed - -) Penalty, see § 111.99

TYPES OF LICENSES

§ 111.25 REQUIREMENT.

It shall be unlawful for any person to sell or dispense at retail or wholesale, or have in his possession for sale, or manufacture, distill, rectify, brew, blend or otherwise traffic in any alcoholic or

malt beverages within the City without first obtaining a license therefor. No person who conducts a place of business patronized by the public, who does not hold a license to sell distilled spirits, wine or malt beverages, shall permit any person to drink the same on the premises of the place of business.

(1995 Code, § 5.08.130) (Am. Ord. O-2001-40, passed 11-26-2001)

§ 111.26 BUSINESS AUTHORIZED BY MALT BEVERAGE LICENSES.

(A) A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in the license and to sell malt beverages produced under the license, at wholesale or at retail, from the licensed premises only. (1995 Code, § 5.08.140)

(B) A distributor's license shall authorize the licensee to purchase, import or store malt beverages and to sell them from the licensed premises only, to other distributors to retailers or to consumers for their personal use and not for resale. A separate distributor's license shall be required and must be obtained for each separate warehouse, agent distributor, broker, jobber or place of business from which orders are received or beverages are distributed unless it be a licensed brewery. (1995 Code, § 5.08.150)

(C) A retailer's license shall authorize the licensee to sell malt beverages at retail from the licensed premises only, for consumption on or off the premises, and to purchase malt beverages from licensed brewers or distributors only. (1995 Code, § 5.08.160)

(D) A microbrewery licence shall authorize the licensee to perform the following functions:

(1) Engage in the business of a brewer; provided that, production of malt beverages at the microbrewery shall not exceed 25,000 barrels in one year;

(2) Serve, on the premises, complimentary samples of malt beverages produced by the microbrewery in amounts not to exceed 16 ounces per patron, provided the microbrewery is located in wet territory; and

(3) Sell malt beverages produced on the premises of the microbrewery to licensed distributors. (Ord. O-2001-42, passed 11-26-2001)

§ 111.27 BUSINESS AUTHORIZED BY DISTILLED SPIRIT AND WINE LICENSES.

(A) A distiller's license shall authorize the licensee to engage in the business of a distiller at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he is permitted to manufacture or sell. (1995 Code, § 5.08.180)

(B) A rectifier's license shall authorize the licensee to engage in the business of a rectifier at the premises specifically designated in the license, and to transport for himself, only, the alcoholic beverages which he is permitted to manufacture or sell. (1995 Code, § 5.08.190)

(C) A blender's license shall authorize the licensee to process and produce traditional Kentucky whiskies exclusively, not exceeding 500 barrels annually. (1995 Code, § 5.08.200)

(D) A wholesaler's license shall authorize the licensee to purchase, receive, store or possess distilled spirits and wines, to sell them at wholesale, from the licensed premises only, and to transport from the licensed premises for himself alcoholic beverages which his license authorizes him to sell. (1995 Code, § 5.08.210)

(E) (1) A retailer's package license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail, in

unbroken packages only, and only for consumption off the licensed premises between the hours of 6:00 a.m. and 1:00 a.m. Monday through Saturday; and 11:00 a.m. to 1:00 a.m. on Sunday.

(2) The licensee shall purchase distilled spirits and wines in retail packages only and only from licensed wholesalers.

(3) He or she may sell only to consumers and may make deliveries only at the premises designated in his license.
(1995 Code, § 5.08.220)

(F) (1) Any retail drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wines at retail by the drink for consumption on the licensed premises. Such a licensee shall purchase distilled spirits and wines from licensed wholesalers only and unless he also holds a retail package license, he shall not buy or possess distilled spirits in containers of a capacity smaller than 20 ounces, but mixed drinks may be purchased in containers of a capacity not smaller than 12 ounces. A retail drink license shall not authorize the sale of distilled spirits or wines by the package.

(2) A regular retail drink license shall permit the sale of alcoholic beverages from 6:00 a.m. to 1:00 a.m. Monday through Sunday; and no such sale shall be permitted on Sunday unless the licensee holds a "special Sunday retail license."
(1995 Code, § 5.08.230)

(G) (1) Any person presently holding a retail or package license issued by the City for the sale of distilled spirits and wine may apply for a "special Sunday retail license."

(2) It is unlawful for any person to sell distilled spirits or wine on a Sunday without first having obtained the license.
(1995 Code, § 5.08.240)

(H) (1) Special private club licenses, which shall include both special private club liquor drink and/or special private club malt beverage licenses, may be issued to any non-profit social, fraternal, military or political organization or club, which for more than 1 year prior to the date of application has maintained and operated a club room or rooms from

which the general public is excluded, and shall authorize the licensee to purchase, receive, possess and sell distilled spirits, wines and/or malt beverages at retail by the drink for consumption on the licensed premises by members of the private club only. Members shall be defined as those persons having membership in any particular private club or organization pursuant to the by-laws thereof.

(2) The City, including officers of the Newport Police Department, shall be admitted to the club room or rooms for the purpose of making inspections of licenses, the licensed premises and to determine the compliance with all laws, ordinances and regulations pertaining to the sale, use and traffic in alcoholic beverages, without the necessity of a search warrant and the holders of any such licenses, by applying for and receiving the same, expressly waive the requirements of any search warrant for the making of the inspections aforesaid.

(3) Any special private club license shall not authorize the sale of distilled spirits, wine and/or malt beverages by the package. In addition to the restrictions and prohibitions provided herein, any club room or rooms provided for hereunder and this section must be separate and apart from any other premises licensed for the sale of malt beverages and distilled spirits and wine.
(1995 Code, § 5.08.250)

(I) (1) A special temporary distilled spirits and wine auction license may be issued to a charitable organization upon the payment of the fee set forth in § 111.51 and satisfaction of the requirements prescribed by ordinance.

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

(a) Purchase, transport, receive, possess, store, sell and deliver distilled spirits and wine to be sold at auction;

(b) Obtain distilled spirits and wine from distillers, rectifiers, vintners, wholesalers, distributors, retailer or any other person by gift or donation, for the purpose of charity auctions; and

(c) Receive payment for distilled

spirits and wine sold at auctions.

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

(4) (a) The location at which the distilled spirits and wine are auctioned under this section shall not constitute a public place for the purpose of KRS 222.

(b) Distilled spirits and wine auctions may be conducted on licensed or unlicensed premises.

(c) The charitable organization possessing a special temporary distilled spirits and wine auction license shall post of the license at the location of the auction. During this period, not more than one auction shall be held.

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

(6) All restrictions and prohibitions applying to a distilled spirits and wine retail package and distilled spirits and wine by the drink license, not inconsistent with this section, shall apply. (Ord. O-2001-49, passed 11-26-2001)

§ 111.28 BUSINESS AUTHORIZED BY RESTAURANT LICENSES.

(A) (1) A restaurant drink license shall authorize the licensee to purchase, receive, possess and sell distilled spirits, wine or malt beverages at retail by the drink for consumption on the licensed premises. The City may issue a restaurant drink license; provided, the license is for a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 100 persons or more at tables, and any applicant for the license shall submit to the City satisfactory proof that the facilities meet the above-stated criteria,

including, but not limited to a certification of seating capacity by the City's Fire Marshal's office or its equivalent; and, provided, further, that, upon the application for renewal, the licensee shall submit an annual report to the City indicating annual gross receipts from the sale of food and from the sale of alcoholic beverages.

(2) It is unlawful for any person to sell distilled spirits, wine or malt beverages by the drink for consumption on the licensed premises without having first obtained the license.

(3) This license shall not authorize the sale of distilled spirits, wine or malt beverages by the package. This license shall be issued by the City upon payment of the appropriate fee. (1995 Code, § 5.08.260) (Am. Ord. O-2001-43, passed 11-26-2001)

(B) (1) (a) A restaurant wine license shall authorize a licensee to purchase, receive and sell wine at retail for consumption on the licensed premises.

(b) The licensee shall purchase wine only from licensed wholesalers.

(2) A restaurant wine license shall only be issued to an applicant who is an owner or lessee of a restaurant which receives 50% or more of its gross annual income from the sale of food and has a minimum seating capacity of 50 people at tables.

(3) The issuance of a restaurant wine license shall also be subject to the limitations of KRS 243.032, 241.060(2) and 241.065. (1995 Code, § 5.08.270)

§ 111.29 BUSINESS AUTHORIZED BY SUPPLEMENTAL BAR LICENSES.

(A) A supplemental bar license shall authorize the licensee to sell distilled spirits or wine upon the showing of good cause to the City, at more than 1 bar on the premises for which the applicants of existing retail drink license was issued.

