

ORDINANCE NO. 14-22

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY RELATING TO THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY

WHEREAS, the Kentucky legislature has amended Kentucky Revised Statutes Section 244.290 and Section 244.480 to allow for premises licensed to sell distilled spirits, wine, or malt beverages to remain open during the hours election polls are open on any primary, regular, local option, or special election day; and

WHEREAS, the Board of Commissioners wishes to make the City's ordinances in these regards uniform with the state statutes;

NOW, THEREFORE, BE IT ORDAINED that:

SECTION I

Ordinance No. 117.18 as codified in the City of Richmond, Kentucky Code of Ordinances shall be, and is hereby, amended in the following particulars:

Section (B) (3) (f) *Business hours.*

2. 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 6:00 a.m. on Mondays through Saturdays, or at any time during the 24 hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday ~~or on an election day during such time as the polls are open.~~ However, if a restaurant drink, wine, or malt beverage, retail package, or retail malt beverage licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the said licensee shall be deemed to have complied with this section. This section may be amended by city ordinance.

SECTION II

This Ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with applicable Kentucky law.


DATE OF FIRST READING: August 12, 2014
MOTION BY: Commissioner Baird
SECONDED BY: Commissioner Blythe

VOTE	YES	NO
Commissioner Baird	x	
Commissioner Blythe	x	

Commissioner King x
Commissioner Newby x
Mayor Barnes x

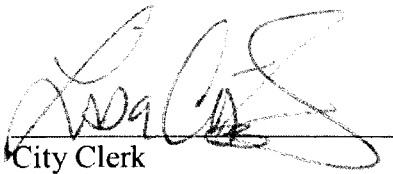
DATE OF SECOND READING: **August 26, 2014**
MOTION BY: **Commissioner Baird**
SECONDED BY: **Commissioner Newby**

VOTE	YES	NO
Commissioner Baird	x	
Commissioner Blythe	x	
Commissioner King	x	
Commissioner Newby	x	
Mayor Barnes	x	



Mayor Barnes

ATTEST:



City Clerk

2013 11 14 6 13

ORDINANCE NO. 14-02

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY AMENDING CHAPTER 117 OF THE CITY OF RICHMOND, KENTUCKY CODE OF ORDINANCES RELATING TO THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY AND TO THE FEES ASSESSED FOR THE ISSUANCE OF ALCOHOLIC BEVERAGE LICENSES

WHEREAS, the City of Richmond has heretofore adopted an ordinance relating to the fees to be assessed for the issuance of alcoholic beverage licenses and same is codified in Chapter 117 of the City of Richmond, Kentucky Code of Ordinances ("Chapter 117"); and

WHEREAS, the Kentucky statutes relating to such licenses and to such fees have been amended, making it necessary to amend Chapter 117;

NOW, THEREFORE, BE IT ORDAINED as follows:

SECTION I

Existing Section 117.17 (P) and existing Section 117.17 (Q) of the City of Richmond, Kentucky Code of Ordinances, the sections of the existing City ordinance which set forth the types of licenses authorized and the fees applicable to them, provisions which must be modified so as to come into compliance with newly-enacted Kentucky statutes, are repealed in their entirety, same to be replaced with the following:

"(P) Distilled spirits, malt beverage, and wine licenses; kinds; fees. The following kinds of distilled spirits, malt beverages, and wine licenses may be issued, the fees for which shall be:

<u>Distiller's license, per annum</u>	<u>\$500.00</u>
<u>Rectifier's license, per annum</u>	<u>\$3,000.00</u>
<u>Wholesaler's distilled spirits and wine license, per annum</u>	<u>\$3,000.00</u>
<u>Quota retail package license, per annum</u>	<u>\$682.50</u>
<u>Quota retail drink license, per annum</u>	<u>\$682.50</u>
<u>Special temporary license, per event</u>	<u>\$166.66</u>
<u>Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....</u>	<u>\$2,000.00</u>
<u>Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum</u>	<u>\$1,000.00</u>
<u>Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum</u>	<u>\$300.00</u>
<u>Distilled spirits and wine special temporary auction license, per event</u>	<u>\$200.00</u>
<u>Special Sunday retail drink license, per annum</u>	<u>\$300.00</u>

<u>Caterer's license, per annum</u>	<u>\$800.00</u>
<u>Bottling house or bottling house storage license, per annum</u>	<u>\$1,000.00</u>
<u>Malt beverage licenses as follows:</u>	
<u>Brewer's license, per annum</u>	<u>\$500.00</u>
<u>Microbrewery license, per annum</u>	<u>\$500.00</u>
<u>Malt beverage distributor's license, per annum</u>	<u>\$400.00</u>
<u>Nonquota retail malt beverage package license</u> <u>issued to holder of nonquota type 4 retail malt</u> <u>beverage drink license, per annum</u>	<u>\$50.00</u>
<u>All other nonquota retail malt beverage package license,</u> <u>per annum</u>	<u>\$200.00</u>
<u>Nonquota type 4 retail malt beverage drink license</u> <u>issued to holder of nonquota retail malt beverage</u> <u>package license</u>	<u>\$50.00</u>
<u>All other nonquota type 4 retail malt beverage drink</u> <u>license, per annum</u>	<u>\$200.00</u>
<u>Malt beverage brew-on-premises license, per annum</u>	<u>\$100.00</u>
<u>Limited restaurant license (includes distilled spirits, wine,</u> <u>and malt beverages), per annum</u>	<u>\$1,200.00</u>
<u>Limited golf course license (includes distilled spirits, wine,</u> <u>and malt beverages), per annum</u>	<u>\$1,200.00</u>
<u>Supplemental bar license (per each supplemental bar issued to</u> <u>same licensee at the same premises, no charge after first</u> <u>five), per annum</u>	<u>\$682.50"</u>

SECTION II

Section 117.01 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"Section 117.01. SALE OF LIQUORS; PERMITTED SECTIONS.

The licensed traffic in alcoholic beverages shall be permitted only within the boundaries of the hereinafter described area of the city, as well as within such additional areas and city precincts as have by vote determined to permit the licensed traffic in alcoholic beverages, at such locations within such areas and precincts as are permissible in accordance with the city's zoning codes, and not elsewhere:"

SECTION III

Section 117.05 (B) (6) is hereby amended in the following particulars:

- "(6) Each licensed premise shall maintain a file at the licensed premise for such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this section. This information shall be available during hours

of operation to the City Administrator and to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of ~~one year~~ three (3) years."

SECTION IV

Section 117.16 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(H) *Appeals.* Appeals from the orders of the City Administrator may be taken to the board, by filing with the board within ~~10 days~~ the time permitted by applicable Kentucky statute a certified copy of the order of the City Administrator."

SECTION V

Section 117.17 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(A) *License required.*

(1) No person shall sell, deal or traffic in any of the following ~~for the purpose of evading the statutes or ordinance~~ without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable thereto.

- (a) Retail dealer of malt beverages whether by the package or by the drink;
- ~~(d)~~ Selling wine at a restaurant facility which has a seating capacity of 50 or more people at tables, which facility receives 50% or more of its income from the sale of food (KRS 243.032);
- ~~(e)~~(d) Wholesaler of distilled spirits, malt beverages, or wines with premises in the city;
- ~~(f)~~(e) Retailer of wine or distilled spirits whether by the package or by the drink;
- ~~(g)~~(f) Activities for which special temporary licenses are authorized;
- ~~(h)~~(g) Operation of a private club, as defined in KRS 243.270 which traffics in malt beverages, distilled spirits and wine for consumption on the premises.

* * * * *

(B) *Application for license.* Applications for the issuance of new licenses shall be in writing and only upon forms provided by the ~~Alcoholic Beverage Administrator~~ Department of Alcoholic Beverage Control, Commonwealth of Kentucky. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed a concise advertisement stating the name and address of the applicant, ~~as well as the name and address of the business, and the type of license applied for, and~~ the date by which the application will be made.

(C) *Sworn information to be contained in application.* Application for a license to sell, deal or traffic in ~~an intoxicating liquor~~ alcoholic beverages shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath. ~~wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinance in the conduct of the proposed business.~~

* * * * *

(I) *Special temporary license.*

~~(1) — The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized in KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be \$16.25 for each month or part of month for which the temporary license is issued.~~

~~(2)(1) The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who is qualified for such a license in accordance with the provisions of KRS 243.260."~~

SECTION VI

Section 117.18 of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(2) Prohibitions.

(g) Any person under the age of 21 years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or

for the purpose of listening to and observing a television set will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any ~~piers~~ premises licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, and the like, will be considered as loitering or loafing within the meaning of this regulation.

(3) Exceptions.

(d) *Retail premises not to be disorderly.*

2. Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

(e) Creating a public nuisance;

(f) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or

(g) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or a local government, or by state administrative regulations, for the licensed premises."

