

ORDINANCE NO. 2017-3

AN ORDINANCE RELATING TO THE SALE OF ALCOHOLIC BEVERAGES

WHEREAS, the City of Paris has received requests to permit the sale of alcoholic beverages on Sunday;

WHEREAS, the citizens of the City of Paris have previously discontinued prohibition under the operation of KRS Chapters 242, 243, and 244;

WHEREAS, KRS Chapter 244 mandates that the City of Paris Board of Commissioners has the exclusive power to establish the times during which alcoholic beverages may be sold;

WHEREAS, the Board of Commissioners conducted a public hearing workshop on April 11, 2017 during which the Board heard from persons advocating *for* the adoption of an Ordinance authorizing the sale of alcoholic beverages;

WHEREAS, the Board of Commissioners conducted a public hearing workshop on May 9, 2017 during which the Board heard from persons advocating *against* the adoption of an Ordinance authorizing the sale of alcoholic beverages;

WHEREAS, the Kentucky General Assembly has revised portions of Kentucky Revised Statutes that require the City to review and revise respective portions of the City Code of Ordinances.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF PARIS CITY COMMISSION THAT SECTION 62.006 CODE OF ORDINANCES BE REPEALED AND REPLACED AS FOLLOWS:

§ 62.006 BUSINESS HOURS

(A) Licensees operating pursuant to this Chapter may sell alcoholic beverages during the following times:

(1) Licensees holding a license for the sale of nonquota retail malt beverage package and quota retail package license for distilled spirits and wine shall be permitted to sell authorized alcoholic beverages between the hours of 6:00 a.m. and 1:00 a.m. the next morning on Monday through Saturday and from 1:00 p.m. until 10:00 p.m. on Sunday.

(2) Licensees holding all other licenses for the sale of alcoholic beverages authorized by the Commonwealth of Kentucky and the City of Paris shall be permitted to sell authorized alcoholic beverages between the hours of 6:00 a.m. and 1:00 a.m. the next morning on Monday through Saturday and from 11:00 a.m. to 10:00 p.m. on Sunday.

(B) The business hours established in this section shall be deemed to be conditions of the licenses granted by the city for the sale, at retail, of alcoholic beverages and any violation of this section shall be grounds of revocation of the license held by the store or establishment guilty of such violation.

(C) In order to sell alcoholic beverages on Sunday, Licensees shall purchase a Special Sunday retail drink license for the annual fee of \$300.00 and may sell alcoholic beverages on Sunday contingent upon following all the requirements of this Chapter and any applicable Kentucky or federal law governing the sale of alcoholic beverages.


(D) No premises for which there has been granted a license for the sale of alcoholic beverages shall be permitted to remain open for any purpose during the hours in which the sale of alcoholic beverages is prohibited unless the licensee provides a separate locked department in which all stocks of alcoholic beverages are kept during those times.

~~(A) No premises for which there has been granted a license for the sale of alcoholic beverages shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. on any day from Monday through Saturday; or at any time after 1:00 a.m. on a Sunday; however, if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stock of distilled spirits, wine, and malt beverages, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. On all other days, alcoholic beverages may be sold from 8:00 a.m. until 1:00 a.m.~~

~~(B) The business hours established in this section shall be deemed to be conditions of the licenses granted by the city for the sale, at retail, of alcoholic beverages and any violation of this section shall be grounds of revocation of the license held by the store or establishment guilty of such violation.~~

The foregoing ordinance shall take effect July 1, 2017.

The foregoing ordinance was introduced and read for the first time as the City Commission's regular meeting of May 23, 2017. Read for the second time, adopted and approved at its regular meeting of June 13, 2017.



MAYOR

ATTEST:



CITY CLERK

ORDINANCE NO. 2013-14

AN ORDINANCE ABOLISHING THE POSITION OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR AND ASSIGNING THOSE DUTIES TO THE CITY MANAGER

WHEREAS, Kentucky law requires the City's legislative body to assign the duties of the city alcoholic beverage control to either a specially created city office or to a presently established city office;

NOW THEREFORE BE IT ORDAINED BY THE CITY OF PARIS CITY COMMISSION THAT THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES BE ADDED OR AMENDED AS FOLLOWS:

Section 1:

§ 62.003 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; DEPUTIES

(A)The City Manager shall be assigned all the duties and functions as prescribed by KRS Chapter 241. The City Manager shall have all the duties and functions for alcoholic beverage control administrator as required by Kentucky law and this Chapter.

~~(A) There is hereby created the office of the City Alcoholic Beverage Control Administrator (hereinafter in this chapter referred to as the administrator), who shall have the duties and functions prescribed by KRS Chapter 241. The administrator may or may not be an officer or employee of the city, and shall be appointed by the City Manager. He shall also have such further duties and functions as are prescribed by this chapter.~~

(B) There are hereby authorized two (2) Deputy City ABC Administrators for Enforcement, who shall be ABC qualified city Police Officers, appointed by municipal order with the approval of the City Manager ~~ABC Administrator~~. The duties of such deputies shall be as determined by the City Manager ~~ABC Administrator~~, and are in addition to Police Officer duties of the city, but shall primarily consist of enforcement of state and city laws, ordinances, and regulations in the area of alcoholic beverage control.

Section 2:

§ 62.005 BOOKS; RECORDS

Every licensee under this chapter shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the State Alcoholic Beverage Control Board. The books and records shall be available at all reasonable times for inspection by the City Manager administrator.

Section 3:

§ 62.101 APPLICATION

Applications for licenses shall be made to the **City Manager** ~~administrator~~, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

- (A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors and, if a majority interest of the stock of the corporation is owned by one (1) person or his nominee, the name and address of the person;
- (B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;
- (C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed;
- (D) The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued;
- (E) The amount of goods, wares, and merchandise on hand at the time application is made;
- (F) The location, description, and diagram of the premises or place of business which is to be operated under the license, specifying the sections of the premises where alcoholic beverages are to be sold or consumed;
- (G) A statement whether the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of the application;
- (H) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor; and
- (I) A statement that the applicant will not violate any of the laws of the state, or of the United States, or any code provisions or ordinance of the city in the conduct of his place of business.

Section 4:

§ 62.103 EXAMINATION OF APPLICANTS

The **City Manager** ~~Alcoholic Beverage Control Administrator~~ shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine, or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof of his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Board of Commissioners under this section, he may authorize his agent to act on his behalf, as provided by statute.