(B) Due to modern business practices in the large interior areas of some licensees, it may become necessary to provide more than 1 bar within an already

licensed premises in order to effectively serve the patrons at the premises.

(C) The City shall issue a supplemental bar license if the Alcoholic Beverage Control Administrator determines that a supplemental bar license should be permitted and upon payment of the appropriate fee.

(1995 Code, § 5.08.280)

§ 111.30 BUSINESS AUTHORIZED BY TEMPORARY LICENSES.

(A) (1) All rules and regulations herein incorporated or hereafter adopted by the City shall apply to such temporary licensee the same as a regular licensee.

(2) A temporary malt beverage license may be issued at the discretion of the City to any appropriate association, organization, club, lodge or fraternal organization or other entity by appropriate application therefor and upon payment of the appropriate fee. The license shall authorize the licensee to sell at retail only, and only from the specifically designated premises, malt beverages, for a definite period of time, not, however, to exceed 30 days.

(B) (1) A temporary distilled spirits and wine special temporary license or special temporary wine license may be issued at the discretion of the City to the same persons, under the same conditions and for the same period of time as a temporary malt beverage license, as stated above.

(2) This license shall authorize the licensee to sell, at retail, only, and from the specifically designated premises only, distilled spirits and wines, for consumption on the premises, except that the special temporary wine license shall apply to wine sales only.

(1995 Code, § 5.08.290) (Am. Ord. O-2001-45, passed 11-26-2001)

§ 111.31 BUSINESS AUTHORIZED BY CATERER'S LICENSE.

(A) For the purpose of this section, the following

definition shall apply unless the context clearly indicates or requires a different meaning.

CATERER. A corporation, partnership or individual that operates the business of a food service professional preparing food and beverages in a licensed and inspected commissary, transporting the food and beverages in a location selected by the customer away from the commissary premises and serving the food and beverages to the customer's guests.

(B) A caterer's license may be issued as a supplementary licence to a caterer that holds a retail package liquor license or a distilled spirits and wine by the drink retail license.

(C) The caterer's license may be issued to a caterer that does not meet the requirements of division (B) above for the premise that serves as the caterer's commissary. The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function.

(D) The caterer's license shall authorize the caterer to:

(1) Purchase and store alcoholic beverages;

(2) Transfer, sell, serve and deliver alcoholic beverages by the drink at locations away from the licensed premises in conjunction with the catering of food and beverages for a customer and his guests;

(3) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a function catered by the licensee; and

(4) Receive payment for alcoholic beverages served at a function on a by-the-drink or by-the-function basis. The caterer may bill the host for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.

(E) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverages or special temporary licenses have been issued.

(F) The location at which alcoholic beverages are sold, served and delivered by a caterer, pursuant to this section shall not constitute a public place. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from public place provisions.

(G) The caterer licensee shall post a copy of his caterer's license at the location of the function for which alcoholic beverages are catered.
(Ord. O-2001-44, passed 11-26-2001)

**§ 111.32 BUSINESS AUTHORIZED BY
MOTEL LIQUOR DRINK LICENSE.**

(A) The City may issue a retail drink licensee for an outlet in a hotel, inn or motel for accommodation of the traveling public that is designed primarily to serve transient patrons.

(B) An applicant shall submit to the City satisfactory proof that the facility shall accommodate sufficient patrons to sustain the operation of a retail drink outlet. The facility shall contain:

- (1) Not less than 50 sleeping units;
- (2) Dining facilities for not less than 100 persons;
- (3) Receive not less than 50% of its gross annual alcoholic beverage and food receipts from the sale of food; and
- (4) Have not less than 25,000 square feet of parking space.
(Ord. O-2001-46, passed 11-26-2001)

**§ 111.33 BUSINESS AUTHORIZED BY
HOTEL IN-ROOM SERVICE LICENSE.**

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

HOTEL. Any hotel, motel, inn or other establishment which offers overnight accommodations to the public for hire.

IN-ROOM SERVICE. The delivery of alcoholic beverages in unbroken packages by an emcee of the hotel to a registered guest's room when the alcoholic beverages have been ordered by a guest and when the guest shall be billed for the cost of the alcoholic beverages at the time of delivery, with all sales of the alcoholic beverages being completed upon delivery; and, additionally, the provision of a cabinet or other facility located in a hotel guest's room which contains alcoholic beverages and which is provided upon written request of the guest and which is accessible by lock and key or remote control device only to the guest, with the sale of the alcoholic beverages contained therein being final at the time requested, except for a credit which may be given to the guest for any unused portion. The licensee may stock a cabinet or other facility located in a hotel guest's room pursuant to this section, with 50 milliliter containers of distilled spirits.

(B) The City may issue a hotel in-room service license to any hotel which is licensed to sell distilled spirits, wine and malt beverages upon the payment of the fee set forth in § 111.51. The license shall authorize the licensee to sell distilled spirits, wine and malt beverages by in-room service. The sale of alcoholic beverage by in-room service shall be subject to all restrictions and limitations contained in KRS 241 to 244, and the administrative regulations issued under those chapters, and shall be authorized only on the days and only during the hours as the sale of alcoholic beverages is otherwise authorized in the City.
(Ord. O-2001-47, passed 11-26-2001)

**§ 111.34 BUSINESS AUTHORIZED BY
RIVERBOAT LIQUOR DRINK LICENSE.**

(A) A specials license may be issued for the retail sale of distilled spirits, wine and malt beverages for consumption on the premises of any boat or other vessel licensed by the United States Coast Guard to carry 100 or more passengers for hire on navigable waters in or adjacent to the state.

(B) Each boat or vessel must have a regular place of mooring in the City.

(C) The issuance of the license shall be at the discretion of the City.

(D) The licenses issued hereunder shall not be transferable to other premises.

(E) Any time a boat or vessel licensed under this section moors or makes landfall in a location other than its regular place or mooring in the City, all alcoholic beverages must be kept locked pursuant to the requirements of City ordinance.

(F) Except as provided herein, licenses issued under this section shall be governed by all the state statutes and City ordinances governing licensed premises in the regular place or mooring. (Ord. O-2001-48, passed 11-26-2001)

§ 111.35 LIMITED SPECIAL OUTDOOR EVENTS.

The City Manager may grant, in writing, upon application to the City's Alcoholic Beverage Control Administrator, no later than 14 days prior to the commencement date of any limited special outdoor event, the sale of distilled spirits, malt beverages or wine, by any valid license holder, at such limited special outdoor event, the parameters of which shall be determined by and coordinated with the Alcoholic Beverage Control Administrator, which shall include, but not be limited to the size and proposed location, access for ingress and egress, availability of parking, security and fees or admission charges. (1995 Code, § 5.08.294) (Ord. O-2001-12, passed - -)

LICENSING PROCEDURE

§ 111.50 APPLICATION; ORIGINAL LICENSE; RENEWAL AND DORMANT LICENSES.

(A) Every person desiring to engage in any business for which a license is provided for herein shall, for the initial license, first apply to the City for such required license. The application shall be in writing, on forms furnished by the City, shall be notarized, and shall include the following information:

(1) The name, age, address and residence of each applicant and if there be more than 1 and they are

partners, the partnership name and address, or, if doing business under an assumed name, the name under which the business is intended to be conducted;

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of that interest, and, if the applicant is a corporation, the names, addresses and ages of each officer, director and managerial employee, and the state under the laws of which the corporate applicant is incorporated; (The City may, at discretion, require also the names of all stockholders.)

(3) The premises to be licensed, stating the street and number, if the premises has a street number, and otherwise such a description as will reasonably indicate the location of the premises; (The applicant shall also state the nature of the interest in the premises and the name, age and address of any other person, either as principal or associate, who is interested with the applicant, either in the premises or in the business to be licensed.)

(4) (a) A statement that neither the applicant nor any other person referred to in this section has been convicted of any felony until five years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the 2 years immediately preceding the application or if any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the 2 years immediately preceding the application; and that he has not had any license that has been issued to him under any alcoholic beverage statute or ordinance revoked for cause within 2 years prior to the date of his application. (It shall be the duty of the City's Police Department, through its Chief of Police, to investigate the criminal record of the applicant, if any, before affixing his signature of approval to the application. His or her signature shall constitute verification that the applicant has not violated any of the provisions of this section.)

(b) If the Chief of Police shall find such a violation of this section to exist, he shall immediately notify the City of the same and refuse to sign the application. Such shall be sufficient grounds for denial of the requested liquor license.