SECTION VII

Section 117.40 and Section 117.41 of the City of Richmond, Kentucky Code of Ordinances are hereby repealed in their entirety:

~~117.40 REQUIREMENT FOR ISSUANCE OF LIQUOR LICENSE~~

~~No retail package liquor license shall be issued to any business or person that does not receive at least 90% of its gross receipts from the sale of alcohol.~~

~~117.41 CERTIFICATION UNDER OATH; REISSUANCE OF LICENSE~~

~~An applicant for a retail package liquor license shall certify under oath that 90% of the total projected gross receipts from sales made at the licensed premises during the 12-month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages. No retail package liquor license, issued after June 7, 1995, shall be reissued unless the licensee's total gross receipts were 90% from~~

sales of alcoholic beverages for the immediate past 12 months. This subchapter applies to new licensees and not to those licensed as of June 7, 1995.

SECTION VIII

Section 117.01 (H) of the City of Richmond, Kentucky Code of Ordinances is hereby amended in the following particulars:

"(H) (1) *Expiration date; renewal of licenses.* All licenses, except special temporary licenses and state multiple license holders issued under this subchapter shall expire on ~~May 31~~ April 30th of each year and the fees thereof shall be due and payable on or before May 1st of each year. State multiple license holders shall be known as "batch" licensees. ~~A—L batch licenses shall expire on July 31 of each year, and the fees thereof shall be due and payable on August 1 of each year. M—Z batch licenses shall expire on August 31 of each year, and the fees thereof shall be due and payable on September 1 of each year.~~ All batch licenses shall expire on August 31st of each year and the fees thereof shall be due and payable on or before September 1 of each year.

~~(2) Renewal fees for the year 2001 will be determined by the number of months from July to the new assigned renewal month. The fees will be prorated based on the yearly license fee.~~

~~(3) A transitional license will take the place of the current license until the new renewal month. This transitional license must be displayed on each business by July 1, 2001.~~

~~(4) A pro-rated schedule will be utilized for transitional, new and renewal alcohol licenses.~~"

SECTION IX

This Ordinance shall become effective immediately upon its enactment following second reading, and publication in accordance with the requirements of applicable Kentucky law.

DATE OF FIRST READING:	January 28, 2014
MOTION BY:	Commissioner Blythe
SECONDED BY:	Commissioner Newby

VOTE	YES	NO
Commissioner Baird	x	
Commissioner Blythe	x	
Commissioner King	x	
Commissioner Newby	x	

Mayor Barnes

x

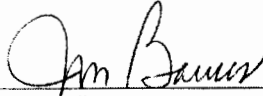
DATE OF SECOND READING:
MOTION BY:
SECONDED BY:

February 11, 2014
Commissioner Baird
Commissioner Blythe

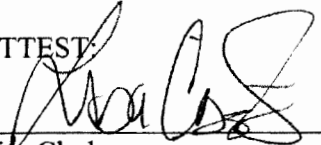
VOTE

Commissioner Baird
Commissioner Blythe
Commissioner King
Commissioner Newby
Mayor Barnes

YES	NO
x	
x	
x	
x	
x	



Mayor Barnes

ATTEST


City Clerk

	New	Renewal	New	Renewal
Pre June 30, 2013			Post June 30, 2013	

Beer	200	75	892.50	761.25	NQ-2 Retail Drink License
Liquor /Wine	<u>650</u>	<u>650</u>			Cannot be increased more than 5% for 5 years and cannot exceed limit of \$1,000 posed under KRS 243.070 for Richmond's form of government
	850	725	<u>892.50</u>	<u>761.25</u>	

Supplemental Bar License	650	650	682.50	682.50	Can not exceed 5% of fee charged prior to change Can be increased in 5 years by another 5% to get closer to maximum Richmond can charge of \$1,000
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Special Sunday Sales	300	300	300.00	300.00	Maximum that can be charged
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Beer	200	75	200.00	78.75	NQ-4 Retail Malt Beverage Drink License
			200.00	78.75	NQ-Retail Malt Beverage Package License
			*** 50.00	50.00	Secondary NQ-4 Malt Beverage Drink License and Retail Malt Beverage Package License

Limited Golf Course					
Beer	200	75	200.00	78.75	Just Beer
Liquor /Wine	<u>650</u>	<u>650</u>	892.50	761.25	Beer/Liquor/Wine
	850	725			

**** The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for \$50. The holder of a nonquota retail malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of \$50.00.

Richmond, KY Code of Ordinances
TITLE XI: BUSINESS REGULATIONS
CHAPTER 117: SALE OF ALCOHOL
CHAPTER 117: SALE OF ALCOHOL

Section

General Provisions

- 117.01 Sale of liquors; permitted sections
- 117.02 Each precinct to determine its own wet/dry status
- 117.03 Violation; prima facie evidence
- 117.04 Alcoholic beverages generally; sale prohibited in college precinct
- 117.05 Server training

Licenses

- 117.15 Definitions
- 117.16 Office of Alcoholic Beverage Control Administrator
- 117.17 Licenses required; application; regulations
- 117.18 Operation of licensed establishments

Nude or Nearly Nude Activities in Licensed Liquor Establishments

- 117.25 Definitions
- 117.26 Prohibited acts
- 117.27 Administrative action
- 117.28 Occupational license fee revocation

Retail Package Liquor License

- 117.40 Requirement for issuance of license
- 117.41 Certification under oath; reissuance of license

2025 FEB 11 10:03 AM

Tracking Sale of Beer Kegs

- 117.55 Definitions
- 117.56 Duties of seller
- 117.57 General regulations
- 117.99 Penalty

Statutory reference:

Alcoholic beverages, see KRS Chs. 241 - 244

GENERAL PROVISIONS

§ 117.01 SALE OF LIQUORS; PERMITTED SECTIONS.

The licensed traffic in alcoholic liquors shall be permitted only within the boundaries of the hereinafter described area of the city and not elsewhere:

(A) First section. Beginning at the center of the intersection of Main Street and Third Street, thence eastwardly with the center of Main Street to the center of the intersection of Main and Second Streets, thence southwardly with the center of Second Street to the center of the intersection of Second and Water Streets, thence eastwardly with the center of Water Street to the center of the intersection of Water and First Streets, thence northwardly with the center of First Street to a point opposite the north wall of the old McKee Armory Building, thence eastwardly to and with the line of said north wall to the northwest corner of G. H. Thornberry property, thence with the west boundary line of G. H. Thornberry property 170 feet to Water Street, thence the same line to the south side of Water Street, thence with the south side of Water Street in an easterly direction through Madison Avenue to the Northwest corner of the Hamhock Liquor Dispensary property, thence with the west property line of Hamhock Liquor Dispensary in a southerly direction 65 feet, thence easterly with a line parallel to and 50 feet distance from Water Street to the center of Collins Street, thence northwardly with the center of Collins Street to a point 165 feet south of the south right-of-way line of Main Street, thence at a right angle eastwardly to a point 76 feet east of the east right-of-way line of Collins Street, thence at a right angle northwardly to the center of Main Street, thence westwardly with the center of Main Street to the center of the intersection of Main and Collins Streets, thence northwardly with the center of Collins Street to a point in the center of Irvine Street, thence westwardly with the center of Irvine Street to the center of the intersection of Irvine and Second Streets, thence eastwardly 154.1 feet with the center line of Irvine Street to a point opposite the parking lot situated between the Wells Hardware building and the Maffett Motor Co. building, thence through said parking lot N 28° 00' E 292.85 feet to a point; thence S 63° 24' W 22.85 feet to a point; thence N 26° 18' E 63.00 feet to a point thence N 63° 27' W 66.00 feet to a point, thence S 27° 41' W 355.85 feet and again through said parking lot to the center line of Irvine Street; thence again westwardly with the center line of Irvine Street to the center of the intersection of Irvine and

Second Streets.

(B) Second section. Beginning at a point in the center of Irvine Street which is 50 feet westwardly from the west right-of-way line of Hill Street, thence eastwardly with the center of Irvine Street to a point opposite the center of Francis Street, thence southeastwardly to the center of Francis Street and with same to a point in the center of E Street, thence northwardly with the center of E Street to a point in the center of the intersection of same with Orange Street, thence eastwardly with the center of Orange Street to the east end of said street and same course continued to the center of the southbound main track of the L & N Railroad Company and thence northwardly with same to a point opposite the east end of Elm Street, thence westwardly to the center line of Elm Street and same course continued to a point 50 feet west of the west right-of-way line of Hill Street, and thence southwardly with a line parallel to and 50 feet distant from the west right-of-way line thereof to the beginning.