Section 5:

§ 62.106 PROCEDURES; APPLICABILITY

(A) *Insurance certificate.* No license shall be issued under this article unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the state, certifying that the applicant has, in force and effect, the insurance required by statute.

(B) *Payment of fees; refunds.* All such fees shall be paid to the City Clerk/Treasurer, at the time application is made. In the event the license applied for is denied, the fee shall be refunded. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.

(C) *Record.* The City Clerk/Treasurer shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any license, the City Clerk/Treasurer shall immediately give written notice to the Chief of Police.

(D) *Not subject to garnishment, etc., cessation upon death of licensee; bankruptcy.* A license shall be a purely personal privilege, good for not to exceed one (1) year after issuance unless sooner revoked as provided in this article, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The license shall cease upon the death of the licensee and shall not descend by the laws of the estate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic beverages may continue the business of the sale or manufacture of alcoholic beverages under the order of the appropriate court, and may exercise the privilege of the deceased or insolvent or bankrupt licensee after the death of the decedent, or such insolvency or bankruptcy, until the expiration of the license, but not longer than six (6) months after the death, bankruptcy, or insolvency of the licensee. A refund shall be made of that portion of the licensee fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

(E) *Change of location.* A license issued pursuant to this article shall permit the sale of alcoholic beverages only in the premises described in the application and license. The location may be changed only when the written permit to make the change shall be issued by the **City Manager administrator**. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

(F) *Applicant subject to other regulations.* Any applicant or any licensee pursuant to this article shall be subject to all code provisions and ordinances of the city, including, but not limited to, the applicable provisions of the building code, fire prevention code, health regulations, zoning ordinances, food handling ordinances, and restaurant ordinances.

(G) *Investigations.* The **City Manager administrator** shall cause the Chief of Police, the building official, and fire chief to make due investigation of the application and premises to be licensed and upon being notified by them in writing that all of the applicable code provisions and ordinances of the city have been complied with, shall cause the license to be issued.

(H) *Renewal.* Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which the renewal license is sought are suitable for the purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right.

The foregoing ordinance shall take effect immediately upon execution and publication.

The foregoing ordinance was introduced and read for the first time as the City Commission's regular meeting of November 26, 2013. Read for the second time, adopted and approved at its regular meeting of December 10, 2013.



MAYOR

ATTEST:



CITY CLERK

CITY OF PARIS
ORDINANCE NO. 2014-11

**AN ORDINANCE CONCERNING THE SALE OF ALCOHOLIC BEVERAGES
WITHIN THE CITY OF PARIS ON ELECTION DAY**

WHEREAS, the Kentucky General Assembly has made multiple revisions to Kentucky law governing the sale of alcoholic beverages on election days; and

NOW THEREFORE BE IT ORDAINED BY THE CITY OF PARIS CITY COMMISSION THAT THE FOLLOWING SECTIONS OF THE CODE OF ORDINANCES BE REVISED OR REPEALED AS FOLLOWS:

§ 62.006 BUSINESS HOURS

(A) No premises for which there has been granted a license for the sale of alcoholic beverages shall be permitted to remain open for any purpose between 1:00 a.m. and 8:00 a.m. on any day from Monday through Saturday; or at any time after 1:00 a.m. on a Sunday; ~~or on any primary, regular, local option or special election day while the polls are open;~~ however, if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stock of distilled spirits, wine, and malt beverages, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. On all other days, alcoholic beverages may be sold from 8:00 a.m. until 1:00 a.m.

(B) The business hours established in this section shall be deemed to be conditions of the licenses granted by the city for the sale, at retail, of alcoholic beverages and any violation of this section shall be grounds of revocation of the license held by the store or establishment guilty of such violation.

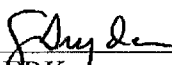
The foregoing ordinance shall take effect immediately upon execution and publication.

The foregoing ordinance was introduced and read for the first time as the City Commission's regular meeting of June 10, 2014. Read for the second time, adopted and approved at its regular meeting of June 24, 2014.



MAYOR

ATTEST:



CITY CLERK

**CITY OF PARIS
ORDINANCE 2011-3**

AN ORDINANCE AMENDING SECTION 62.104 OF THE CODE OF ORDINANCES TO ADOPT BY REFERENCE PROVISIONS OF KRS CHAPTER 243.070 RELATING TO THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES, AND THE FEES TO BE CHARGED THEREFORE BY THE CITY OF PARIS.

Be it Ordained by the City of Paris, Kentucky:

Section 1. That Paris Board of Commissioners previously repealed and reenacted Section 62.104 of the Code of Ordinances relating to Fees for alcoholic beverage licenses by Ordinance 2008-1, which had its second reading on March 11, 2008 and which was recorded by the City Clerk and signed by the Mayor on March 12, 2008 and which became effective on its publication in the newspaper on March 19, 2008.

Section 2. That section 62.104 of the Code of Ordinances is hereby amended as follows to incorporate by reference the provisions of KRS 243.070, which concerns the City's issuance of licenses for the manufacture and trafficking in alcoholic beverages and fees to be charged by the City for all such licenses:

Section 62.104 ALCOHOLIC BEVERAGE LICENSES AND FEES

- (A) No license under the provisions of this Article shall be issued by the City until there has been paid a license fee provided for in this Section.
- (B) The kinds and types of alcoholic beverage licenses which may be issued by the Commonwealth of Kentucky Office of Alcoholic Beverage Control under the provisions of KRS Chapter 243, as amended from time to time and in effect at application, unless by their specific terms are not issuable in a city of the third class, may be issued by the City of Paris.

(C) The fee to be payable to the City for the issuance of each such license shall be in the same amount as the ~~fee for such license payable to the Commonwealth~~ maximum allowable fee as set forth in KRS 243.070.

Section 3. That this Ordinance shall take effect upon its passage and publication in full as required by law.

Introduced on First Reading: Special Meeting, June 9, 2011

Adopted on Second Reading: June 14, 2011

Signed by Mayor: June 14, 2011

Recorded by Clerk: June 14, 2011

Published in Paper in Full: June 22, 2011

CITY OF PARIS

Michael Thornton, Mayor

ATTEST:

Cheryl Dryden, City Clerk

**CITY OF PARIS
ORDINANCE 2008-1**

AN ORDINANCE AMENDING AND REENACTING SECTION 62.104 OF THE CODE OF ORDINANCES TO ADOPT BY REFERENCE THE PROVISIONS OF KRS CHAPTER 243 RELATING TO THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES, AND THE FEES TO BE CHARGED THEREFORE BY THE CITY OF PARIS.