(5) A statement that the applicant will, in good faith, abide by every statute and ordinance relating to the manufacture, sale and transportation of alcoholic beverages that may be in force in the location at which he seeks to do business, as well as all regulations of the state's Alcoholic Beverage Control Board and all regulations of the City;

(6) (a) The City shall be required to give notice to each owner/occupier of real estate parcels within a radius of 200 feet of the place in which the sales are proposed to be made, by certified mail, giving notice of the proposed operation of the business. The costs of the certified mailing will be the responsibility of the applicant

(b) An owner/occupier of a real estate parcel to whom notice shall be given under this section shall be construed as one individual person who is vested the ownership or title or partial ownership or title to the real estate parcel within the prescribed radius and who is also an actual occupier living within the residence or structure located upon the real estate parcel within the prescribed radius. Any owner of a real estate parcel within the prescribed radius who does not actually reside upon the parcel or any occupier of the residence or structure upon the parcel who does not own or partially own the same shall not qualify.

(c) The measurement of the prescribed radius, that being 200 feet from the place in which the sales are proposed to be made, shall be taken in a straight line from the nearest outside wall of the building on the licensed premises to the nearest outside wall of the residence or habitable structure on the owner/occupier real estate parcel.

(d) If any owner/occupier shall object to the operation of the business, in writing, to the City within 15 days after mailing of the notice of intent by certified mail by the applicant, the City shall be required to hold a public hearing to evaluate public sentiment before issuance or denial of the license. Failure of any owner/occupier to receive and/or sign

for certified mail notice from the applicant shall not act to invalidate any decision of the City.

(7) The signature of the owner/occupier of the premises wherein the sales are proposed to be made;

(8) (a) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement, in writing, giving notice of the change shall be filed with the City within 10 days after the change. The word "change," with reference to corporate licensees, is construed to include any change of directors or officers of the corporation, or a change in ownership of stock whereby any person secures 10% of the outstanding stock or effects a transfer of the percentage of stock; transfer of more than 10% of the total stock shall require a new license.

(b) The following information will be required concerning any new director, officer or person securing any interest in an alcoholic beverage license:

1. Name and address;
2. Nature of interest;
3. Whether or not a citizen of the City;
4. Date of birth;
5. Date residence was established in Newport, if a resident thereof;
6. Whether or not he has any interest in any other license or corporation holding a license under this section;
7. A full statement concerning the extent of stock ownership, including the amount thereof, the person from whom the stock was obtained and the extent of any managerial authority in the person; and

8. The name and address of a person resident within the City upon whom notices, citations or other process with reference to the alcoholic beverage license may be served.

(c) The foregoing information shall be filed with the City as an amendment to any previous application pursuant to which the license was granted and shall be considered by the City as an application for a new license.

(d) Any such information shall be conclusively presumed to be correct and shall be deemed material in any subsequent prosecutions.

(9) Such other information as the City may require.
(1995 Code, § 5.08.320) (Am. Ord. O-2001-51, passed 11-26-2001; Am. Ord. O-2001-52, passed 11-26-2001)

(B) Application for the renewal of a pre-existing license shall be made to the City upon payment of the established fees therefor.

(C) The placement of any pre-existing license into dormancy shall be determined by the rules and regulations promulgated of the Kentucky Alcoholic Beverage Control Board.

§ 111.51 FEES.

(A) For the privilege of manufacturing and/or trafficking in alcoholic beverages within the corporate limits of the City, the following licenses are provided, the fees for which shall be as herein indicated:

<i>License Type</i>	<i>Per Annum</i>
Malt beverage licenses	
Brewer's license	\$500
Distributor's license	\$400
Retailer's license	\$200
Microbrewery	\$500
Distilled spirits and wine licenses	
<i>License Type</i>	<i>Per Annum</i>

Distiller's license	\$500
Rectifier's license	\$3,000
Blender's license	\$3,000
Wholesaler's license	\$3,000
Retailer's package license	\$1,000
Retailer's regular drink license	\$1,000
Special private club license	\$300
Restaurant wine license	\$400
Sunday sales license	\$300
Supplemental bar licenses	\$1,000
Restaurant drink license (1:00 a.m.)	\$1,000
Motel liquor drink license	\$1,000
Caterer's license	\$800
Riverboat license	\$1,200
Temporary licenses, per event	
Temporary malt license	\$25
Temporary liquor license	\$50
Special temporary wine license	\$50
Distilled spirits and wine auction license	\$50

(B) A non-refundable application fee of \$50 shall be charged to process each new application under this section. The application fee shall be applied to the licensing fee if the application is approved and shall be retained by the City's Finance and Administration Department if the application is denied him the City or voluntarily withdrawn by the applicant.
(1995 Code, § 5.08.340) (Am. Ord. O-2001-53, passed 11-26-2001)

§ 111.52 RENEWALS.

All licenses to sell alcoholic beverages in the City will be renewable based on the renewal date established by the Kentucky Department of Alcoholic Beverage Control, which is November 1 of each year. The regular licensing period will be November 1 to October 31 of the following year.

(1995 Code, § 5.08.345) (Ord. O-2001-19, passed --)

§ 111.53 PRORATION.

(A) When any person applies for a new license authorized to be issued under this chapter, he shall be charged, if the license is issued, the full fee for the respective license if 6 months or more remain before the license is due to be renewed and 1/2 the fee if less than 6 months remain before the license is due to be renewed.

(B) No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(1995 Code, § 5.08.350) (Am. Ord. O-2001-54, passed 11-26-2001)

§ 111.54 INVESTIGATION AND ISSUANCE.

(A) The City Alcoholic Beverage Control Administrator shall be satisfy that each application is in proper form and shall thereafter make an investigation of the party applicant and the premises sought to be licensed.

(B) If the Alcoholic Beverage Control Administrator considers that a license shall issue he shall authorize and cause to be issued to the applicant the appropriate license.

(1995 Code, § 5.08.370)

§ 111.55 DENIAL TO DELINQUENT TAXPAYERS.

The City shall not issue or renew or transfer City licenses for any license provided for herein to or from any person who is delinquent in the payment of his water, rent or rates; or who is delinquent in the payment of personal property taxes levied and assessed against property which is used or contemplated to be used in the licensed premises; or who is delinquent in the payment of real property taxes levied and assessed against the real estate which is used or contemplated to be used in the licensed premises; or who is delinquent in the payment of any City payroll tax so due and owing; or who is delinquent in the payment of any City occupational license tax so levied and assessed; or who is delinquent in the payment of any other remaining City taxes or fees, until the delinquencies shall have been eliminated.

(1995 Code, § 5.08.380) (Am. Ord. O-2001-55, passed 11-26-2001)

§ 111.56 TRANSFERS AND NAME CHANGES; FEES.

(A) An application for a transfer of a license shall be considered as an initial application. No license, therefor, shall be transferred from 1 person to another, or from 1 location to another, until the applicant shall have complied with all the provisions of § 111.50(A). No transfer shall be made or application for transfer acted upon after either the applicant or the license holder has been charged with a violation of any provision of this chapter until the time as the charge shall have been finally disposed of. When authorized, the City shall issue all transfers or name changes.

(B) The fee for a change of a name of any licensed premise provided for herein shall be \$25.

(C) The fee for a transfer of any license is the same as the established in §§ 111.51 and 111.52.

(1995 Code, § 5.08.400) (Am. Ord. O-2001-56, passed 11-26-2001)

§ 111.57 DUPLICATES.

Whenever a license shall have been lost or destroyed, without fault or negligence on the part of the holder thereof, a duplicate may be issued therefor by the City's License Inspector, upon proper proof of the loss or destruction, upon payment of a fee of \$1. (1995 Code, § 5.08.410)

§ 111.58 EXTENDED HOURS PERMIT.

(A) No person shall operate or maintain a business establishment within the City permitting the sale of any alcoholic beverages between the hours of 1:00 a.m. and 2:30 a.m. without first obtaining an extended hours permit (EHP) from the City license inspector who shall be responsible for the issuance of all such permits.

(B) (1) All applications for an extended hours permit shall be in writing and made directly to the City's License Inspector. Applications can be obtained from the City's Finance and Administration Department. The City's License Inspector shall request a confidential police report and recommendation from the Chief of Police with respect to the considered applicant's eligibility and the written certification of approval from the City's Zoning Administrator.

(2) In order to be eligible for an extended hours permit, the applicant must have a current and valid City and state alcoholic beverage license for the sale of liquor by the drink, retail or package.

(3) All fees and license charges in connection with the applicant's business establishment due to the City, including annual minimum occupational license, must be paid before an applicant shall be considered.

(4) Effective upon the passage of this section, no new permits shall be issued without the

written certification of the City's Zoning Administrator upon the application that the proposed site requesting issuance of the permit is not located within any residential zone of the City. All existing extended hours permits in residential zones are hereby grandfathered and may be transferred to a new owner at the same location.