(C) Third section. Beginning in the center of the North Main Tract of the L & N Railroad Company at a point which is 75 feet southwardly from a point opposite the center of Heath Street, thence eastwardly with the line parallel to and 75 feet south of the center line of Heath Street to the center of Big Hill Avenue, thence continuing south with the center of Big Hill Avenue to the city limits line, thence with said city limits line (same being the arc of a circle with a radius of one mile from the courthouse) northeastwardly to a point in the south line of East Main Street, thence eastwardly with said south line of said street a distance of approximately 52 feet to a point opposite the east property line of Lot No. 7 in Block 5 of Richmond Investment Company's addition to said city, thence a straight line northwardly a distance of approximately 60 feet to the north right-of-way line of East Main Street at the point where the east line of said lot intersects the same and thence same course continued with said east line of said lot a distance of 180 feet to the northeast corner of said lot; thence westwardly with the north or back line of lots numbered 7, 5, 3 and 1 in Block 5, and crossing Holly Street and thence with the north or back line of lots numbered 15, 13, 11, 9, 7, 5, 3 and 1, of the Richmond Investment Company's addition to said city, this being a line, parallel to and 180 feet distant from the north right-of-way line of East Main Street, to the east right-of-way of Pine Street; thence southwardly with the said east right-of-way of Pine Street to its intersection with the north right-of-way line of East Main Street; thence westwardly with said line of said street to a point 100 feet east of the intersection of same with the east right-of-way line of North Estill Avenue, thence northwardly with a line parallel to Estill Avenue and 100 feet distance from the east line of same a distance of 100 feet, thence at a right angle westwardly to the center of North Estill Avenue, thence northwardly with the center of Estill Avenue to the center of the intersection of Estill Avenue and Irvine Street, thence westwardly with the center of Irvine Street to a point opposite the center line of K Street, thence northwardly and with the center line of K Street and same course continued to the south line of Four Mile Avenue, thence eastwardly with said line of Four Mile Avenue to a point in the southeast intersection of Four Mile Avenue and Estill Avenue, thence southwardly with the east line of Estill Avenue and the property line of Virginia Eversole a distance of 50 feet, thence eastwardly with Eversole's line a distance of 150 feet, thence northwardly with Eversole's line a distance of 50 feet to the south line of Four Mile; thence with said south line of Four Mile Avenue to the center line of K Street, thence northwardly to a point 50 feet of the north right-of-way line of Four Mile Avenue; thence westwardly with a line parallel to Four Mile Avenue and 50 feet north of the north right-of-way line thereof to a point in the center of the Northbound

main track of the L & N Railroad Company and thence with the same southwardly to the beginning.

('79 Code, § 3-1) (Ord. A-337, passed 11-9-59; Am. Ord. 104, passed 3-6-73; Am. Ord. 102, passed 4-3-73; Am. Ord. 77-16, passed 10-4-77) Penalty, see § 117.99

§ 117.02 EACH PRECINCT TO DETERMINE ITS OWN WET/DRY STATUS.

Each precinct in the city shall determine the wet/dry status of their precincts and their vote shall be the sole determining factor as to whether or not it shall be permissible to sell alcoholic beverages in the business zones of that precinct.

('79 Code, § 3-1.1) (Ord. 80-33, passed 10-7-80)

§ 117.03 VIOLATION; PRIMA FACIE EVIDENCE.

No person shall be permitted to traffic in alcoholic liquors under license in any premises in said city located outside of the boundary lines of the above described area, and the procurement of a state license or federal stamp or permit to traffic in alcoholic beverages in any premises lying outside of the boundary of the above described area shall be deemed prima facie evidence of an intent to violate this section.

('79 Code, § 3-2) (Ord. A-105, passed 11-8-54) Penalty, see § 117.99

§ 117.04 ALCOHOLIC BEVERAGES GENERALLY; SALE PROHIBITED IN COLLEGE PRECINCT.

The college precinct in the city is hereby zoned so as no alcoholic beverages may be sold there in stores, dispensaries, bars, and the like, and all kinds of alcoholic beverages are hereby prohibited from being sold therein.

('79 Code, § 3-3) (Ord. A-557, passed 12-13-65) Penalty, see § 117.99

§ 117.05 SERVER TRAINING.

The city shall institute mandatory server training in the city.

(A) Training; standards for certification.

(1) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the city. Before approval is granted, the city shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol intoxication.

(2) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed by the city for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered are to complete a responsible beverage service training class approved by the city.

(3) This shall not apply to any manufacturer of alcoholic beverages is defined in KRS 241.010(29) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(B) Servers.

(1) Definition. SERVER. For purposes of this section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages by retail sale and/or dispersed by the drink or where malt beverages are sold by retail or by the drink and whose job duties include the sale, dispersing or service of alcoholic beverages on the management of the licensed premises.

(2) No person shall be employed by a licensed premise as a server unless the server has successfully completed a city approved alcoholic beverage server training program.

(a) This training program shall be completed for all newly hired servers within 30 days of the first date of employment.

(b) Licensees, employees, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training.

(3) Servers successfully completing the training shall receive a server certification from the server-training program.

(4) Each server shall successfully complete a new server-training program to be recertified not less than once every three years.

(5) No licensed premise in which alcoholic beverages are sold by retail sale or consumed by the drink or malt beverages are sold for consumption on the premises or retail sale shall allow any server employed over 30 days to sell, dispense or service any alcoholic beverage or malt beverages or to manage any such licensed premises unless that server is the holder of a current server certification. This includes all holders of an alcohol and/or malt beverage license.

(6) Each such licensed premise shall maintain a file at the licensed premise for each such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this section. This information shall be available during hours of operation to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of one year.

(7) Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this section.

(C) Responsible beverage service training program.

(1) Any person who sells and/or serves alcoholic beverages in a licensed establishment shall participate in and successfully complete a responsible beverage service-training program approved by the city. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this section.

(2) For a responsible beverage service-training program to be approved by the city, it must effectively train its participants in the following:

(a) Applicable federal laws, state statutes and regulations and local ordinances regarding the sale of alcoholic beverages;

(b) Verification of age forms of identification and methods of recognizing false or misleading age documents;

(c) The effect of alcohol on humans and the physiology of alcohol intoxication;

(d) Recognition of the signs or characteristics of alcohol intoxication;

(e) Strategies for intervention and preventing underage and intoxicated persons from consuming alcoholic beverages; and

(f) Potential liability for persons selling or serving alcoholic beverages.

(Ord. 06-40, passed 10-24-06)

LICENSES

§ 117.15 DEFINITIONS.

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

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

ALCOHOLIC BEVERAGE. Alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, melt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than 1% of alcohol by volume, which are fit for use for beverage purposes. It does not include:

- (1) Denatured alcohol or denatured rum;
- (2) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes;
- (3) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;
- (4) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;
- (5) Flavoring extracts and syrups that are unfit for use for beverage purposes;
- (6) Vinegar and preserved sweet cider;
- (7) Wine for sacramental purposes;
- (8) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use;
- (9) Alcohol for mechanical and scientific purposes if unfit for a beverage.

BOARD. The State Alcoholic Beverage Control Board created by KRS 241.030.

BOTTLE. Any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail.

BUILDING CONTAINING LICENSED PREMISES. The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

CITY ADMINISTRATOR. The City Alcoholic Beverage Control Administrator.

COMMISSIONER. The Commissioner of Alcoholic Beverage Control.

CONVICTED or CONVICTION. A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgement or the suspension of the judgement.

DEPARTMENT. The Department of Alcoholic Beverage Control.

DISTILLED SPIRITS or SPIRITS. Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted in the definition for ?alcoholic beverage,? obtained by distilling, mixed with water or other substances in solution, except wine.

DISTRIBUTOR. Any person who distributes malt beverages for the purpose of being sold at

retail.

FIELD REPRESENTATIVE. Any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the Commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes.

LICENSE. Any license issued pursuant to KRS 243.020 to 243.670 and this subchapter.

LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670 and this subchapter.

MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under the definition of "alcoholic beverage."

MANUFACTURE. Distill, rectify, brew, bottle and operate a winery.

MANUFACTURER. A vintner, distiller, rectifier or brewer and any other person engaged in the production or bottling of alcoholic beverages.

PREMISES. The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two separate businesses or enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

RECTIFIER. Any person who rectifies, purifies or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name.

REPACKAGING. The placing of alcoholic beverages in any retail container irrespective of the material from which the container is made.

RETAIL SALE. Any sale where delivery is made in Kentucky to any person not holding a license.

RETAILER. Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage.

SELL. This includes to solicit or receive an order for, to keep or expose for sale, to keep with intent to sell, and the delivery of any alcoholic beverage.

STATE ADMINISTRATOR. The administrator of the distilled spirits unit or the administrator of the malt beverage unit or both, as the context requires.

WAREHOUSE. Any place in which alcoholic beverages are housed or stored.

WHOLESALE SALE. A sale to any person for the purpose of resale.

WHOLESALER. Any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer or vintner.

WINE. The product of the normal alcoholic fermentation of the juices or fruits with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. It includes preparations or mixtures vended in retail containers if such preparations or mixtures contain not exceeding 15% of alcohol by volume.

(Ord. 90-44, passed 12-4-90)

Statutory reference:

Similar provisions, see KRS 241.010

§ 117.16 OFFICE OF ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) **Office created.** There is hereby created in the city the office of City Alcoholic Beverage Control Administrator.

(B) **Appointment.** The City Administrator shall be appointed by the City Manager with the approval of the Commission.

(C) **Eligibility.** No person is eligible for the office of City Administrator who has himself or herself or a member of his or her immediate family has any interest in any premises or business where alcoholic beverages are manufactured, stored or sold nor shall he or she receive any commission or profit from any person applying for or receiving any license or permit. Membership in any club is not reason for ineligibility for this office.