Be it Ordained by the City of Paris, Kentucky:

Section 1. That Section 62.104 of the Code of Ordinances relating to Fees for alcoholic beverage licenses be and hereby is repealed in its entirety.

Section 2. That Section 62.104 of the Code of Ordinances be reenacted to read as follows:

Section 62.104 ALCOHOLIC BEVERAGE LICENSES AND FEES

(A) No license under the provisions of this Article shall be issued by the City until there has been paid a license fee provided for in this Section.

(B) The kinds and types of alcoholic beverage licenses which may be issued by the Commonwealth of Kentucky Office of Alcoholic Beverage Control under the provisions of KRS Chapter 243, as amended from time to time and in effect at application, unless by their specific terms are not issuable in a city of the third class, may be issued by the City of Paris.

(C) The fee to be payable to the City for the issuance of each such license shall be in the same amount as the fee for such license payable to the Commonwealth.

Section 3. That this Ordinance shall take effect upon its passage and publication in full as required by law.

Introduced on First Reading: Regular Meeting, February 26, 2008

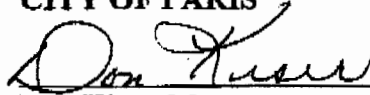
Adopted on Second Reading: March 11, 2008

Signed by Mayor: March 12, 2008

Recorded by Clerk: March 12, 2008


Published in Paper in Full: March 19, 2008

CITY OF PARIS



Don Kiser, Mayor

ATTEST:



Cheryl Dryden, City Clerk

CHAPTER 62: ALCOHOLIC BEVERAGES

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- 62.002 State alcoholic beverage laws adopted
- 62.003 City alcoholic beverage control administrator; deputies
- 62.004 Compliance with alcoholic beverage control laws mandatory
- 62.005 Books; records
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ARTICLE II. LICENSES

- 62.100 Required
- 62.101 Application
- 62.102 Termination
- 62.103 Examination of applicants
- 62.104 Fees
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ARTICLE I. GENERAL PROVISIONS

§ 62.001 DEFINITIONS

(A) The words and phrases used in this chapter shall have the same meaning as defined in KRS Chapters 241, 243, and 244.

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

"HOTEL (includes *"MOTEL"*). Every building or other structure, kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

"PRIVATE CLUB." A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and

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consumption of alcoholic liquors which conforms to the definition of a club, as provided by state law.

“*RESTAURANT.*” Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.
(1976 Code, § 3-15)

Cross reference:

Definitions, see § 10.002

Rules of construction, see 10.003

Statutory reference:

Business authorized by special private club license, see KRS 243.270

§ 62.002 *STATE ALCOHOLIC BEVERAGE LAWS ADOPTED*

The provisions of the Alcoholic Beverage Control Law of the state, including KRS Chapters 241, 243, and 244, and the regulations of the State Alcoholic Beverage Control Board, as the same may from time to time be amended, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided in this chapter.
(1986 Code, § 3-2)

§ 62.003 *CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; DEPUTIES*

(A) There is hereby created the office of the City Alcoholic Beverage Control Administrator (hereinafter in this chapter referred to as the administrator), who shall have the duties and functions prescribed by KRS Chapter 241. The administrator may or may not be an officer or employee of the city, and shall be appointed by the City Manager. He shall also have such further duties and functions as are prescribed by this chapter.

(B) There are hereby authorized two (2) Deputy City ABC Administrators for Enforcement, who shall be ABC qualified city Police Officers, appointed by municipal order with the approval of the city ABC Administrator. The duties of such deputies shall be as determined by the city ABC Administrator, and are in addition to Police Officer duties of the city, but shall primarily consist of enforcement of state and city laws, ordinances, and regulations in the area of alcoholic beverage control.
(1986 Code, § 3-3) (Am. Ord. 2003-9, passed 6-10-03)

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Cross reference:

Officers, generally, see § 21.002, et seq.

Statutory reference:

City alcoholic beverage control administrator, see KRS 241.160, et seq.

§ 62.004 *COMPLIANCE WITH ALCOHOLIC BEVERAGE CONTROL LAWS*
MANDATORY

No person shall sell, deal in, barter or exchange, or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or

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cause the same to be done, without complying with all of the provisions of this chapter and all statutes and regulations of the state applicable thereto.

(1986 Code, § 3-4)

§ 62.005 *BOOKS; RECORDS*

Every licensee under this chapter shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the State Alcoholic Beverage Control Board. The books and records shall be available at all reasonable times for inspection by the administrator.

(1986 Code, § 3-5)

Cross reference:

Examination of applicants, see § 62.103

Statutory reference:

Licensee to keep records, see KRS 244.150

§ 62.006 *BUSINESS HOURS*

(A) No premises for which there has been granted a license for the sale of alcoholic beverages shall be permitted to remain open for any purpose between 12:00 midnight and 8:00 a.m. on any day from Monday through Saturday; or at any time after 12:00 midnight on a Sunday; or on an election day while the polls are open; however, if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stock of distilled spirits, wine, and malt beverages, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. On all other days, alcoholic beverages may be sold from 8:00 a.m. until 12:00 midnight.

(B) The business hours established in this section shall be deemed to be conditions of the licenses granted by the city for the sale, at retail, of alcoholic beverages and any violation of this section shall be grounds of revocation of the license held by the store or establishment guilty of such violation.

(Ord. 28-83, § 1, passed 12-20-83)

Statutory reference:

Closed times for retail premises, see KRS 244.290

Time when delivery and sale of malt beverages are prohibited, see KRS 244.480

§ 62.007 *LOCATION*

An establishment licensed to sell alcoholic beverages may be located within the city limits on any state or federally maintained highway as long as the location complies with the zoning

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laws of the city.

(Ord. 30-81, § 1, passed 11-24-81)

Cross reference:

Zoning code, see Ch. 80

§ 62.008 CONSUMPTION OF MALT BEVERAGES ON BUSINESS PREMISES PROHIBITED

No person shall consume any malt beverage on the premises of any place of business within the city, except businesses holding licenses and actually operating as restaurants or poolrooms, whether purchased there or elsewhere.