(5) No applicant shall be granted an extended hours permit who has been convicted of any felony until 5 years have passed from the date of conviction, release from custody or incarceration, parole or termination of probation, whichever is later or of any misdemeanor described under KRS 218A.050 through 218A.130 in the 2 years immediately preceding the application; or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the 2 years immediately preceding the a application.

(6) No applicant shall be granted an extended hours permit unless the person is an actual resident of the state or is a corporation licensed to do business within the commonwealth.

(7) The approval or denial of any extended hours permit application shall be made by the City's License Inspector.

(8) The City License Inspector, for just cause, may delay the issuance of any requested extended hours permit for a period of time not to exceed 45 days.

(C) Persons holding extended hours permits prior to the enactment of this section shall be granted the privilege of continuing operation without regard to the zoning requirements of division (B)(4) of this section.

(D) The fee for an extended hours permit shall be \$2,000 per year, effective for 2005/2006 license period and shall be increased to \$3,000 per year, for every year thereafter, payable on or before November 1 of each year.

(E) When any person applies for a new permit authorized to be issued under this section, he shall be charged, if the license is issued, the full fee for the

respective license if 6 months or more remain before the license is due to be renewed and 1/2 the fee if less than 6 months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(F) Proceeds of the permit fees so collected shall be deposited in the City's general fund account.

(G) All applications and permits issued pursuant to the provisions herein shall contain the following:

- (1) Name and address of applicant;
- (2) Number of the permit;
- (3) Street address of the licensed premises which holds the permit;
- (4) The name and address of the owner of the building, business establishment or licensed premises in which the permit is located;
- (5) The expiration date of the permit; and
- (6) A statement that the permit shall not be a property right, and that it may be revoked or suspended, at any time, pursuant to the law.

(H) All permits issued herein shall be accepted by the applicant subject to the following.

(1) No licensee shall sell any alcoholic beverages between the hours of 2:30 a.m. and 6:00 a.m. Monday through Saturday, or from 2:30 a.m. to 11:00 a.m. on Sunday.

(I) (1) No live entertainment shall be permitted after 11:00 p.m. on Sunday through Thursday, or after 1:00 a.m. on Friday and Saturday for those establishments located in a residential zone.

(2) All extended hours permit holders shall make every reasonable effort to arrange for orderly closing of the establishment, including, but not limited to instructions to customers and patrons that they should depart the licensed premises in a quiet and orderly fashion.

(3) All extended hours permit holders shall regulate noise levels to assure that noises emanating from the establishment do not disturb the surrounding residents.

(4) All extended hours permit holders shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in the conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, using excessive profanity or trespassing upon private property in the immediate area.

(5) If the City's License Inspector, upon review and a hearing, shall find repeated violations of divisions (I)(1) through (4), he may suspend or fail to renew any existing extended hours permit.

(J) (1) It shall be the responsibility of the City's License Inspector to investigate initial applications, to investigate transfers and renewals of existing extended hours permits and to investigate and make determinations upon suspensions and/or revocations of the extended hours permits. He shall also make determinations upon verified complaints, filed with the City's Finance and Administration Department, from citizens or upon complaints received by the Police Department or other enforcement personnel regarding the violation of law by an extended hours permit holder for the purpose of issuing suspensions and/or revocations of the same.

(2) The City's License Inspector shall conduct an annual review before the renewal of any extended hours permit and if it is found, upon the review, that the extended hours permit holder has had three or more criminal violations occur at the business establishment and/or within the licensed premises, within the annual period, upon a hearing, he shall revoke the extended hours permit, and no renewal of the same shall be granted.

(3) The decision of the City's License Inspector shall be reduced to writing. In the event that the City's License Inspector shall deny any initial application for an extended hours permit or, at his discretion, delay the issuance thereof, or shall revoke or suspend any existing extended hours permit, for cause, or shall fail to renew any existing extended hours permit, the applicant or holder shall be permitted to appeal the decision of the City's License Inspector to the City Manager, in writing, within ten days of the decision. The City Manager shall have the final determination and shall notify the applicant or holder of his decision, in writing, within 10 days thereof. If the City Manager shall approve the appeal, he shall instruct the City's License Inspector to grant the initial application or issue or renew the existing permit. In the event of further denial of the initial application or suspension or revocation of the existing permit, the applicant or holder shall be notified of his right to further appeal to the Campbell Circuit Court within 30 days thereof..

(K) Whenever transfer of an extended hours permit to a different transferee is proposed at the same location, the extended hours permit may be transferred only if the transferee meets all eligibility requirements herein and if the transferee has the approval of the City's License Inspector.

(L) The time changes brought into effect by the provisions of Daylight Savings Time shall have no effect upon the hours of operation of establishments operating within an extended hours permit and such establishments shall be permitted to remain open and operating for the additional hour, lost or gained, as if the same did not exist. Therefore, at 2:00 a.m. on the day when Daylight Savings Time takes effect and the hour advances to 3:00 a.m., those establishments operating within an extended hours permit shall be permitted to remain open for business until 3:30 a.m. Eastern Daylight Time. They shall, however, be required to close the business immediately thereafter. At 2:00 a.m. on the day when Daylight Savings Time changes back to Eastern Standard Time and the hour reverts to 1:00 a.m., those establishments operating with an extended hours permit shall be permitted to remain open for business until 1:30 a.m. Eastern Standard Time. They shall, however, be required to close the business immediately thereafter. On the day immediately following each, the hours of operation for establishments operating with an extended hours

permit shall be required to return to the normal operating hours of 1:00 a.m. to 2:30 a.m. Eastern Daylight Time or Eastern Standard Time, whichever is applicable. The purpose of this division (M) is to enable extended hours permit holders to continue normal business operating hours, in terms of the usual actual time they are open, without regard to the time changes brought about by the conversion to and from Eastern Daylight Time and Eastern Standard Time. (1995 Code, § 5.08.420) (Am. Ord. O-2001-58, passed 11-26-2001; Am. Ord. O-2001-59, passed 11-26-2001; Am. Ord. O-2001-60, passed 11-26-2001) Penalty, see § 111.99

§ 111.99 PENALTY.

Any person, firm, organization, or corporation who violates any of the provisions of this chapter shall, upon conviction be guilty, of a Class B misdemeanor in accordance with the Kentucky Revised Statutes.

SUMMARY NEWPORT ORDINANCES

1.) Closing Times/Extended Hours Permit 5.08.30

Newport has two classifications of closing times. Retail beer and liquor licenses permit a closing hour to 1:00AM. Any business that wishes to stay open to the latest closing time of 2:30AM must obtain what we term an Extended Hours Permit.

2.) Removal of Alcohol from License Premise/Consumption on Parking Lots/Sale of Cups of Ice with Package Liquor. 5.08.80

These regulations were passed to deal with a problem we were having with some businesses that had both a liquor drink license and a package license. These businesses were selling package liquor with cups of ice and permitting the consumption of this liquor on their parking lots. This practice was leading to disorderly conduct and disruption of other businesses in the area.

3.) Solicitation of Drinks by Employees.5.08.100

This ordinance was passed to deal with the problem of the solicitation of prostitution by employees of some businesses. The solicitation usually did not involve the offer of sex for a certain amount of money but on the patron buying the employee an expensive drink (\$ 50.00 to \$ 100.00). The proceeds of the transaction were shared by the employee and the owner.

4.) Unreasonable Noise. 8.28.010

This law was designed to provide a standard procedure for handling complaints about the volume level of music being played at certain businesses. KRS 244.120 prohibits “ unreasonable noise “ but does not define what “ unreasonable “ is. Our ordinance defines 85 decibels as the standard. We have also purchased the necessary equipment for measuring the decibels.

5.) Registration of Employees. 5.08.070

This ordinance was adopted to ensure that any one hired to sell alcoholic beverages met the qualifications of KRS 243.100 and 244.090 and that employees on premise after closing time could be easily identified as such. This ordinance was challenged and upheld by the U.S. Supreme Court.

6.) Nude Activity Prohibited. 9.12.010

This ordinance was designed to regulate dance routines in adult entertainment establishments that sold alcoholic beverages. It was also challenged and upheld by the U.S. Supreme Court.

COMMISSIONERS ORDINANCE NO. 0-91-

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE CITY OF NEWPORT, KENTUCKY, AMENDING SECTION IA OF COMMISSIONERS ORDINANCE 0-89-40 TO PROHIBIT EMPLOYEES OR INDEPENDENT CONTRACTORS OF ESTABLISHMENTS WITH A LIQUOR BY THE DRINK LICENSE, FROM SOLICITING PATRONS TO PURCHASE ANY BEVERAGE FOR CONSUMPTION BY ANY EMPLOYEE OR INDEPENDENT CONTRACTOR OF THE LICENSED LIQUOR ESTABLISHMENT.