(D) **Oath and bond.** The City Administrator, before entering upon his or her duties as such, shall take the oath prescribed in § 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000 which cost shall be borne by the city.

(E) **Functions of City Administrator.** The functions of the City Administrator shall be the same with respect to city licenses and regulations, as the functions of the board with respect to state

licenses and regulations, except that no regulation adopted by a City Administrator may be less stringent than the statutes relating to alcoholic beverage control or that the regulations of the board. No regulation of a City Administrator shall become effective until it has been approved by the City Commission and the board.

(F) Institution of revocation proceeding; notice. The City Administrator, on his or her own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license. Revocation or suspension shall be had only upon five days notice to the licensee, and an opportunity shall be given him or her to be heard.

(G) Hearings. All hearings shall be before the City Administrator. Hearings will be held on the second and third Mondays of each month at 7:00 p.m. in the courtroom, third floor, City Hall. The days and times of these hearings may be changed by a city order.

(H) Appeals. Appeals from the orders of the City Administrator may be taken to the board, by filing with the board within 10 days a certified copy of the order of the City Administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from order of the City Administrator shall be governed by KRS 243.550 to 243.590.

(I) Report from administrator. The City Administrator will make a quarterly report to the City Commission.

(Ord. 90-44, passed 12-4-90)

Statutory reference:

Similar provisions, see KRS 241.060, 241.100, 241.160, 241.170, 241.180, 241.190, 241.200, 243.550 and 243.590

§ 117.17 LICENSES REQUIRED; APPLICATION; REGULATIONS.

(A) License required.

(1) No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinance, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable hereto.

(a) Retail dealer of malt beverages;

(b) Distributor of malt beverages;

(c) Rectifier or blender of distilled spirits or vine;

(d) Selling wine at a restaurant facility which has a seating capacity of 50 or more people at tables, which facility receives 50% or more of its income from the sale of food (KRS 243.032);

- (e) Wholesaler of distilled spirits or wine; with premises in the city;
- (f) Retailer of wine or distilled spirits;
- (g) Activities for which special temporary licenses are authorized;
- (h) Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises.

(2) Any person violating any of the provisions of division (A) shall be deemed guilty of a Class B misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

(B) Application for license. Applications for the issuance of new licenses shall be in writing and upon forms provided by the Alcoholic Beverage Administrator. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed, a concise advertisement stating the name and address of the applicant as well as the name and address of the business and the type of license applied for.

(C) Sworn information to be contained in application. Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinance in the conduct of the proposed business.

(D) Local administrator to approve application first. Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the City Administrator.

(E) Payment of delinquent taxes prerequisite to issuance. No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the Alcoholic Beverage Administrator may, at his or her discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him or her for taking care of the indebtedness represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

(F) Issuance of city licenses. Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this subchapter, within the time prescribed in this subchapter to the Finance Department who shall issue the license.

(G) Persons who may not be licensed.

(1) A natural person shall not become a licensee under the provisions of this chapter if he or she:

(a) 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;

(b) Has been convicted of any misdemeanor described under KRS 218A.050 through KRS 218A.130, inclusive, in the two years immediately preceding the application;

(c) Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two years immediately preceding the application:

(d) Is under the age of 21 years;

(e) Has had any license issued under this statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(f) Is not a citizen of the United States and has not had an actual, bona fide residence in this state for at least one year before the date on which his or her application for a license is made.

(2) A partnership, limited partnership, limited liability company, corporation, or other business entity shall not be licensed if:

(a) Each of the members, directors, principal officers, and managers does not qualify under division (G)(1)(a) through (d) of this section;

(b) It has had any license issued under this statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such statute, until the expiration of two years from the date of the revocation or conviction; or

(c) Any of the members, directors, managers, or principal officers has had any license issued under any statute relating to the regulation of the manufacture, sale, and transportation of alcoholic beverages, revoked for cause or has been convicted of a violation of any such statute, until the expiration of the later of two years from the date of the revocation or two years from the date of conviction.

(H) (1) Expiration date; renewal of licenses. All licenses, except special temporary licenses and state multiple license holders, issued under this subchapter shall expire on May 31 of each year, and the fees thereof shall be due and payable on June 1 of each year. State multiple license holders shall be known as "batch" licensees. 1-L batch license shall expire on July 31 of each year, and the fees thereof shall be due and payable on August 1 of each year. M-Z batch licenses shall expire on August 31 of each year, and the fees thereof shall be due and payable on September 1 of each year.

(2) Renewal fees for the year 2001 will be determined by the number of months from July to the new assigned renewal month. The fee will be prorated based on the yearly license fee.

(3) A transitional license will take the place of the current license until the new renewal month. The transitional license must be displayed on each business by July 1, 2001.

(4) A pro-rated schedule will be utilized for transitional, new and renewal alcohol licenses.

(I) Special temporary license.

(1) The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized in KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be \$16.25 for each month or part of month for which the temporary license is issued.

(2) The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be \$108.33 for each month or part of month for which the temporary license is issued.

(J) Special private club license. A special private club license may be issued to any non-profit 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. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license.

(K) Transfer of assignment of license without authorization prohibited. No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the State Administrator in the exercise of his or her sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of \$50 shall be made to the Finance Director.

(L) Transfer of license to other premises. In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the State Administrator who issued the license may, in his or her discretion such action is necessary to attain justice change the license to authorize continuance of

business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made, the State Administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

(M) Posting of license.

(1) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.

(2) No licensee shall post the license or permit it to be posted, upon premises other than the licensee's premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(N) Lost or destroyed licenses. When the license shall be lost or destroyed without fault on the part of the holder of the license or his or her agent or employee, a duplicate in lieu of the original license shall be issued by Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate license shall pay a fee of \$10 for issuing the duplicate.

(O) Sales only at place specified in license. No license issued pursuant to this subchapter shall authorize the sale of alcoholic beverages of any kind at more than one place, which shall be specified in the license, and a separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

(P) Distilled spirits and wine licenses; kinds; fees. The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be:

Wholesaler's license, per annum

\$1,950.00

Retail package license, per annum

650.00

Retail drink license, per annum

650.00

Special temporary license, per month or part of month, one-sixth of the fees enumerated in ?retail package license?

108.33

Special private club license, per annum

195.00

Supplemental bar license

650.00

Restaurant wine license, per annum:

New applicants

390.00

Renewals

260.00

(Q) Malt beverage licenses; kinds; fees. The following kinds of malt beverage licenses may be issued by the City Administrator, the fees for which shall be:

Distributor's license, per annum

\$ 260.00

Retailer's license, per annum:

New applicants

200.00

Renewals

75.00

Special temporary license, per month or part of month

16.25

(R) Payment of license fee. The license fee for every license issued under this subchapter shall be payable by the person making application for the license and to whom the license is issued, and

no other person shall pay for any license under this subchapter. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another.

(S) Partial license fees; forfeiture; proportional payments in law.

(1) When a person applies for a license requires or authorized by this subchapter after July 1st of any year, he or she shall be charged, if the license is issued, a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six months. 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.

(2) The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit any and all claims which he or she might otherwise have had to any portion of the license fee paid by him or her upon the issuing of the license.

(3) Should any person after obtaining a license to carry on any of the businesses mentioned under this subchapter, be prohibited from conducting such business for the full term of the license because of any changes that may hereafter be made in the laws of the state with reference to intoxicating liquors, then the city shall refund to him or her the proportionate part of the license for the period during which he or she is prevented from carrying on the business.

(T) Revocation and/or suspension of licenses. Licenses issued under this subchapter may be revoked or suspended as spelled out in § 117.99.

(U) Disposition. All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this subchapter, shall be paid into and become part of the general fund of the city government.

(Ord. 90-44, passed 12-4-90; Am. Ord. 01-23, passed 6-26-01; Am. Ord. 10-01, passed 2-23-10)
Penalty, see § 117.99

Statutory reference:

Similar provisions, see KRS 243.020, 243.360, 243.390, 243.370, 243.100, 243.090, 243.270, 243.630 - 243.640, 243.650, 243.620, 243.070, 243.040, 243.670, 243.090

§ 117.18 OPERATION OF LICENSED ESTABLISHMENTS.

(A) Prohibited retail sales.

(1) No retail licensee shall sell, give away or deliver any alcoholic beverages or procure or permit any alcoholic beverages to be sold, given away or deliver to:

- (a) Any person under the age of 21; or
- (b) Any person actually or apparently under the influence of alcoholic beverages; or
- (c) A habitual drunkard or any person convicted of drunkenness as many as three times within the most recent 12 month period; or
- (d) Any person known to the seller to have been convicted of any misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or of any felony.

(2) Under subdivision (A)(1)(a), it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages, such evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

(B) Persons under the age of 21 not to possess or purchase liquor nor to misrepresent age or use fraudulent identification nor to loiter in barrooms; exceptions.

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

LOAF. To spend time in idleness; as to loaf time away.

LOITER. To be slow in moving, delay, linger, saunter, tarry, lag behind; to wander as an idle vagrant; and to waste time.