(1976 Code, § 3-3)

ARTICLE II. LICENSES*

§ 62.100 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale, at retail, in the city any alcoholic beverage without having procured a license, or, in violation of the terms of the license.

(Ord. 22-83, § I(a), passed 10-4-83)

§ 62.101 APPLICATION

Applications for licenses shall be made to the administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors and, if a majority interest of the stock of the corporation is owned by one (1) person or his nominee, the name and address of the person;

(B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;

***Cross reference:**

Occupational license fees, see Ch. 60

Zoning code, see Ch. 80

Statutory reference:

Licenses to traffic in alcoholic beverages, see KRS 243.020, et seq

City licenses, see KRS 243.070

Issuance of city licenses, see KRS 243.610

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(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed;

(D) The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued;

(E) The amount of goods, wares, and merchandise on hand at the time application is made;

(F) The location, description, and diagram of the premises or place of business which is to be operated under the license, specifying the sections of the premises where alcoholic beverages are to be sold or consumed;

(G) A statement whether the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of the application;

(H) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor; and

(I) A statement that the applicant will not violate any of the laws of the state, or of the United States, or any code provisions or ordinance of the city in the conduct of his place of business.

(Ord. 22-83, § I(b), passed 10-4-83)

§ 62.102 *TERMINATION*

Each license issued under this article shall terminate on June 30 following the issuance thereof.

(Ord. 22-83, § I(d), passed 10-4-83)

§ 62.103 *EXAMINATION OF APPLICANTS*

The City Alcoholic Beverage Control Administrator shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine, or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof of his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Board of Commissioners under this section, he may authorize his agent to act on his behalf, as provided by statute.

(1976 Code, § 3-17(a))

Cross reference:

Books; records, see § 62.005

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§ 62.104 FEES

(A) No license under the provisions of this article shall be issued until there has been paid to the city, the license fee provided in this section.

(B) The following kinds of alcoholic beverage licenses, and no others, may be issued upon approval of the administrator, and the fees payable therefor to the city shall be as follows:

- | | | |
|-----|---|-----------|
| (1) | Distilled spirit and wine package license, per annum (It shall be unlawful for any liquor store granted such a license to be located, except in the following area: Main Street from the north end of the Independent Tobacco Warehouse property, extending north to the south end of the property of Brent and Co. in East Paris.) | \$ 800.00 |
| (2) | Distilled spirit and wine drink license, per annum (This license shall not apply to private clubs. Only restaurants may be issued such a license.) | \$ 800.00 |
| (3) | Retail malt beverage license, per annum | \$ 75.00 |
| (4) | Restaurant wine license, per annum | \$ 75.00 |
| (5) | Special private club license, per annum (This permit shall allow the retail sale of alcoholic beverages for consumption only on the premises where sold, to be issued to a regularly organized private club, such sales to be made only to members of the club. Any private club making application for this license shall have been actually and, in fact, organized for a minimum of one (1) year before such license shall be granted.) | \$ 300.00 |
| (6) | Malt beverage distributor's license (Such license shall permit the wholesale sale of beer) | \$ 200.00 |

(C) A license for the retail sale of beer for consumption on the premises shall not be issued to the holder of a retail package license.

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(D) The number of all licenses of any class issued and in force at any one (1) time in any year shall not exceed that permitted by the Alcoholic Beverage Control Board.
(1976 Code, § 3-17) (Am. Ord. 2001-5, passed 3-13-01)

Statutory reference:

Persons who may not be licensed, see KRS 243.100

Causes for refusal of license, see KRS 243.450

Issuance of city licenses, see KRS 243.610

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§ 62.105 *RESTRICTIONS*

In no event shall a license be issued for any restaurant or any dining facility in a hotel, motel, or inn, unless the applicant can demonstrate to the administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of the restaurant or dining facility for the license period.

(1986 Code, § 3-26)

§ 62.106 *PROCEDURES; APPLICABILITY*

(A) *Insurance certificate.* No license shall be issued under this article unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the state, certifying that the applicant has, in force and effect, the insurance required by statute.

(B) *Payment of fees; refunds.* All such fees shall be paid to the City Clerk/Treasurer, at the time application is made. In the event the license applied for is denied, the fee shall be refunded. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.

(C) *Record.* The City Clerk/Treasurer shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any license, the City Clerk/Treasurer shall immediately give written notice to the Chief of Police.

(D) *Not subject to garnishment, etc., cessation upon death of licensee; bankruptcy.* A license shall be a purely personal privilege, good for not to exceed one (1) year after issuance unless sooner revoked as provided in this article, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The license shall cease upon the death of the licensee and shall not descend by the laws of the estate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic beverages may continue the business of the sale or manufacture of alcoholic beverages under the order of the appropriate court, and may exercise the privilege of the deceased or insolvent or bankrupt licensee after the death of the decedent, or such insolvency or bankruptcy, until the expiration of the license, but not longer than six (6) months after the death, bankruptcy, or insolvency of the licensee. A refund shall be made of that portion of the licensee fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

(E) *Change of location.* A license issued pursuant to this article shall permit the sale of alcoholic beverages only in the premises described in the application and license. The location may be changed only when the written permit to make the change shall be issued by the

PARIS - ALCOHOLIC BEVERAGES

administrator. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

(F) *Applicant subject to other regulations.* Any applicant or any licensee pursuant to this article shall be subject to all code provisions and ordinances of the city, including, but not limited to, the applicable provisions of the building code, fire prevention code, health regulations, zoning ordinances, food handling ordinances, and restaurant ordinances.

(G) *Investigations.* The administrator shall cause the Chief of Police, the building official, and fire chief to make due investigation of the application and premises to be licensed and upon being notified by them in writing that all of the applicable code provisions and ordinances of the city have been complied with, shall cause the license to be issued.

(H) *Renewal.* Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which the renewal license is sought are suitable for the purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right.

(1976 Code, § 3-18)

Cross reference:

Building code regulations, see Ch. 70

Fire prevention code, see Ch. 73

Zoning code, see Ch. 80

Statutory references:

Transfer of license, see KRS 243.630, et seq.

Continuation in business by representative of defunct licensee, see KRS 243.640

**CITY OF PARIS
ORDINANCE 2008-1**

AN ORDINANCE AMENDING AND REENACTING SECTION 62.104 OF THE CODE OF ORDINANCES TO ADOPT BY REFERENCE THE PROVISIONS OF KRS CHAPTER 243 RELATING TO THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES, AND THE FEES TO BE CHARGED THEREFORE BY THE CITY OF PARIS.