BE IT ORDAINED BY THE CITY OF NEWPORT, KENTUCKY:

SECTION I

That Section IA of Commissioners Ordinance 0-89-40, designated as Section 4.11 of the Code of Ordinances, duly passed by the Board of Commissioners of the City of Newport, Kentucky on May 15, 1989, is hereby amended to read as follows:

"Section 4.11 Consumption of Alcoholic Beverages by Employees.

(a). That it shall be unlawful for any employee or independent contractor of an establishment with a liquor by the drink license, to solicit patrons of said establishment to purchase any alcoholic beverage for consumption by the any employee or independent contractor of the establishment with the liquor by the drink license."

SECTION II

That this Ordinance shall be signed by the Mayor, attested by the City Clerk, recorded, published and effective upon publication.

PASSED: First reading - 4-1-91

PASSED: Second reading

MAYOR STEVEN GOETZ

ATTEST:

FRANK PELUSO, CITY CLERK

PUBLISHED: In full in the Campbell County Recorder, the
_____ day of _____, 1989.

drinksol.ac

5.08.350	Proration.
5.08.360	Disposition of funds.
5.08.370	Investigation and issuance.
5.08.380	Denial to delinquent taxpayers.
5.08.390	Use of premises by private organization.
5.08.400	Transfers and name changes—Fees.
5.08.410	Duplicates.
5.08.420	Extended hours permit.
5.08.430	Violations—Penalties.

ARTICLE 1. GENERAL PROVISIONS

5.08.010 Definitions.

Unless the context of the provision requires otherwise, and in addition to the definitions and rules of construction set out in Section 1.08.020 of this code, the definitions contained in Sections 241.010 and 243.010 of the Kentucky Revised Statutes are adopted as the meaning of such words used in this chapter. (Prior code § 4-1)

5.08.020 Incorporation of statutory provisions.

So much of Chapters 241, 242, 243 and 244 of the Kentucky Revised Statutes as may apply and be pertinent to cities of the second class in this state are incorporated herein and made a part hereof by reference thereto as fully and as effectually as though copied verbatim herein. (Prior code § 4-2)

5.08.030 Hours, days of operation.

A. No holder of a retail malt beverage license or a temporary malt beverage license, or any of his agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have, possess, use or consume on or about the licensed premises any malt beverage; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of such licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 12:00 noon Sunday, except as otherwise permitted in subsection (C) of this section.

B. No holder of a retailer's regular drink license or a temporary liquor license, or any of his agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to have possession, use or consume on or about the licensed premises any vinous or distilled beverages;

nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of such licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. to 1:00 p.m. on Sunday.

C. No holder of a retailer's package license, or any of his agents, servants or employees, or any other person or persons having control of the premises, shall sell, give away, dispense, deliver, furnish or allow any patron, customer or any other person to purchase distilled spirits and wines; nor shall the premises remain open for any purpose; nor shall any patron, customer or other person, other than the licensee, or an actual, bona fide employee of such licensee, actually then employed and actually then at work, be permitted in or upon the licensed premises between 1:00 a.m. and 6:00 a.m. of each week day, and from 1:00 a.m. Sunday to 6:00 a.m. Monday.

D. However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the city, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatus connected with his business as a licensee, and such area shall be kept locked during this period of time. (Prior code § 4-4)

5.08.040 Misrepresentation of age.

A. It is unlawful for any person under the age of twenty-one (21) years to make any false statement or to present any false or incorrect documents relating to his or her age for the purpose of securing, buying, obtaining or procuring in any manner whatsoever any alcoholic or malt beverage.

B. Upon conviction for violating subsection (A) of this section, such person shall be fined a sum not to exceed nineteen dollars (\$19.00) and the costs of prosecution. (Prior code § 4-5)

5.08.050 Temporary suspension of sale.

That the board of commissioners shall have the right at any time, by resolution, to suspend the sale, furnishing, or delivery of alcoholic beverages for consumption on the premises, throughout the entire city, or any portion thereof particularly described in such resolution whenever said board considers such action necessary by reason of a serious public emergency such as riot, insurrection, pestilence, epidemic, or any catastrophe of such proportions

zation or group to which said licensed premises are provided, the address of the individual or group, date and time of such event, and such other information as the city alcoholic beverage control administrator may, from time to time require with reference thereto, except special private club licenses are excluded from the compliance with this provision. (Prior code § 4-64)

5.08.400 Transfers and name changes—Fees.

A. An application for a transfer of a license shall be considered as an initial application. No license, therefore, shall be transferred from one person to another, or from one location to another, until the applicant shall have complied with all the provisions of Section 5.08.320. No transfer shall be made, or application for transfer acted upon after either the applicant or the license holder has been charged with a violation of any provision of this chapter, until such time as said charge shall have been finally disposed of. When authorized, the city alcoholic beverage control administrator shall issue all transfers or name changes.

B. The fee for a change of a name of any licensed premise provided for herein shall be twenty-five dollars (\$25.00).

C. The fee for a transfer of any license provided for herein shall be according to the following schedule:

Liquor Drink, 1:00 a.m.

July—June	\$ 500.00
August—June	458.33
September—June	416.66
October—June	374.99
November—June	333.32
December—June	291.65
January—June	250.00

Beer

July—June	\$ 200.00
August—June	183.34
September—June	166.68
October—June	150.02
November—June	133.36
December—June	116.70
January—June	100.00

Special Sunday Drink

July—June	\$ 150.00
August—June	137.50
September—June	125.00
October—June	112.50
November—June	100.00
December—June	87.50
January—June	75.00

Package Liquor

July—June	\$ 600.00
August—June	550.00
September—June	500.00
October—June	450.00
November—June	400.00
December—June	350.00
January—June	300.00

(Prior code § 4-65)

5.08.410 Duplicates.

Whenever a license shall have been lost or destroyed, without fault or negligence on the part of the holder thereof, a duplicate may be issued therefor by the city license inspector, upon proper proof of such loss or destruction, upon payment of a fee of one dollar (\$1.00).

(Prior code § 4-66)

5.08.420 Extended hours permit.

A. Permit Required. No person shall operate or maintain a business establishment within the city permitting the sale of any alcoholic beverages between the hours of 1:00 a.m. and 2:30 a.m. without first obtaining an extended hours permit (EHP) from the city license inspector who shall be responsible for the issuance of all such permits.

B. Eligibility and qualifications of extended hours permit holders.

1. All applications for an extended hours permit shall be in writing and made directly to the city license inspector. Applications can be obtained from the city finance department. The city license inspector shall request a confidential police report and recommendation from the chief of police with respect to the considered applicant's eligibility and the written certification of approval from the city's zoning administrator.

2. In order to be eligible for an extended hours permit the applicant must have a current and valid city and state alcoholic beverage license for the sale of liquor by the drink, retail or package.

3. All fees and license charges in connection with the applicant's business establishment due to the city, including annual minimum occupational license, must be paid before an applicant shall be considered.

4. Effective upon the passage of this section, no new permits shall be issued without the written certification of the city zoning administrator upon the application that the proposed site requesting issuance of such permit is not located within any residential zone of the city.

5. No applicant shall be granted an extended hours permit who has been convicted of any felony or any misdemeanor relating to the use of alcoholic beverages

within two years prior to the submission of the application.

6. No applicant shall be granted an extended hours permit unless such person is an actual resident of the state or is a corporation licensed to do business within the Commonwealth of Kentucky.

7. The approval or denial of any extended hours permit application shall be made by the city license inspector.

C. Grandfather Clause. Persons holding extended hours permits prior to the enactment of this section shall be granted the privilege of continuing operation without regard to the zoning requirements of subsection (B)(4) of this section.

D. Permit Fee. The fee for an extended hours permit shall be one thousand dollars (\$1,000.00) per year, payable on or before July 1st of each year.

E. Proration of Fees. Fees collected for the purchase of extended hours permits, whether original permits or transfers of existing permits, after the first day of July of the license year, shall be prorated by one-twelfth ($\frac{1}{12}$) of the total fee for each full month thereafter; provided, however, not for less than one-half ($\frac{1}{2}$) of the annual fee.

F. Disposition of Revenue. Proceeds of the permit fees so collected shall be deposited in the city's general fund account.

G. Application Requirements. All applications and permits issued pursuant to the provisions herein shall contain the following:

1. Name and address of applicant;
2. Number of the permit;
3. Street address of the licensed premises which holds the permit;
4. The name and address of the owner of the building, business establishment or licensed premises in which the permit is located;
5. The expiration date of the permit;
6. A statement that the permit shall not be a property right, and that it may be revoked or suspended, at any time, pursuant to the law.