PREMISES. The place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments the entire lot upon which the business is situated.

RESTAURANT. An establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a "restaurant" within the meaning of this regulation.

(2) Prohibitions.

(a) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(b) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase for him or her any alcoholic beverages. No person shall aid or assist any person

under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(c) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee or other employee of any licensee to sell or serve any alcoholic beverage to such person.

(d) No person under 21 years of age shall use or attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(e) No person under the age of 21 years shall possess in the city any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.

(f) No person under the age of 21 years shall loaf or loiter in or about the barroom of any licensed premises where alcoholic beverages are sold by the drink.

(g) Any person under the age of 21 years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set, will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any piers licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, and the like, will be considered as loitering or loafing within the meaning of this regulation.

(h) All bowling alleys licensed for the sale of alcoholic beverages shall have the bar enclosed from the bowling area, except that this shall not apply to any premises licensed prior to November 1, 1968.

(3) Exceptions.

(a) Limited. Exceptions are limited to those created by KRS 244.085, KRS 244.087, and KRS 244.090, if applicable.

(b) Persons under 21. Persons under the age of 21 years may patronize licensed establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are scheduled. Bowling is considered an athletic event. During junior league bowling, the sale of alcoholic beverages on licensed premises is prohibited.

(c) Retail premises to furnish clear view from sidewalk or entrance; hotel or club may serve in separate room. The entrance doors of any premises for which a retail license has been issued

shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or where meals are served.

(d) Retail premises not to be disorderly.

1. No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

2. Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

a. Engaging in fighting or in violent, tumultuous or threatening behavior; or

b. Making unreasonable noise; or

c. Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

d. Creating a hazardous' or physically offensive condition by any act that serves no legitimate purpose.

(e) Security and lighting. The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises.

(f) Business hours.

1. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from 6:00 a.m. until 1:00 a.m. prevailing time.

2. 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 6:00 a.m. on Mondays through Saturdays, or at any time during the 24 hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a restaurant drink, wine, or malt beverage; retail package; or retail malt beverage licensee provides a separate department within his or her license premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times

mentioned above, the said licensee shall be deemed to have complied with this section. This section may be amended by city ordinance.

3. Exceptions. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business on Sundays from 1:00 p.m. until 9:00 p.m. provided that the dining facilities seats at least 75 people and that 50% or more of their gross annual income of their business is derived from the sale of food served at the establishment. Sunday sales shall be authorized only for those alcohol license holders whose predominant trade is the selling of prepared food for consumption on the premises. Sunday hours of alcohol sales shall only be for restaurants in the city limits.

4. Any restaurant requesting Sunday sales of alcohol by the drink must file a Schedule F with the State Office of Alcohol Beverage Control and apply to the State Director and meet all other legal requirements for obtaining a limited Sunday liquor and wine by the drink license. The cost for the state license is \$500 per year. Upon receipt of the state license, the business shall apply for a city limited Sunday liquor and wine by the drink Sunday sales license, the cost of which shall be \$300 per year. If the restaurant has a valid state and city retail malt beverage license, a special Sunday sales license for retail malt beverage sales will not be required. These regulations shall comply with KRS 244.290 and 244.480.

5. All trafficking in alcoholic beverages on Christmas Day in the city is hereby prohibited.

§ 117.18 OPERATION OF LICENSED ESTABLISHMENTS.

(A) Prohibited retail sales.

(1) No retail licensee shall sell, give away or deliver any alcoholic beverages or procure or permit any alcoholic beverages to be sold, given away or deliver to:

- (a) Any person under the age of 21; or
- (b) Any person actually or apparently under the influence of alcoholic beverages; or
- (c) A habitual drunkard or any person convicted of drunkenness as many as three times within the most recent 12 month period; or
- (d) Any person known to the seller to have been convicted of any misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or of any felony.

(2) Under subdivision (A)(1)(a), it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchasers appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages, such evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

(B) Persons under the age of 21 not to possess or purchase liquor nor to misrepresent age or use fraudulent identification nor to loiter in barrooms; exceptions.

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

LOAF. To spend time in idleness; as to loaf time away.

LOITER. To be slow in moving, delay, linger, saunter, tarry, lag behind; to wander as an idle vagrant; and to waste time.

PREMISES. The place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments the entire lot upon which the business is situated.

RESTAURANT. An establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a "restaurant" within the meaning of this regulation.

(2) Prohibitions.

(a) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

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(b) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(c) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee or other employee of any licensee to sell or serve any alcoholic beverage to such person.

(d) No person under 21 years of age shall use or attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(e) No person under the age of 21 years shall possess in the city any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.

(f) No person under the age of 21 years shall loaf or loiter in or about the barroom of any licensed premises where alcoholic beverages are sold by the drink.

(g) Any person under the age of 21 years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set, will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any piers licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, and the like, will be considered as loitering or loafing within the meaning of this regulation.

(h) All bowling alleys licensed for the sale of alcoholic beverages shall have the bar enclosed from the bowling area, except that this shall not apply to any premises licensed prior to November 1, 1968.

(3) Exceptions.

(a) *Limited.* Exceptions are limited to those created by KRS 244.085, KRS 244.087, and KRS 244.090, if applicable.

(b) *Persons under 21.* Persons under the age of 21 years may patronize licensed establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are scheduled. Bowling is considered an athletic event. During junior league bowling, the sale of alcoholic beverages on licensed premises is prohibited.

(c) *Retail premises to furnish clear view from sidewalk or entrance; hotel or club may serve in separate room.* The entrance doors of any premises for which a retail license has been issued shall be of

clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or where meals are served.

(d) *Retail premises not to be disorderly.*

1. No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

2. Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

a. Engaging in fighting or in violent, tumultuous or threatening behavior; or

b. Making unreasonable noise; or

c. Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or

d. Creating a hazardous¹ or physically offensive condition by any act that serves no legitimate purpose.

(e) *Security and lighting.* The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises.

(f) *Business hours.*

1. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from 6:00 a.m. until 1:00 a.m. prevailing time.

2. 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 6:00 a.m. on Mondays through Saturdays, or at any time during the 24 hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a restaurant, drink, wine, or malt beverage; retail package; or retail malt beverage licensee provides a separate department within his or her license premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the

said licensee shall be deemed to have complied with this section. This section may be amended by city ordinance.

3. Exceptions. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business on Sundays from 1:00 p.m. until 9:00 p.m. provided that the dining facilities seats at least 75 people and that 50% or more of their gross annual income of their business is derived from the sale of food served at the establishment. Sunday sales shall be authorized only for those alcohol license holders whose predominant trade is the selling of prepared food for consumption on the premises. Sunday hours of alcohol sales shall only be for restaurants in the city limits.

4. Any restaurant requesting Sunday sales of alcohol by the drink must file a Schedule F with the State Office of Alcohol Beverage Control and apply to the State Director and meet all other legal requirements for obtaining a limited Sunday liquor and wine by the drink license. The cost for the state license is \$500 per year. Upon receipt of the state license, the business shall apply for a city limited Sunday liquor and wine by the drink Sunday sales license, the cost of which shall be \$300 per year. If the restaurant has a valid state and city retail malt beverage license, a special Sunday sales license for retail malt beverage sales will not be required. These regulations shall comply with KRS 244.290 and 244.480.

5. All trafficking in alcoholic beverages on Christmas Day in the city is hereby prohibited.

(g) *Delivery hours of malt beverages.*

1. It shall be unlawful for any distributor, wholesaler, or manufacturer of malt beverages or for any agent or employee thereof, to make such deliveries of malt beverage to any dispenser or customer in the corporate limits between the hours of 12:00 a.m. on Saturday and 6:00 a.m. on the succeeding Monday. The word **DELIVERIES** as used herein shall include the transfer of actual possession of malt beverage whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler, or manufacturer, or by any agent, or employee thereof.

2. It shall be unlawful for any person or for any dispenser or dealer, whether for private use, or for the purpose of sale, to receive from any distributor or wholesaler or manufacturer of malt beverages between the hours of 12:00 a.m. and 6:00 a.m. on the succeeding Monday.

(h) *Control of beverages on the licensed premises.*

1. *Premises of retail package licensees.* No bottle of distilled spirits or wine shall be opened or consumed on the licensed premises by any person.

2. *Premises of malt beverage licensees and retail drink licensees.* No distilled spirits, vine or malt beverages shall be taken from the licensed premises in an open container.

(l) *Duty to display warning.* It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight inches by eleven inches in size which shall show, in 30 point or large type substantially as follows:

"WARNING TO MINORS

Persons under the age of 21 are subject to a fine up to \$100 if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
2. Possess, purchase, or attempt to purchase, or to get another to purchase, alcoholic beverages.
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(j) *Prizes and premiums.* It shall be unlawful for any licensee under this subchapter who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of alcoholic beverages.

(k) *Gambling; games of chance.* No gambling or games of chance shall be permitted in any form upon such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.

(l) *Controlled substances.* It shall be unlawful for any licensee under this subchapter to sell, or smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this subchapter for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.