Be it Ordained by the City of Paris, Kentucky:

Section 1. That Section 62.104 of the Code of Ordinances relating to Fees for alcoholic beverage licenses be and hereby is repealed in its entirety.

Section 2. That Section 62.104 of the Code of Ordinances be reenacted to read as follows:

Section 62.104 ALCOHOLIC BEVERAGE LICENSES AND FEES

(A) No license under the provisions of this Article shall be issued by the City until there has been paid a license fee provided for in this Section.

(B) The kinds and types of alcoholic beverage licenses which may be issued by the Commonwealth of Kentucky Office of Alcoholic Beverage Control under the provisions of KRS Chapter 243, as amended from time to time and in effect at application, unless by their specific terms are not issuable in a city of the third class, may be issued by the City of Paris.

(C) The fee to be payable to the City for the issuance of each such license shall be in the same amount as the fee for such license payable to the Commonwealth.

Section 3. That this Ordinance shall take effect upon its passage and publication in full as required by law.

Introduced on First Reading: Regular Meeting, February 26, 2008

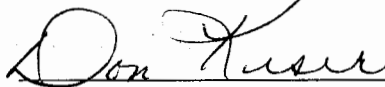
Adopted on Second Reading: March 11, 2008

Signed by Mayor: March 12, 2008

Recorded by Clerk: March 12, 2008

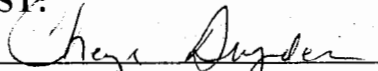
Published in Paper in Full: March 19, 2008

CITY OF PARIS

A handwritten signature in cursive script, appearing to read "Don Kiser", written over a horizontal line.

Don Kiser, Mayor

ATTEST:

A handwritten signature in cursive script, appearing to read "Cheryl Dryden", written over a horizontal line.
Cheryl Dryden, City Clerk

CHAPTER 62: ALCOHOLIC BEVERAGES

PARIS, KY.

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ARTICLE I. GENERAL PROVISIONS

§ 62.001 DEFINITIONS

(A) The words and phrases used in this chapter shall have the same meaning as defined in KRS Chapters 241, 243, and 244.

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

“HOTEL (includes “MOTEL”). Every building or other structure, kept, used, maintained, advertised, and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five (25) or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.

“PRIVATE CLUB.” A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and

consumption of alcoholic liquors which conforms to the definition of a club, as provided by state law.

"RESTAURANT." Any public place kept, used, maintained, advertised, and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests.

(1976 Code, § 3-15)

Cross reference:

Definitions, see § 10.002

Rules of construction, see 10.003

Statutory reference:

Business authorized by special private club license, see KRS 243.270

§ 62.002 *STATE ALCOHOLIC BEVERAGE LAWS ADOPTED*

The provisions of the Alcoholic Beverage Control Law of the state, including KRS Chapters 241, 243, and 244, and the regulations of the State Alcoholic Beverage Control Board, as the same may from time to time be amended, are hereby adopted as part of the alcoholic beverage control law of the city, except as otherwise lawfully provided in this chapter.

(1986 Code, § 3-2)

§ 62.003 *CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; DEPUTIES*

(A) There is hereby created the office of the City Alcoholic Beverage Control Administrator (hereinafter in this chapter referred to as the administrator), who shall have the duties and functions prescribed by KRS Chapter 241. The administrator may or may not be an officer or employee of the city, and shall be appointed by the City Manager. He shall also have such further duties and functions as are prescribed by this chapter.

(B) There are hereby authorized two (2) Deputy City ABC Administrators for Enforcement, who shall be ABC qualified city Police Officers, appointed by municipal order with the approval of the city ABC Administrator. The duties of such deputies shall be as determined by the city ABC Administrator, and are in addition to Police Officer duties of the city, but shall primarily consist of enforcement of state and city laws, ordinances, and regulations in the area of alcoholic beverage control.

(1986 Code, § 3-3) (Am. Ord. 2003-9, passed 6-10-03)

Cross reference:

Officers, generally, see § 21.002, et seq.

Statutory reference:

City alcoholic beverage control administrator, see KRS 241.160, et seq.

§ 62.004 *COMPLIANCE WITH ALCOHOLIC BEVERAGE CONTROL LAWS*
MANDATORY

No person shall sell, deal in, barter or exchange, or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or

cause the same to be done, without complying with all of the provisions of this chapter and all statutes and regulations of the state applicable thereto.

(1986 Code, § 3-4)

§ 62.005 *BOOKS; RECORDS*

Every licensee under this chapter shall keep and maintain adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the State Alcoholic Beverage Control Board. The books and records shall be available at all reasonable times for inspection by the administrator.

(1986 Code, § 3-5)

Cross reference:

Examination of applicants, see § 62.103

Statutory reference:

Licensee to keep records, see KRS 244.150

§ 62.006 *BUSINESS HOURS*

(A) No premises for which there has been granted a license for the sale of alcoholic beverages shall be permitted to remain open for any purpose between 12:00 midnight and 8:00 a.m. on any day from Monday through Saturday; or at any time after 12:00 midnight on a Sunday; or on an election day while the polls are open; however, if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stock of distilled spirits, wine, and malt beverages, and the department is kept locked during the times mentioned above, he shall be deemed to have complied with this section. On all other days, alcoholic beverages may be sold from 8:00 a.m. until 12:00 midnight.

(B) The business hours established in this section shall be deemed to be conditions of the licenses granted by the city for the sale, at retail, of alcoholic beverages and any violation of this section shall be grounds of revocation of the license held by the store or establishment guilty of such violation.