H. Conditions of Permit. All permits issued herein shall be accepted by the applicant subject to the following:

1. That the licensed premises shall be subject to the entry of police and other duly authorized representatives of the city at all reasonable hours for the purpose of inspection and at all times during the operation of business at the licensed premises;
2. That the licensed premises shall, at all times, be conducted in an orderly manner and no indecent conduct shall be allowed at any time, nor shall violations of any law be permitted thereon;

3. That no alcoholic beverages shall be sold or dispensed to any minor. No licensee shall sell, give away, furnish or permit to be drunk upon the premises any alcoholic beverages between the hours of 2:30 a.m. and 6:00 a.m., or any time during the hours of a Sunday after 2:30 a.m. or on any regular or primary election day while the election polling places are open and that, during the time periods referred to herein, no person shall be present upon the premises of the establishment licensed for the sale of alcoholic beverages except the owner and/or his authorized employees and agents.

4. However, any premises for which there has been issued a license for the sale of distilled spirits, malt beverages or wine, by the city, after normal hours of operation under the particular license held has expired, may remain open only so long as the licensee provides a separate area within the licensed premises which is capable of being locked and closed-off, within which shall be kept all stocks of distilled spirits, malt beverages and wine, and all apparatuses connected with his business as a licensee, and that such area shall be kept locked during this period of time.

I. Specific Regulations for Extended Hours Permit Holders.

1. No live entertainment shall be permitted after 11:00 p.m. on Sunday through Thursday, or after 1:00 a.m. on Friday and Saturday for those establishments located in a residential zone.

2. All extended hours permit holders shall make every reasonable effort to arrange for orderly closing of the establishment, including, but not limited to, instructions to customers and patrons that they should depart the licensed premises in a quiet and orderly fashion.

3. All extended hours permit holders shall regulate noise levels to assure that noises emanating from the establishment do not disturb the surrounding residents.

4. All extended hours permit holders shall regulate the conduct of their patrons, if possible, to assure that upon their departure from the licensed premises they do not disturb the surrounding residents by engaging in such conduct as urinating in the street, fighting, drinking at the curb or directly outside the licensed premises, breaking bottles on the sidewalk or in the street, littering the immediate area with debris, using excessive profanity or trespassing upon private property in the immediate area.

5. If the city license inspector, upon review, shall find repeated violations of subsections (1) through (4) of this subsection (I), he may suspend or fail to renew any existing extended hours permit.

J. Determination by City License Inspector and Appeal.

1. It shall be the responsibility of the city license inspector to investigate initial applications, to investigate transfers and renewals of existing extended hours permits and to investigate and make determinations upon suspensions and/or revocations of such extended hours permits. He shall also make determinations upon verified complaints, filed with the city license department, from citizens or upon complaints received by the police department or other enforcement personnel regarding the violation of law by an extended hours permit holder for the purpose of issuing suspensions and/or revocations of the same.

2. The city license inspector shall conduct an annual review before the renewal of any extended hours permit and if it is found, upon such review, that the extended hours permit holder has had three or more criminal violations occur at the business establishment and/or within the licensed premises, within such annual period, he shall revoke the extended hours permit, and no renewal of the same shall be granted.

3. The decision of the city license inspector shall be reduced to writing. In the event that the city license inspector shall deny any initial application for an extended hours permit, or shall revoke or suspend any existing extended hours permit, for cause, or shall fail to renew any existing extended hours permit, the applicant or holder shall be permitted to appeal the decision of the city license inspector to the board of commissioners, in writing, within ten days of such decision. A date and time for such hearing shall be established by the board of commissioners with notice of the same to be mailed to the applicant or holder, at the address listed on the application or permit, within seven days thereof. Upon hearing, the board of commissioners shall have the final determination. The extended hours permit holder or applicant will have the opportunity to present evidence in his own defense at any hearing against the extended hours permit and shall have the right to be represented by an attorney.

K. Transferability.

1. Any individual holding an extended hours permit may transfer such permit to any new location within the city which he will own and operate.

2. Whenever transfer of an extended hours permit to a different transferee is proposed at the same location, the extended hours permit may be transferred only if the transferee meets all eligibility requirements herein and if the transferee has the approval of the city license inspector.

L. Penalty. Any person who violates any provision of this section shall be fined in the amount of not less than fifty dollars (\$50.00), nor more than five hundred

dollars (\$500.00). Such penalties shall be an addition to any penalty imposed by revocation and/or suspension of the extended hours permit by the board of commissioners of the city. Each and every violation of this section shall constitute a separate offense and shall be punishable as such.

M. Time Changes. The time changes brought into effect by the provisions of Daylight Saving Time shall have no effect upon the hours of operation of establishments operating within an extended hours permit and such establishments shall be permitted to remain open and operating for the additional hour, lost or gained, as if the same did not exist. Therefore, at 2:00 a.m. on the day when Daylight Savings Time takes effect and the hour advances to 3:00 a.m., those establishments operating within an extended hours permit shall be permitted to remain open for business until 3:30 a.m. Eastern Daylight Time. They shall, however, be required to close the business immediately thereafter. At 2:00 a.m. on the day when Daylight Savings Time changes back to Eastern Standard Time and the hour reverts to 1:00 a.m., those establishments operating with an extended hours permit shall be permitted to remain open for business until 1:30 a.m. Eastern Standard Time. They shall, however, be required to close the business immediately thereafter. On the day immediately following each, the hours of operation for establishments operating with an extended hours permit shall be required to return to the normal operating hours of 1:00 a.m. to 2:30 a.m. Eastern Daylight Time or Eastern Standard Time, whichever is applicable. The purpose of this subsection (M) is to enable extended hours permit holders to continue normal business operating hours, in terms of the usual actual time they are open, without regard to the time changes brought about by the conversion to and from Eastern Daylight Time and Eastern Standard Time. (Prior code § 4-67)

5.08.430 Violations—Penalties.

Any person who shall violate any of the provisions of this chapter for which a different penalty is not otherwise provided shall, upon conviction thereof, for the first offense, be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the city jail for not more than six months, or both; and for the second and subsequent offenses thereof be punished by a fine of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or by imprisonment in the city jail for not more than six months, or both, and each day's violation shall constitute and be considered a separate offense. (Prior code § 4-3)

5.08.080

Removal of alcoholic beverages from licensed premises.

A. Definitions. The following definitions shall apply to this section:

1. "Business establishment" means a business within the City of Newport where liquor, beer and/or wine is sold for consumption on the licensed premises pursuant to a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license, and/or retail package liquor license that has been issued by the city.

2. "License" means a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license, and/or retail package liquor license issued by the city.

3. "Licensed premises" means the land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

4. "Licensee" means any person to whom a retail drink liquor license, retail cereal malt beverage liquor license, special private club liquor license, and/or retail package liquor license has been issued by the city, including the officers and agents of the licensee.

5. "Person" means a human being, and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government authority.

B. Licensee to Prohibit Removal From Inside Licensed Premises. Any person or licensee which owns, operates or controls any business establishment which serves or provides any type of alcoholic beverage shall prohibit the removal of any such alcoholic beverage from inside the licensed premise to the outside of the licensed premise if said alcoholic beverage is in any opened container.

C. Exemption for Beer Gardens and Patios. There is exempted from this section any person or licensee holding any license herein which has an outside public facility adjacent and connected to the licensed premises (such as a "beer garden" or "patio") and which is used primarily, during certain seasons of the year, for consumption of alcoholic beverages by its patrons in such an outdoor setting. For the purpose of this section, the same shall be considered as a part of the licensed premises as though it were located indoors.

D. Exemption for Outdoor Festivals. There is exempted from this section any person or licensee which holds a temporary retail drink and/or cereal malt beverage liquor license, which license permits the operation of an outdoor festival, if said festival is conducted no more than two consecutive days annually.

E. Licensee to Prohibit Consumption on Parking Lots Adjacent to Licensed Premises. Any person or licensee

which owns, operates or controls any business establishment where alcoholic beverages are served or provided shall prohibit the drinking of said alcoholic beverages on any parking lot which is adjacent, adjoining, connected with or used by the patrons of such business establishment which is under the direct control of the licensee.

F. Drinking on Parking Lots. No person shall drink any alcoholic beverage on any parking lot which is made available for use by the patrons of a licensed premises, which is under the direct control of a licensee or which is part of a licensed premises.

G. Serving Alcohol and/or Ice in Disposable Cups. No licensee with a package liquor license or a combination of a package liquor license and a liquor by the drink license shall sell, give away or otherwise serve its patrons any alcoholic beverage in any disposable type cup or disposable drinking container or sell, give away or otherwise serve its patrons ice in any disposable type cup or disposable drinking container.