(m) *Radio receiving apparatus.* It shall be unlawful for any licensee licensed under this subchapter to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the police radio station as it is now or may hereafter be operated. In addition to other penalties set out in this subchapter for the violation of this section, the radio receiving apparatus shall be confiscated.

(n) *Warning systems.* It shall be unlawful for any license under this subchapter to have or maintain any sound, light or other warning system on such premises which is intentionally adjusted or constructed or which is utilized in such a fashion as to indicate to employees or patrons of the establishment that law enforcement officials are on the premises. This section includes announcements made over the public address systems.

(o) *Permitting possession and consumption of alcoholic beverages on premises.*

1. No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such

property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.

2. It shall be an affirmative defense under this section if the person charged with the offense, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on his property.

(Ord. 80-45, passed 2-3-81; Am. Ord. 90-44, passed 12-4-90; Am. Ord. 01-10, passed 4-3-01; Am. Ord. 01-23, passed 6-26-01; Am. Ord. 06-36, passed 10-10-06; Am. Ord. 07-04, passed 2-27-07; Am. Ord. 07-21, passed 8-14-07) Penalty, see § 117.99

Statutory reference:

Similar provisions, see KRS 244.080, 244.085, 244.110, 244.120, 244.290, 244.480 and 244.083

Similar provisions, see 804 KAR 5:040

RICHMOND CITY ORDINANCE AMMENDMENT

244.290 Closed times for retail premises -- Exception -- Sunday sales.

- (1) A premises that is licensed to sell distilled spirits or wine at retail shall not be permitted to remain open during the hours the polls are open on any regular or primary election day unless the licensee provides a separate locked department in which all stock of distilled spirits and wine are kept during the hours the polls are open.
- (2) In any county containing a city of the first or second class in which the sale of distilled spirits and wine by the drink is permitted under KRS Chapter 242, an election on the question of permitting the sale of distilled spirits and wine by the drink on Sunday may be held as provided in KRS Chapter 242.
- (3) Except as provided in KRS 243.050, a premise for which there has been granted a license for the sale of distilled spirits or wine at retail by the drink or by the package shall not remain open for any purposes between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday, unless:
 - (a) The licensee provides a separate locked department in which all stocks of distilled spirits and wine are kept during those times; or
 - (b) The legislative body of a city of the first, second, third, or fourth class or an urban-county government, or the fiscal court of a county containing a city of the first, second, third, or fourth class, has otherwise established the hours and times in which distilled spirits and wine may be sold within its jurisdictional boundaries.
- (4) In any county containing a city of the first, second, or third class or any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the legislative body of the city or county may, by ordinance, permit the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the designated closing hour of that locality at hotels, motels, or restaurants which:
 - (a) Have dining facilities with a minimum seating capacity of one hundred (100) people at tables; and
 - (b) Receive less than fifty percent (50%) of their annual food and beverage income from the dining facilities from the sale of alcohol.
- (5) In any county containing a city of the first class or in any city located therein in which the sale of distilled spirits and wine is permitted under KRS Chapter 242, the distilled spirits director may issue a license to holders of a distilled spirits and wine retail drink quota license or a special private club license which permits the sale of distilled spirits and wine by the drink on Sunday from 1 p.m. until the prevailing time for that locality.
- (6) Any city of the fourth class or county containing a city of the fourth class which has enacted a comprehensive, regulatory ordinance relating to the licensing and operation of hotels, motels, inns, or restaurants for the sale of alcoholic beverages by the drink under KRS 242.185(1), may also regulate and provide for the limited sale of distilled spirits and wine by the drink on Sundays if:
 - (a) The limited Sunday drink licenses are issued only to those hotels, motels, inns, or restaurants authorized to sell alcoholic beverages by the drink under

KRS 242.185(3); and

- (b) The holders of distilled spirits and wine retail drink licenses have applied to the state director and meet all other legal requirements for obtaining a limited Sunday liquor by the drink license.
- (7) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, in any county containing an urban-county government where Sunday sales of distilled spirits and wine by the drink have been previously approved, the legislative body of the urban-county government may by ordinance extend Sunday sales to any premises licensed to sell distilled spirits and wine by the drink located within the territorial boundaries of the urban-county government and may by ordinance establish the hours such distilled spirits and wine by the drink may be sold.

Effective: July 12, 2012

History: Amended 2012 Ky. Acts ch. 125, sec. 9, effective July 12, 2012. -- Amended 2007 Ky. Acts ch. 99, sec. 10, effective June 26, 2007. -- Amended 2000 Ky. Acts ch. 435, sec. 19, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 522, sec. 21, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 252, sec. 2, effective July 15, 1994. -- Amended 1990 Ky. Acts ch. 219, sec. 4, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 176, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 340, sec. 1, effective July 15, 1982; and ch. 411, sec. 2, effective July 15, 1982. -- Amended 1972 Ky. Acts ch. 335, sec. 4. -- Amended 1944 Ky. Acts ch. 154, sec. 27. -- Amended 1942 Ky. Acts ch. 168, secs. 7 and 16. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-179.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.

CITY OF RICHMOND

244.480 Time when delivery and sale of malt beverages prohibited.

- (1) Except as provided in subsection (3) of this section, no brewer or distributor shall deliver any malt beverages on Sunday or between the hours of midnight and 6 a.m. on any other day.
- (2) Except as provided in subsection (3) of this section, no retailer shall sell, give away, or deliver any malt beverages between midnight and 6 a.m. or at any time during the twenty-four (24) hours of a Sunday or during the hours the polls are open on a primary or regular election day.
- (3) The legislative body of an urban-county government or a city of the first, second, third, or fourth class or of a county containing an urban-county government or a city of the first, second, third, or fourth class in which traffic in malt beverages is permitted by KRS Chapter 242, shall have the exclusive power to establish the times in which malt beverages may be sold within its jurisdictional boundaries, including Sunday sales if the hours so fixed:
 - (a) Shall not prohibit the sale, gift, or delivery of any malt beverages between 6 a.m. and midnight during any day, except Sunday; and
 - (b) Prohibit the sale of malt beverages on any primary or regular election day during the hours the polls are open.

Effective: June 26, 2007

History: Amended 2007 Ky. Acts ch. 99, sec. 12, effective June 26, 2007. -- Amended 1998 Ky. Acts ch. 522, sec. 24, effective July 15, 1998. -- Amended 1994 Ky. Acts ch. 252, sec. 3, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 411, sec. 3, effective July 15, 1982. -- Amended 1944 Ky. Acts ch. 154, sec. 28. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 2554b-207.

ORDINANCE 07-21

AN ORDINANCE OF THE CITY OF RICHMOND AMENDING ORDINANCE 90-44 RELATING TO THE ESTABLISHMENT OF RULES FOR THE CONTROL, LICENSING, OPERATION, ADMINISTRATION AND ENFORCEMENT OF THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY.

WHEREAS, the City of Richmond enacted Ordinance 90-44 on December 4, 1990 which, among other items, established the hours of operation of Alcohol licenses in the city, and

WHEREAS, the City of Richmond Board of Commissioners is keenly interested in the safe and orderly operation of Alcohol license establishments in the city, and

WHEREAS, the City of Richmond Board of Commissioners is interested in the fair equal administration of local alcohol licensed establishments, and

WHEREAS, Kentucky Revised Statutes and Ordinance 90-44 allow the city to set hours of operation of Alcohol License Holders in the city limits,

NOW, THEREFORE BE IT ORDAINED by the City of Richmond Board of Commissioners as follows:

“Ordinance 90-44, An Ordinance of the City of Richmond creating the Office of City Alcoholic Beverage Control Administrator and prescribing the duties and responsibilities of that office; establishing rules for the control, licensing, operation, administration and enforcement of the sale of alcoholic beverages in the City of Richmond and prescribing penalties for the violation of such rules” is hereby amended as set out herein:

- (1) Section IV Operation of Licensed establishments
 - (6) Business Hours

C. Exceptions. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business on Sundays from one o'clock p.m. (1:00 p.m.) until nine o'clock p.m. (9:00 p.m.) provided that the dining facilities seats at least seventy-five (75) people and that fifty per cent (50%) or more of their gross annual income of their business is derived from the sale of food served at the establishment. Sunday sales shall be authorized only for those Alcohol license holders whose predominant trade is the selling of prepared food for consumption on the premises. Sunday hours of alcohol sales shall only be for restaurants in the city limits of Richmond.

D. Any Restaurant requesting Sunday sales of Alcohol by the drink must file a Schedule F with the State Office of Alcohol Beverage Control and apply to the state director and meet all other legal requirements for obtaining a limited Sunday liquor and wine by the drink license. The cost for the state license is \$500.00 per year. Upon receipt of the state license, the business shall apply for a City of Richmond limited Sunday liquor and wine by the drink Sunday sales License, the cost of which shall be \$300.00 per year. If the restaurant has a valid state and city retail malt beverage license, a special Sunday sales license for retail malt beverage sales will not be required. These regulations shall comply with KRS 244.290 and KRS 244.480.