(Ord. 28-83, § 1, passed 12-20-83)

Statutory reference:

Closed times for retail premises, see KRS 244.290

Time when delivery and sale of malt beverages are prohibited, see KRS 244.480

§ 62.007 *LOCATION*

An establishment licensed to sell alcoholic beverages may be located within the city limits on any state or federally maintained highway as long as the location complies with the zoning

laws of the city.
(Ord. 30-81, § 1, passed 11-24-81)

Cross reference:

Zoning code, see Ch. 80

§ 62.008 CONSUMPTION OF MALT BEVERAGES ON BUSINESS PREMISES PROHIBITED

No person shall consume any malt beverage on the premises of any place of business within the city, except businesses holding licenses and actually operating as restaurants or poolrooms, whether purchased there or elsewhere.
(1976 Code, § 3-3)

ARTICLE II. LICENSES*

§ 62.100 LICENSE REQUIRED

It shall be unlawful to sell or offer for sale, at retail, in the city any alcoholic beverage without having procured a license, or, in violation of the terms of the license.
(Ord. 22-83, § I(a), passed 10-4-83)

§ 62.101 APPLICATION

Applications for licenses shall be made to the administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:

(A) The name, age, and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors and, if a majority interest of the stock of the corporation is owned by one (1) person or his nominee, the name and address of the person;

(B) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization;

***Cross reference:**

Occupational license fees, see Ch. 60
Zoning code, see Ch. 80

Statutory reference:

Licenses to traffic in alcoholic beverages, see KRS 243.020, et seq
City licenses, see KRS 243.070
Issuance of city licenses, see KRS 243.610

(C) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed;

(D) The length of time the applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued;

(E) The amount of goods, wares, and merchandise on hand at the time application is made;

(F) The location, description, and diagram of the premises or place of business which is to be operated under the license, specifying the sections of the premises where alcoholic beverages are to be sold or consumed;

(G) A statement whether the applicant has made application for a similar or other license on premises other than described in this application, and the disposition of the application;

(H) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor; and

(I) A statement that the applicant will not violate any of the laws of the state, or of the United States, or any code provisions or ordinance of the city in the conduct of his place of business.

(Ord. 22-83, § I(b), passed 10-4-83)

§ 62.102 *TERMINATION*

Each license issued under this article shall terminate on June 30 following the issuance thereof.

(Ord. 22-83, § I(d), passed 10-4-83)

§ 62.103 *EXAMINATION OF APPLICANTS*

The City Alcoholic Beverage Control Administrator shall have the right to examine, or cause to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine, or cause to be examined, the books and records of any such applicant or licensee; to hear testimony and take proof of his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the Board of Commissioners under this section, he may authorize his agent to act on his behalf, as provided by statute.

(1976 Code, § 3-17(a))

Cross reference:

Books; records, see § 62.005

§ 62.104 FEES

(A) No license under the provisions of this article shall be issued until there has been paid to the city, the license fee provided in this section.

(B) The following kinds of alcoholic beverage licenses, and no others, may be issued upon approval of the administrator, and the fees payable therefor to the city shall be as follows:

- | | | |
|-----|---|-----------|
| (1) | Distilled spirit and wine package license, per annum (It shall be unlawful for any liquor store granted such a license to be located, except in the following area: Main Street from the north end of the Independent Tobacco Warehouse property, extending north to the south end of the property of Brent and Co. in East Paris.) | \$ 800.00 |
| (2) | Distilled spirit and wine drink license, per annum (This license shall not apply to private clubs. Only restaurants may be issued such a license.) | \$ 800.00 |
| (3) | Retail malt beverage license, per annum | \$ 75.00 |
| (4) | Restaurant wine license, per annum | \$ 75.00 |
| (5) | Special private club license, per annum (This permit shall allow the retail sale of alcoholic beverages for consumption only on the premises where sold, to be issued to a regularly organized private club, such sales to be made only to members of the club. Any private club making application for this license shall have been actually and, in fact, organized for a minimum of one (1) year before such license shall be granted.) | \$ 300.00 |
| (6) | Malt beverage distributor's license (Such license shall permit the wholesale sale of beer) | \$ 200.00 |

(C) A license for the retail sale of beer for consumption on the premises shall not be issued to the holder of a retail package license.

(D) The number of all licenses of any class issued and in force at any one (1) time in any year shall not exceed that permitted by the Alcoholic Beverage Control Board. (1976 Code, § 3-17) (Am. Ord. 2001-5, passed 3-13-01)

Statutory reference:

Persons who may not be licensed, see KRS 243.100

Causes for refusal of license, see KRS 243.450

Issuance of city licenses, see KRS 243.610

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§ 62.105 RESTRICTIONS

In no event shall a license be issued for any restaurant or any dining facility in a hotel, motel, or inn, unless the applicant can demonstrate to the administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of the restaurant or dining facility for the license period.

(1986 Code, § 3-26)

§ 62.106 PROCEDURES; APPLICABILITY

(A) *Insurance certificate.* No license shall be issued under this article unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the state, certifying that the applicant has, in force and effect, the insurance required by statute.

(B) *Payment of fees; refunds.* All such fees shall be paid to the City Clerk/Treasurer, at the time application is made. In the event the license applied for is denied, the fee shall be refunded. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.

(C) *Record.* The City Clerk/Treasurer shall keep a complete record of all such licenses issued and shall furnish the Chief of Police with a copy thereof; upon revocation or suspension of any license, the City Clerk/Treasurer shall immediately give written notice to the Chief of Police.

(D) *Not subject to garnishment, etc., cessation upon death of licensee; bankruptcy.* A license shall be a purely personal privilege, good for not to exceed one (1) year after issuance unless sooner revoked as provided in this article, and shall not constitute property, nor shall it be subject to attachment, garnishment, or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. The license shall cease upon the death of the licensee and shall not descend by the laws of the estate or intestate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic beverages may continue the business of the sale or manufacture of alcoholic beverages under the order of the appropriate court, and may exercise the privilege of the deceased or insolvent or bankrupt licensee after the death of the decedent, or such insolvency or bankruptcy, until the expiration of the license, but not longer than six (6) months after the death, bankruptcy, or insolvency of the licensee. A refund shall be made of that portion of the licensee fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.

(E) *Change of location.* A license issued pursuant to this article shall permit the sale of alcoholic beverages only in the premises described in the application and license. The location may be changed only when the written permit to make the change shall be issued by the

administrator. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.

(F) *Applicant subject to other regulations.* Any applicant or any licensee pursuant to this article shall be subject to all code provisions and ordinances of the city, including, but not limited to, the applicable provisions of the building code, fire prevention code, health regulations, zoning ordinances, food handling ordinances, and restaurant ordinances.

(G) *Investigations.* The administrator shall cause the Chief of Police, the building official, and fire chief to make due investigation of the application and premises to be licensed and upon being notified by them in writing that all of the applicable code provisions and ordinances of the city have been complied with, shall cause the license to be issued.

(H) *Renewal.* Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which the renewal license is sought are suitable for the purpose; provided, further, that the renewal privilege herein provided for shall not be construed as a vested right.