H. Penalties for Violation. Any person or licensee violating any provision of this section shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for the first violation and not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each subsequent violation hereof. Each and every violation of this section shall constitute separate offense and shall be punishable as such. (Prior code § 4-9)

5.08.090 Foreign state officers restriction.

A. For the purpose of this section, "foreign state agent" or "foreign state officer" means any person compensated directly or indirectly by a state other than the Commonwealth of Kentucky.

B. No foreign state agent or foreign state officer shall be able to come into the city to enforce that state's laws relating to alcoholic beverages, including any law levying a tax on alcoholic beverages, or to conduct any investigation or surveillance activities done in the city relating to a possible violation of the foreign state's law relating to the importation of alcoholic beverages.

C. Any person convicted of violating Section 5.08.090 shall be subject to a fine of not more than five hundred dollars (\$500.00). (Prior code § 4-10)

5.08.100 Consumption of alcoholic beverages by employees.

A. It is unlawful for any employee or independent contractor of an establishment with a liquor by the drink license to solicit patrons of said establishment to purchase any beverage for consumption by any employee or inde-

pendent contractor of the establishment with the liquor by the drink license.

B. Any person found to be in violation of the provisions of this section shall be guilty of a class B misdemeanor, punishable by a fine of not more than two hundred fifty dollars (\$250.00) or incarceration for a period of ninety (90) days or both a fine and incarceration. (Prior code § 4-11)

5.08.110 Retail premises to furnish clear view.

A. 1. Any premises for which a retail liquor license has been issued shall be maintained in such a manner and shall provide a clear view of the entire premises from the inside front entrance, whether at street level or otherwise. No partition, box, stall, screen, curtain, or other device shall be installed or placed so as to obstruct the view or the general observation of persons. However, partitions, subdivisions, or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing a view or the general observation of persons from the front inside entrance of the licensed premise.

2. In the event the premises shall have a back room, no alcoholic beverages shall be served therein unless the back room shall have a clear view from the inside front entrance of the licensed premise.

3. The darkening of any portion or area of the licensed premises commonly used by patrons therein, exclusive of restrooms, in any manner as to prevent any person standing at the inside front entrance from observing the conduct of patrons therein shall be prohibited.

B. Any person found to be in violation of the provisions of this section shall be guilty of a class B misdemeanor, punishable by a fine of not more than two hundred fifty dollars (\$250.00) or incarceration for a period of ninety (90) days or both a fine and incarceration. (Prior code § 4-12)

5.08.120 Possession of alcoholic beverages in open containers.

A. Prohibition. No person shall possess an alcoholic beverage in any type of open container in a public place within the city.

B. Definition. "Public place," as used herein, shall be defined the same as that set forth in Kentucky Revised Statutes Section 525.010. There is specifically exempted herefrom any premises licensed to sell alcoholic beverages.

C. Penalty. Any person violating any provision of this section shall be guilty of a violation and subject to payment of a fine in the amount of two hundred fifty dollars (\$250.00), in accordance with the provisions of

Kentucky Revised Statutes Section 534.040 and each violation thereof shall constitute a separate offense. (Ord. No. O-95-21, §§ I—III)

ARTICLE 2. LICENSES

5.08.130 Required.

It shall be unlawful for any person to sell or dispense at retail or wholesale, or have in his possession for sale, or manufacture, distill, rectify, brew, blend or otherwise traffic in any alcoholic or malt beverages within the city without first obtaining a license therefor. (Prior code § 4-42)

5.08.140 Malt beverage licenses—Brewers.

A brewer's license shall authorize the licensee to engage in the business of a brewer at the premises specifically designated in said license, and to sell malt beverages produced under such license, at wholesale or at retail, from the licensed premises only. (Prior code § 4-43)

5.08.150 Same—Distributors.

A distributor's license shall authorize the licensee to purchase, import, or store malt beverages, and to sell them from the licensed premises only, to other distributors to retailers, or to consumers for their personal use and not for resale. A separate distributor's license shall be required and must be obtained for each separate warehouse, agent distributor, broker, jobber, or place of business from which orders are received or beverages are distributed, unless it be a licensed brewery. (Prior code § 4-44)

5.08.160 Same—Retailers.

A retailer's license shall authorize the licensee to sell malt beverages at retail from the licensed premises only, for consumption on or off the premises, and to purchase malt beverages from licensed brewers or distributors only. (Prior code § 4-45)

5.08.170 Same—Special private club.

A special private club license may be issued to any nonprofit social, fraternal, military or political organization or club, which for more than one year prior to the date of application has maintained and operated a club room, or rooms, from which the general public is excluded, and shall authorize such licensee to exercise and conduct the same business and have the same privileges as a holder of a retailer's malt beverage license at the licensed premises if the general public is excluded. All restrictions and prohibitions applying to a malt beverage retailer's license shall apply to a special private club

8.24.090 Liability of city for damage.

The city shall not be held liable for any loss or damage to such junked motor vehicle or appliance while being removed or as the result of any subsequent sale or other disposition. (Prior code § 16-29)

8.24.100 Compliance with chapter provisions.

The removal of the junked motor vehicle or appliance from the premises prior to the time for removal by the city shall be considered compliance with the provisions of this chapter, and no further action shall be taken against the owner of the junked motor vehicle or appliance or the owner or occupant of the premises; provided, said junked motor vehicle or appliance remains off the premises. Written permission given to the enforcement officer for the removal of the junked motor vehicle or appliance by the owner of same or the owner or occupants of the premises on which it is located shall be considered compliance with the provisions of this chapter on their part, and no further action shall be taken against the ones giving such permission, except for collection of towing charges or hauling costs for the removal of the nuisance. (Prior code § 16-30)

8.24.110 Violations—Penalties.

In addition to the civil penalties herein provided, any person or persons found in violation of this chapter shall be subject to fines of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) per day for each day a violation occurs and/or imprisonment in the county jail for up to thirty (30) days. Each day this chapter is being violated shall be considered a separate violation for purposes of construing the penalty provisions. (Prior code § 16-31)

Chapter 8.28**NOISE CONTROL****Sections:**

8.28.010	Definitions.
8.28.020	Noise prohibition.
8.28.030	Applicability.
8.28.040	Violation—Penalty.

8.28.010 Definitions.

Place of Public Entertainment. As used in this chapter, the term "place of public entertainment" means any commercial facility open to the general public for purposes of entertainment, whether alcoholic beverages are sold or not.

Public Place. As used in this chapter, the term "public place" shall be defined the same as "public place" in Kentucky Revised Statutes Section 525.010.

Sound Amplification Device. As used in this chapter, the term "sound amplification device" means any device, instrumentality or apparatus itself, excluding emergency sirens, or which may be used for the amplification of sounds of any duration, intensity and frequency, from any radio, phonograph, cassette tape deck, CD player, band, orchestra, musical instrument or other sound making or sound producing device or entity, including any apparatus for the amplification of the same or the human voice, such as, but not limited to, amplifiers, loud speakers, sirens, microphones, megaphones or karaoke machines. (Ord. No. O-94-23 § I)

8.28.020 Noise prohibition.

A. It is unlawful for any person to operate or cause to be operated, within the city, any sound amplification device in any residence, on any public or private premises, in any public place, in any place of public entertainment, on any day of the week, or at anytime, in such a manner or at such volume as to be reasonably calculated to disturb others in the vicinity of such aforementioned places.

B. For the purpose of this section, the use or operation of any sound amplification device producing sound in excess of eighty-five (85) dB, as measured by the use of a hand-held decibel sound level unit and calibrator at or near the boundary line of the premises' location shall be deemed as reasonably calculated to disturb others in the vicinity of the premises aforementioned; is unreasonably offensive to the public; is harmful and detrimental to the health, welfare and safety of the general public; interferes with the comfortable enjoyment of life, property and recreation and with the conduct and

operation of business and industry; and generally a nuisance. (Ord. No. O-94-23 § II)

8.28.030 Applicability.

The provisions of Sections 8.28.010 through 8.28.040 shall apply only in the residential zones R-1 through R-5 as identified by the official zoning map and zoning code for the city as now adopted or hereafter amended. (Ord. No. O-94-23 § III)

8.28.040 Violation—Penalty.

Any person who shall violate this chapter shall be guilty of a Class B misdemeanor and shall be subject to fine and/or imprisonment as provided in the Kentucky Revised Statutes for a Class B misdemeanor. (Ord. No. O-94-23 § IV)

Chapter 8.32

NUISANCES GENERALLY

Sections:

8.32.010	Prohibited accumulations—Unsafe structures.
8.32.020	Notice to abate.
8.32.030	Contents of notice.
8.32.040	Service of notice.
8.32.050	Abatement by city.
8.32.060	City's cost declared lien.