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ALCOHOLIC BEVERAGE CONTROL

- (2) All other parts of Ordinance 90-44 as amended shall remain in full force and effect as if set out in full herewith.
- (3) This Amendment shall take effect on September 1, 2007. However, Sunday sales of liquor and wine by the drink are not authorized until all state and city licenses are obtained.

This Ordinance shall be in full force and effect upon second reading, adoption and publication according to law.

Date of First Reading: July 24, 2007
Motion By: Commissioner Brewer
Seconded By: Commissioner Blythe

Date of Second Reading: August 14, 2007
Motion By: Commissioner Brewer
Seconded By: Commissioner Strong

Vote:	Yes	No
Commissioner Blythe		x
Commissioner Brewer	x	
Commissioner Jones	x	
Commissioner Strong	x	
Mayor Lawson	x	

 Mayor

Attest:

 City Clerk

CHAPTER 117: SALE OF ALCOHOL

Section

General Provisions

- 117.01 Sale of liquors; permitted sections
- 117.02 Each precinct to determine its own wet/dry status
- 117.03 Violation; prima facie evidence
- 117.04 Alcoholic beverages generally; sale prohibited in college precinct
- 117.05 Server training

Licenses

- 117.15 Definitions
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Nude or Nearly Nude Activities in Licensed Liquor Establishments

- 117.25 Definitions
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Retail Package Liquor License

- 117.40 Requirement for issuance of license
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Tracking Sale of Beer Kegs

<u>117.55</u>	Definitions
<u>117.56</u>	Duties of seller
<u>117.57</u>	General regulations
<u>117.99</u>	Penalty

Statutory reference:

Alcoholic beverages, see KRS Chs. 241 - 244

GENERAL PROVISIONS

§ 117.01 SALE OF LIQUORS; PERMITTED SECTIONS.

The licensed traffic in alcoholic liquors shall be permitted only within the boundaries of the hereinafter described area of the city and not elsewhere:

(A) *First section.* Beginning at the center of the intersection of Main Street and Third Street, thence eastwardly with the center of Main Street to the center of the intersection of Main and Second Streets, thence southwardly with the center of Second Street to the center of the intersection of Second and Water Streets, thence eastwardly with the center of Water Street to the center of the intersection of Water and First Streets, thence northwardly with the center of First Street to a point opposite the north wall of the old McKee Armory Building, thence eastwardly to and with the line of said north wall to the northwest corner of G. H. Thornberry property, thence with the west boundary line of G. H. Thornberry property 170 feet to Water Street, thence the same line to the south side of Water Street, thence with the south side of Water Street in an easterly direction through Madison Avenue to the Northwest corner of the Hamhock Liquor Dispensary property, thence with the west property line of Hamhock Liquor Dispensary in a southerly direction 65 feet, thence easterly with a line parallel to and 50 feet distance from Water Street to the center of Collins Street, thence northwardly with the center of Collins Street to a point 165 feet south of the south right-of-way line of Main Street, thence at a right angle eastwardly to a point 76 feet east of the east right-of-way line of Collins Street, thence at a right angle northwardly to the center of Main Street, thence westwardly with the center of Main Street to the center of the intersection of Main and Collins Streets, thence northwardly with the center of Collins Street to a point in the center of Irvine Street, thence westwardly with the center of Irvine Street to the center of the intersection of Irvine and Second Streets, thence eastwardly 154.1 feet with the center line of Irvine Street to a point opposite the parking lot situated between the Wells Hardware building and the Maffett Motor Co. building, thence through said parking lot N 28° 00' E 292.85 feet to a point; thence S 63° 24' W 22.85 feet to a point; thence N 26° 18' E 63.00 feet to a point thence N 63° 27' W 66.00 feet to a point, thence S 27° 41' W 355.85 feet and again through said parking lot to the center line of Irvine Street; thence again westwardly with the center line of Irvine Street to the center of the intersection of Irvine and Second Streets.

(B) *Second section.* Beginning at a point in the center of Irvine Street which is 50 feet westwardly from the west right-of-way line of Hill Street, thence eastwardly with the center of Irvine Street to a point opposite the center of Francis Street, thence southeastwardly to the center of Francis Street and with same to a point in the center of E Street, thence northwardly with the center of E Street to a point in

the center of the intersection of same with Orange Street, thence eastwardly with the center of Orange Street to the east end of said street and same course continued to the center of the southbound main track of the L & N Railroad Company and thence northwardly with same to a point opposite the east end of Elm Street, thence westwardly to the center line of Elm Street and same course continued to a point 50 feet west of the west right-of-way line of Hill Street, and thence southwardly with a line parallel to and 50 feet distant from the west right-of-way line thereof to the beginning.

(C) *Third section.* Beginning in the center of the North Main Tract of the L & N Railroad Company at a point which is 75 feet southwardly from a point opposite the center of Heath Street, thence eastwardly with the line parallel to and 75 feet south of the center line of Heath Street to the center of Big Hill Avenue, thence continuing south with the center of Big Hill Avenue to the city limits line, thence with said city limits line (same being the arc of a circle with a radius of one mile from the courthouse) northeastwardly to a point in the south line of East Main Street, thence eastwardly with said south line of said street a distance of approximately 52 feet to a point opposite the east property line of Lot No. 7 in Block 5 of Richmond Investment Company's addition to said city, thence a straight line northwardly a distance of approximately 60 feet to the north right-of-way line of East Main Street at the point where the east line of said lot intersects the same and thence same course continued with said east line of said lot a distance of 180 feet to the northeast corner of said lot; thence westwardly with the north or back line of lots numbered 7, 5, 3 and 1 in Block 5, and crossing Holly Street and thence with the north or back line of lots numbered 15, 13, 11, 9, 7, 5, 3 and 1, of the Richmond Investment Company's addition to said city, this being a line, parallel to and 180 feet distant from the north right-of-way line of East Main Street, to the east right-of-way of Pine Street; thence southwardly with the said east right-of-way of Pine Street to its intersection with the north right-of-way line of East Main Street; thence westwardly with said line of said street to a point 100 feet east of the intersection of same with the east right-of-way line of North Estill Avenue, thence northwardly with a line parallel to Estill Avenue and 100 feet distance from the east line of same a distance of 100 feet, thence at a right angle westwardly to the center of North Estill Avenue, thence northwardly with the center of Estill Avenue to the center of the intersection of Estill Avenue and Irvine Street, thence westwardly with the center of Irvine Street to a point opposite the center line of K Street, thence northwardly and with the center line of K Street and same course continued to the south line of Four Mile Avenue, thence eastwardly with said line of Four Mile Avenue to a point in the southeast intersection of Four Mile Avenue and Estill Avenue, thence southwardly with the east line of Estill Avenue and the property line of Virginia Eversole a distance of 50 feet, thence eastwardly with Eversole's line a distance of 150 feet, thence northwardly with Eversole's line a distance of 50 feet to the south line of Four Mile; thence with said south line of Four Mile Avenue to the center line of K Street, thence northwardly to a point 50 feet of the north right-of-way line of Four Mile Avenue; thence westwardly with a line parallel to Four Mile Avenue and 50 feet north of the north right-of-way line thereof to a point in the center of the Northbound main track of the L & N Railroad Company and thence with the same southwardly to the beginning.

('79 Code, § 3-1) (Ord. A-337, passed 11-9-59; Am. Ord. 104, passed 3-6-73; Am. Ord. 102, passed 4-3-73; Am. Ord. 77-16, passed 10-4-77) Penalty, see § 117.99

§ 117.02 EACH PRECINCT TO DETERMINE ITS OWN WET/DRY STATUS.

Each precinct in the city shall determine the wet/dry status of their precincts and their vote shall be the sole determining factor as to whether or not it shall be permissible to sell alcoholic beverages in the business zones of that precinct.

('79 Code, § 3-1.1) (Ord. 80-33, passed 10-7-80)

§ 117.03 VIOLATION; PRIMA FACIE EVIDENCE.

No person shall be permitted to traffic in alcoholic liquors under license in any premises in said city located outside of the boundary lines of the above described area, and the procurement of a state license or federal stamp or permit to traffic in alcoholic beverages in any premises lying outside of the boundary of the above described area shall be deemed prima facie evidence of an intent to violate this section.

('79 Code, § 3-2) (Ord. A-105, passed 11-8-54) Penalty, see § 117.99

§ 117.04 ALCOHOLIC BEVERAGES GENERALLY; SALE PROHIBITED IN COLLEGE PRECINCT.

The college precinct in the city is hereby zoned so as no alcoholic beverages may be sold there in stores, dispensaries, bars, and the like, and all kinds of alcoholic beverages are hereby prohibited from being sold therein.

('79 Code, § 3-3) (Ord. A-557, passed 12-13-65) Penalty, see § 117.99

§ 117.05 SERVER TRAINING.

The city shall institute mandatory server training in the city.

(A) *Training; standards for certification.*

(1) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the city. Before approval is granted, the city shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol intoxication.

(2) All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed by the city for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered are to complete a responsible beverage service training class approved by the city.