(1976 Code, § 3-18)

Cross reference:

Building code regulations, see Ch. 70

Fire prevention code, see Ch. 73

Zoning code, see Ch. 80

Statutory references:

Transfer of license, see KRS 243.630, et seq.

Continuation in business by representative of defunct licensee, see KRS 243.640

ALCOHOLIC BEVERAGE LICENSE ORDINANCE

WHEREAS, the City of Paris, pursuant to an Act of the Kentucky Legislature during its 1978 session will become a Third Class City on June 17, 1978, and

WHEREAS, for some time the sale of package alcoholic liquor and beer both in containers and in draft has been lawful and liquor licenses have been issued under city ordinances and regulations of the State Alcoholic Beverage Board, and

WHEREAS, when Paris becomes a Third Class City, the sale and service within its bounds of alcoholic liquor by the drink shall be legal and licenses to authorize such activity may be issued to businesses, clubs, etc., and a number of applications for such licenses have been tendered, and

WHEREAS, under the above circumstances, to avoid confusion, it is necessary that changes be made in existing ordinances and new ordinances and regulations be adopted before June 17, so that the sale of alcoholic liquor by the drink and the licensing thereof can be effectively regulated and administered in coordination with existing Beer and Package liquor sale regulations,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF PARIS:

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

- (a) Alcoholic Liquor: Any spirits, wine, beer, ale or other liquid containing more than one-half of one percent of alcohol by volume, which is fit for beverage purposes.
- (b) Retail Sale: The sale for use or consumption and not for resale.
- (c) Restaurant: Any public place kept, used, maintained, advertised and held out to the public as a place where meals are served, and where meals actually are served and regularly served, without sleeping accommodations, such space being provided with adequate and sanitary kitchen and dining room equipment and capacity and having employed therein a sufficient number and kind of employees to prepare, cook and serve suitable food for its guests.
- (d) Hotel: Every building or other structure, kept, used, maintained, advertised and held out to the public to be a place where food is actually served and consumed and sleeping accommodations are offered for adequate pay to travelers and guests, whether transient, permanent, or residential, in which twenty-five or more rooms are used for the sleeping accommodations and dining rooms being conducted in the same building or buildings in connection therewith and such building or buildings, structure or structures being provided with adequate and sanitary kitchen and dining room equipment and capacity.
- (e) Private Club: A corporation organized under the laws of this state, not for pecuniary profit, solely for the promotion of some common object other than the sale and consumption of alcoholic liquors which conforms to the definition of a club, as provided by the statute.

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BEVERAGE CONTROL

- (f) Statute: Refers to the Kentucky Revised Statutes.
- (g) Stockholders: Refers only to those stockholders who receive, or whose rights as a stockholder are ordinarily intended to cause him to receive, a financial return on his desk.

SECTION II:

- (a) It shall be unlawful to sell or offer for sale at retail in the city any alcoholic liquor without having a retail liquor dealer's license, or in violation of the terms of such license.
- (b) Applications for such licenses shall be made to the local administrator, in writing, signed by the applicant, if an individual, or by a duly authorized agent thereof, if a club or corporation, verified by oath or affidavit, and shall contain the following statements and information:
 - (1) The name, age and address of the applicant in the case of an individual; in the case of a co-partnership, the persons entitled to share in the profits thereof; in the case of a corporation, the objects for which organized, the names and addresses of the officers and directors, and if a majority interest of the stock of such corporation is owned by one person or his nominee, the name and address of such person.
 - (2) The citizenship of the applicant, his place of birth, and if a naturalized citizen, the time and place of his naturalization.
 - (3) The character of business of the applicant, and in the case of a corporation, the objects for which it was formed.
 - (4) The length of time said applicant has been in business of that character, or in the case of a corporation, the date when its charter was issued.
 - (5) The amount of goods, wares and merchandise on hand at the time application is made.
 - (6) The location, description and diagram of the premises or place of business which is to be operated under such license, specifying the sections of the premises where alcoholic liquor is to be sold or consumed.
 - (7) A statement whether applicant has made application for a similar or other license on premises other than described in this application, and the disposition of such application.
 - (8) A statement that applicant has never been convicted of a felony and is not disqualified to receive a license by reason of any matter or thing contained in this article, laws of this state, or the ordinances of this city.
 - (9) Whether a previous license by any state or subdivision thereof, or by the federal government has been revoked, and the reasons therefor.
 - (10) A statement that the applicant will not violate any of the laws of the state of Kentucky, or of the United States, or any ordinance of the city in the conduct of his place of business.
- (c) No such license, either original or renewal, shall be issued to;
 - (1) A person who is not a resident of Bourbon County.
 - (2) A person who is not of good character and reputation in the community in which he resides;
 - (3) A person who is not a citizen of the United States;

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BEVERLY CONTROL

Bonnie

AN ORDINANCE
AMENDING THE LICENSE FEE SCHEDULE PROVIDED
FOR IN THE CITY'S OCCUPATIONAL LICENSE TAX

BE IT ORDAINED by the Mayor and Board of City Commissioners
of the City of Paris, Kentucky as follows:

Section 1. That the City's Occupational License Tax
Ordinance, as amended, is hereby further amended
by substituting the following for its present
Subsection 3 through Items 1-4 of Section XII
"Regulatory License Fees":

"3. A special regulatory license is also required for
those businesses engaged in the selling of alcoholic
beverages. This license is due July 1st of each
year. The licenses required and fees charged
for liquor sale classifications, as defined in the
Regulations previously adopted this night are as follows:

| | |
|---------|-----------|
| Class A | \$800.00 |
| Class B | \$800.00 |
| Class C | \$75.00 |
| Class D | \$75.00 |
| Class E | \$400.00 |
| Class F | \$75.00 |
| Class G | \$200.00 |
| Class H | \$300.00" |

Section 2. This Ordinance shall be effective immediately upon
its adoption, recordation and publication as required by law.

Adopted this 23rd day of May, 1978.