8.32.010 Prohibited accumulations—Unsafe structures.

A. It is unlawful for the owner, occupant or person having control or management of any land within the city, to permit a public nuisance, health hazard or source of filth to develop through the accumulation of rubbish or the excessive growth thereon of weeds or grass.

B. It is unlawful for the owner of real property in the city, to permit any structure upon the property to become unfit and unsafe for human habitation, occupancy or use or to permit conditions to exist in the structure which are dangerous or injurious to the health or safety of the occupants of the structure, the occupants of neighboring structures or other residents of the city.

C. The provisions of subsections (A) and (B) of this section shall be interpreted as supplemental to and not in substitution for, other ordinances of the city regulating the condition or use of property in the city. (Prior code § 16-1)

8.32.020 Notice to abate.

Whenever a violation of Section 8.32.010 (A) and/or (B) is found to exist within the city, the division manager of the community development division of the administration department or other code enforcement official in the community development division shall give written notice to the owner or occupant of the property upon which such violation exists or upon the person causing or maintaining the nuisance to abate the violation. (Prior code § 16-2)

8.32.030 Contents of notice.

The notice to abate a violation issued under the provisions of this chapter shall contain:

A. An order to abate the violation or to request a hearing if the order alleges a violation of Section 8.32.010 (B), or demands that a structure be demolished, within a stated time, which shall be reasonable under the circumstances;

as would effect the general welfare, public health, safety and morals of all the citizens of the city in general. The alcoholic beverage control board of the state shall be notified of such action when taken. (Prior code § 4-6)

5.08.060 Floor plan required to be filed.

A. For the purpose of providing emergency services when necessary, it shall be required that the licensees of all business establishments within the city which sell, dispense, or furnish alcoholic and/or malt beverages, by appropriate retail package or retail drink licenses, to submit to and file with the city alcoholic beverage control administrator, a floor plan of the said licensed premises which shall clearly indicate all points of entrance and exit. Said floor plan shall be drawn on the form to be submitted to each licensee by the city alcoholic beverage control administrator.

B. Said floor plan shall be submitted by the licensee to the city alcoholic beverage control administrator at the time of his next renewal or at the time of initial application for a new premise to be licensed within the city.

C. The licensee shall be required to supplement or update said floor plan, which shall be on file with the city alcoholic beverage control administrator, from time to time and in the event that the licensed premises shall undergo any change in the number of entrances and exits. The addition to or removal from any licensed premises of any entrance or exit shall be clearly indicated on the supplemental or updated floor plan.

D. An entrance or exit shall be construed as a door, opening or passageway that is or can be used as a point of ingress and egress to the licensed premise. (Prior code § 4-7)

5.08.070 Registration, photographing and fingerprinting of employees, volunteer help and working proprietors.

A. Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where liquor or beer is sold or dispensed by the drink as defined in both the Kentucky Revised Statutes and/or the Newport City Ordinances, shall register in a book of registration to be kept by the Newport Police Department, and is required to be registered, fingerprinted and photographed by the police department of the city prior to the date of commencing his or her employment with such establishment or place of business. No person shall fail to register or be fingerprinted and photographed prior to commencing such employment.

B. No employer, whether a person, firm or corporation, shall allow any person to be employed unless the employee shall have registered and shall have been fingerprinted and photographed within the time period and as prescribed in subsection (A) of this section.

C. The registrants under this section are required to have the identification cards issued by the Newport Police Department in their immediate possession during their hours of employment.

The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight and place of employment.

D. The city shall require a payment of twenty dollars (\$20.00) of each person registered, which charge shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

E. Those businesses having a liquor or beer by the drink license as an accessory use with another business as the principal use at the same location, including, but not limited to, restaurants and hotels, shall register only those persons who are directly engaged in that portion of that business which sells liquor or beer by the drink.

F. This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

G. Any employee, volunteer help or working proprietors at a festival or similar event which lasts less than five days, for which a temporary liquor license has been secured, shall not be required to register under this section.

H. The employees, volunteer help or working proprietors of a holder of a special private club license shall be exempt from registration under this section if and only if:

1. The special private club license is limited to malt beverages; and,
2. The use of the special private club license is an accessory use to a principal permitted use.

I. Any establishment having a liquor or beer by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of liquor or beer by the drink.

J. Any person, firm or corporation convicted of violating this section shall be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) in the discretion of the Campbell District Court. (Prior code § 4-8)

9.08.060 Information leading to the conviction of vandals of public property.

Any person who provides specific information to the city police department which leads to the citation or arrest and conviction of individuals for vandalizing public property within the city limits shall be entitled to a reward in the amount of two hundred fifty dollars (\$250.00) for said information. (Prior code § 17-9)

Chapter 9.12

✓ NUDDITY IN LIQUOR ESTABLISHMENTS

Sections:

9.12.010	Definitions.
9.12.020	Persons prohibited from performing nude or nearly nude activities.
9.12.030	Licensees prohibited from permitting nude or nearly nude activities.
9.12.040	Hearing—Revocation of liquor license.
9.12.050	Revocation of occupational license.
9.12.060	Violations—Punishment in accordance with state law.

9.12.010 Definitions.

When used in this chapter, the following words and terms shall have the meanings respectively ascribed to them in this section:

“Business establishments” means a business within the city, where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or retail cereal malt beverage liquor license that has been issued by the city.

“License” means a retail drink liquor license or a retail cereal malt beverage liquor license issued by the city.

“Licensee” means 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.

“Liquor administrator” means the duly appointed alcoholic beverage control administrator of the city.

“Occupation license” means the occupational license issued for the business establishment pursuant to the city’s occupational license ordinance.

“Person” means a human being, and, where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

“Premises” means the land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

“Retail licensee” means any licensee, including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required. (Prior code § 4-80)

9.12.020 Persons prohibited from performing nude or nearly nude activities.

It is unlawful for, and a person is guilty of, performing nude or nearly nude activity when that person appears on a business establishment's premises in such 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 such manner or attire as to expose to view the portion of the breast below a horizontal line across the top of the areola at its highest point or simulation thereof. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel; provided, the areola is not exposed in whole or in part. (Prior code § 4-81)

9.12.030 Licensees prohibited from permitting nude or nearly nude activities.

A licensee or retail licensee is guilty of permitting nude or nearly nude activity when, having control of the business establishment's premises, which it knows or has reasonable cause to know is being used by any person to appear on the premises in such 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 such manner or attire as to expose to view any portion of the breast below a horizontal line across the top of the areola at its highest point or simulation thereof; it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or fails to make reasonable and timely effort to halt or abate such activity or use. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel; provided, the areola is not exposed in whole or in part. (Prior code § 4-82)

9.12.040 Hearing—Revocation of liquor license.

A. In the event that a violation of Sections 9.12.020 and/or 9.12.030 occurs, the city liquor administrator shall forthwith conduct a hearing pursuant to Kentucky Revised Statutes, Section 243.520 (in conjunction with Sections 241.160 and 241.190), to determine whether the liquor licensee, at whose business establishment the activity prohibited by this chapter occurred, shall have his or her or its license suspended or revoked.

B. In the event three or more violations of Sections 9.12.020 and/or 9.12.30 occur at a business establishment within a twelve-month period, the liquor administrator, after a hearing, shall revoke the retail drink license or retail cereal malt beverage liquor license or both. (Prior code § 4-84)

9.12.050 Revocation of occupational license.

A. In the event that a violation of Sections 9.12.020 or 9.12.030 occurs, the city manager shall prefer charges against the retail licensee pursuant to Chapter 3.20 and after notice, a hearing etc., held by the board of commissioners, the occupational license shall either be revoked or suspended.

B. In the event that three or more violations of Sections 9.12.020 or 9.12.030 occur at a business establishment within a twelve-month period, after notice and hearing, etc., pursuant to Chapter 3.20, the board of commissioners shall revoke the occupational license of the retail licensee. (Prior code § 4-85)

9.12.060 Violations—Punishment in accordance with state law.

A. Performing nude or nearly nude activities as set forth in Section 9.12.020 or permitting such activities as set forth in Section 9.12.030 is a violation and punishment shall be fixed as set forth in the Kentucky Revised Statutes.

B. The second violation of Section 9.12.020 or Section 9.12.030 within a twelve-month period shall constitute a Class B misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

C. Three or more violations of Section 9.12.020 and 9.12.030 within a twelve-month period shall constitute a Class A misdemeanor with punishment as set forth in the Kentucky Revised Statutes. (Prior code § 4-83)