Douglas F. Castle, Mayor

Attest:

Louis Elvove, City Clerk

- (4) A person who has been convicted of a felony;
 - (5) A person who has been convicted of being the keeper or is keeping a house of ill-fame;
 - (6) A person who has been convicted of pandering or other misdemeanor opposed to decency and morality;
 - (7) A person whose license under this article has been revoked for cause;
 - (8) A person who at the time of application for renewal of any license issued hereunder would not be eligible for such license upon a first application;
 - (9) A co-partnership, unless all of the members of such co-partnership shall be qualified to obtain a license;
 - (10) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than five percent of the stock of such corporation, would not be eligible to receive a license hereunder for any reason other than citizenship and residence within the political subdivision;
 - (11) A person whose place of business is conducted by a manager or agent unless said manager or agent possesses the same qualifications required of the licenses;
 - (12) A person who has been convicted of a violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquor, or who shall have forfeited his bond or appear in court to answer charges for any such violation;
 - (13) A person who does not own the premises for which a license is sought, or does not have a lease thereon for the full period for which the license is issued;
 - (14) Any law enforcement public official, any mayor or member of the city commission and no such official shall be interested in any way, either directly or indirectly, in the manufacture, sale or distribution of alcoholic liquor;
 - (15) Any person, firm or corporation not eligible for a state retail liquor dealer's license;
 - (16) Any person, firm or corporation with unmet or outstanding financial obligations to the City of Paris.
- (d) Each license issued hereunder shall terminate on the 30th day of June following the issuance thereof.

SECTION III:

- (a) The local liquor control administrator shall have the right to examine, or cause, to be examined, under oath, any applicant for a local license or for renewal thereof, or any licensee upon whom notice of revocation or suspension has been served as provided by statute, and to examine or cause to be examined the books and records of any such applicant or licensee; to hear testimony and take proof of his information in the performance of his duties, and for such purpose to issue subpoenas which shall be effective in any part of this state. For the purpose of obtaining any of the information desired by the city commission under this section, he may authorize his agent to act on his behalf, as provided by statute.
- (b) Such licenses shall be divided into the following classes:
 - (1) Class "A", which shall only permit the retail sale of alcoholic liquor, other than beer, in sealed packages, but not for consumption on the premises where sold.

It shall be unlawful for any liquor store granted a Class A license to be located except in the following area:

Main Street from the North end of the independent Tobacco Warehouse property, extending North to the South end of the property of Brent and Co. in East Paris.

(2) Class "B", which shall permit the retail sale of alcoholic liquor, other than beer, for consumption on the premises where sold, and not for resale in any form. This license shall not apply to private clubs. "Only restaurants as herein defined may be issued a Class B license."

(3) Class "C", which shall permit the retail sale of beer for consumption only off the premises where sold.

(4) Class "D", which shall permit the retail sale of beer for consumption only on the premises where sold, to be issued to a regularly organized private club, as hereinbefore defined, such sales to be made only to members of the club.

(5) Class "E", which shall permit the retail sale of alcoholic liquor for consumption only on the premises where sold, to be issued to a regularly organized private club, as hereinbefore defined, such sales to be made only to members of the club. Any private club making application for a Class E license shall have been actually and in fact organized for a minimum of one year before such license shall be granted.

No Class "D" or "E" licenses shall be issued until the local liquor control commissioner has satisfied himself that the club applying for the license was actually and in fact organized for some purpose or object other than the sale or consumption of alcoholic liquor.

(6) Class "F", which shall permit the retail sale of beer for consumption only on the premises where sold. A Class "F" license shall not be issued to the holder of a Class "A" license.

(7) Class "G", which shall permit the wholesale sale of beer.

(8) Class "H", which shall permit the operation of a winery to include the manufacture, warehousing, wholesale and retail sale of wine.

The annual fee for such license(s) shall be in accordance with the City of Paris ordinance levying and imposing license fees for the privilege of engaging in occupations, trades, professions, and other activities within the City of Paris, Kentucky.

SECTION IV: All licenses issued hereunder shall be designated by the classification letter herein provided.

The number of all licenses of any class issued and in force at any one time in any year shall not exceed that permitted by the Alcoholic Beverage Control Board.

SECTION V:

- (a) No license shall be issued hereunder unless the applicant shall file with the application a certificate by an insurance company authorized to do business in the State of Kentucky, certifying that the applicant has, in force and effect, the insurance required by statute.
- (b) All such fees shall be paid to the city clerk, at the time application is made. In the event the license applied for is denied, the fee shall be refunded. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.
- (c) The city clerk shall keep a complete record of all such licenses issued and shall furnish the chief of police with a copy thereof; upon revocation or suspension of any license the city clerk shall immediately give written notice thereof to the chief of police.

- (d) A license shall be a purely personal privilege, good for not to exceed one year after issuance unless sooner revoked as in this ordinance provided, and shall not constitute property, nor shall it be subject to attachment, garnishment or execution, nor shall it be alienable or transferable, voluntarily or involuntarily, or subject to being encumbered or hypothecated. Such license shall cease upon the death of the licensee and shall not descend by the laws of estate or interstate devolution, provided that executors or administrators of the estate of any deceased licensee, and the trustee of any insolvent or bankrupt licensee, when such estate consists in part of alcoholic liquor may continue the business of the sale or manufacture of alcoholic liquor under the order of the appropriate court, and may exercise the privileges of the deceased or insolvent or bankrupt licensee after the death of such decedent, or such insolvency or bankruptcy, until the expiration of such license, but not longer than six months after the death, bankruptcy or insolvency of such licensee. A refund shall be made of that portion of the license fee paid for any period in which the licensee shall be prevented from operating under the license in accordance with the provisions of this section.
- (e) A license issued hereunder shall permit the sale of alcoholic liquor only in the premises described in the application and license. Such location may be changed only when and upon the written permit to make such change shall be issued by the liquor control administrator. No change of location shall be permitted unless the proposed new location is in compliance with the provisions and regulations of this chapter.
- (f) Any applicant or any licensee pursuant to this article shall be subject to all other ordinances of the city, including, but not limited to, the applicable provisions of the building code, fire prevention code, health regulations, zoning ordinances, food handling ordinances, and restaurant ordinances.
- (g) The local ^{alcohol} control administrator shall cause the chief of police, the building official, and fire chief to make due investigation of the application and premises to be licensed and upon being notified by them in writing that all of the applicable ordinances of the city have been complied with, shall cause the license to be issued.
- (h) Any licensee may renew his license at the expiration thereof, provided that he is then qualified to receive a license and the premises for which such renewal license is sought are suitable for such purpose; provided further, that the renewal privilege herein provided for shall not be construed as a vested right.

PASSED AND APPROVED:

Mayor

ATTEST:

City Clerk

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