(3) This shall not apply to any manufacturer of alcoholic beverages is defined in KRS 241.010 (29) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(B) *Servers.*

(1) Definition. **SERVER.** For purposes of this section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages by retail sale and/or dispersed by the drink or where malt beverages are sold by retail or by the drink and whose job duties include the sale, dispersing or

service of alcoholic beverages on the management of the licensed premises.

(2) No person shall be employed by a licensed premise as a server unless the server has successfully completed a city approved alcoholic beverage server training program.

(a) This training program shall be completed for all newly hired servers within 30 days of the first date of employment.

(b) Licensees, employees, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training.

(3) Servers successfully completing the training shall receive a server certification from the server-training program.

(4) Each server shall successfully complete a new server-training program to be recertified not less than once every three years.

(5) No licensed premise in which alcoholic beverages are sold by retail sale or consumed by the drink or malt beverages are sold for consumption on the premises or retail sale shall allow any server employed over 30 days to sell, dispense or service any alcoholic beverage or malt beverages or to manage any such licensed premises unless that server is the holder of a current server certification. This includes all holders of an alcohol and/or malt beverage license.

(6) Each such licensed premise shall maintain a file at the licensed premise for each such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this section. This information shall be available during hours of operation to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of one year.

(7) Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this section.

(C) *Responsible beverage service training program.*

(1) Any person who sells and/or serves alcoholic beverages in a licensed establishment shall participate in and successfully complete a responsible beverage service-training program approved by the city. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this section.

(2) For a responsible beverage service-training program to be approved by the city, it must effectively train its participants in the following:

(a) Applicable federal laws, state statutes and regulations and local ordinances regarding the sale of alcoholic beverages;

(b) Verification of age forms of identification and methods of recognizing false or misleading age documents;

(c) The effect of alcohol on humans and the physiology of alcohol intoxication;

- (d) Recognition of the signs or characteristics of alcohol intoxication;
- (e) Strategies for intervention and preventing underage and intoxicated persons from consuming alcoholic beverages; and
- (f) Potential liability for persons selling or serving alcoholic beverages.

(Ord. 06-40, passed 10-24-06)

LICENSES

§ 117.15 DEFINITIONS.

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

ALCOHOL. Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

ALCOHOLIC BEVERAGE. Alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, melt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than 1% of alcohol by volume, which are fit for use for beverage purposes. It does not include:

- (1) Denatured alcohol or denatured rum;
- (2) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes;
- (3) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;
- (4) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;
- (5) Flavoring extracts and syrups that are unfit for use for beverage purposes;
- (6) Vinegar and preserved sweet cider;
- (7) Wine for sacramental purposes;
- (8) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use;
- (9) Alcohol for mechanical and scientific purposes if unfit for a beverage.

BOARD. The State Alcoholic Beverage Control Board created by KRS 241.030.

BOTTLE. Any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail.

BUILDING CONTAINING LICENSED PREMISES. The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

CITY ADMINISTRATOR. The City Alcoholic Beverage Control Administrator.

COMMISSIONER. The Commissioner of Alcoholic Beverage Control.

CONVICTED or CONVICTION. A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgement or the suspension of the judgement.

DEPARTMENT. The Department of Alcoholic Beverage Control.

DISTILLED SPIRITS or SPIRITS. Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted in the definition for "alcoholic beverage," obtained by distilling, mixed with water or other substances in solution, except wine.

DISTRIBUTOR. Any person who distributes malt beverages for the purpose of being sold at retail.

FIELD REPRESENTATIVE. Any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the Commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes.

LICENSE. Any license issued pursuant to KRS 243.020 to 243.670 and this subchapter.

LICENSEE. Any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670 and this subchapter.

MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under the definition of "alcoholic beverage."

MANUFACTURE. Distill, rectify, brew, bottle and operate a winery.

MANUFACTURER. A vintner, distiller, rectifier or brewer and any other person engaged in the production or bottling of alcoholic beverages.

PREMISES. The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two separate businesses or enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

RECTIFIER. Any person who rectifies, purifies or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations

of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name.

REPACKAGING. The placing of alcoholic beverages in any retail container irrespective of the material from which the container is made.

RETAIL SALE. Any sale where delivery is made in Kentucky to any person not holding a license.

RETAILER. Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

SALE. Any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage.

SELL. This includes to solicit or receive an order for, to keep or expose for sale, to keep with intent to sell, and the delivery of any alcoholic beverage.

STATE ADMINISTRATOR. The administrator of the distilled spirits unit or the administrator of the malt beverage unit or both, as the context requires.

WAREHOUSE. Any place in which alcoholic beverages are housed or stored.

WHOLESALE SALE. A sale to any person for the purpose of resale.

WHOLESALE. Any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer or vintner.

WINE. The product of the normal alcoholic fermentation of the juices or fruits with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume. It includes preparations or mixtures vended in retail containers if such preparations or mixtures contain not exceeding 15% of alcohol by volume.

(Ord. 90-44, passed 12-4-90)

Statutory reference:

Similar provisions, see KRS 241.010

§ 117.16 OFFICE OF ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.

(A) *Office created.* There is hereby created in the city the office of City Alcoholic Beverage Control Administrator.

(B) *Appointment.* The City Administrator shall be appointed by the City Manager with the approval of the Commission.

(C) *Eligibility.* No person is eligible for the office of City Administrator who has himself or herself or a member of his or her immediate family has any interest in any premises or business where

alcoholic beverages are manufactured, stored or sold nor shall he or she receive any commission or profit from any person applying for or receiving any license or permit. Membership in any club is not reason for ineligibility for this office.

(D) *Oath and bond.* The City Administrator, before entering upon his or her duties as such, shall take the oath prescribed in § 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000 which cost shall be borne by the city.

(E) *Functions of City Administrator.* The functions of the City Administrator shall be the same with respect to city licenses and regulations, as the functions of the board with respect to state licenses and regulations, except that no regulation adopted by a City Administrator may be less stringent than the statutes relating to alcoholic beverage control or that the regulations of the board. No regulation of a City Administrator shall become effective until it has been approved by the City Commission and the board.

(F) *Institution of revocation proceeding; notice.* The City Administrator, on his or her own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license. Revocation or suspension shall be had only upon five days notice to the licensee, and an opportunity shall be given him or her to be heard.

(G) *Hearings.* All hearings shall be before the City Administrator. Hearings will be held on the second and third Mondays of each month at 7:00 p.m. in the courtroom, third floor, City Hall. The days and times of these hearings may be changed by a city order.

(H) *Appeals.* Appeals from the orders of the City Administrator may be taken to the board, by filing with the board within 10 days a certified copy of the order of the City Administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from order of the City Administrator shall be governed by KRS 243.550 to 243.590.

(I) *Report from administrator.* The City Administrator will make a quarterly report to the City Commission.

(Ord. 90-44, passed 12-4-90)

Statutory reference:

Similar provisions, see KRS 241.060, 241.100, 241.160, 241.170, 241.180, 241.190, 241.200, 243.550 and 243.590

§ 117.17 LICENSES REQUIRED; APPLICATION; REGULATIONS.

(A) *License required.*

(1) No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinance, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable hereto.

(a) Retail dealer of malt beverages;

- (b) Distributor of malt beverages;
- (c) Rectifier or blender of distilled spirits or wine;
- (d) Selling wine at a restaurant facility which has a seating capacity of 50 or more people at tables, which facility receives 50% or more of its income from the sale of food (KRS 243.032);
- (e) Wholesaler of distilled spirits or wine; with premises in the city;
- (f) Retailer of wine or distilled spirits;
- (g) Activities for which special temporary licenses are authorized;
- (h) Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises.

(2) Any person violating any of the provisions of division (A) shall be deemed guilty of a Class B misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

(B) *Application for license.* Applications for the issuance of new licenses shall be in writing and upon forms provided by the Alcoholic Beverage Administrator. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed, a concise advertisement stating the name and address of the applicant as well as the name and address of the business and the type of license applied for.

(C) *Sworn information to be contained in application.* Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinance in the conduct of the proposed business.

(D) *Local administrator to approve application first.* Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the City Administrator.

(E) *Payment of delinquent taxes prerequisite to issuance.* No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the Alcoholic Beverage Administrator may, at his or her discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him or her for taking care of the indebtedness

represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

(F) *Issuance of city licenses.* Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this subchapter, within the time prescribed in this subchapter to the Finance Department who shall issue the license.

(G) *License restrictions.*

(1) No license shall be granted to any person who has been convicted of any felony or any misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years of application, or who is not a citizen of the United States and of Kentucky for one year. No license shall be granted to any person under 21 years of age. Upon revocation of any license issued under this subchapter or a conviction of any violation of this subchapter the licensee shall not thereafter be granted a license under this subchapter within two years.

(2) No license shall be granted to any partnership or corporation if a member of the partnership or if a director, principal officer or manager of the corporation:

(a) Has been convicted of a misdemeanor or felony directly related to the use of alcoholic beverages; or

(b) Has had any license issued under any statute or ordinance relating to the manufacture, sale or transportation of alcoholic beverages revoked for cause; or

(c) Has been convicted of a violation of any such statute; or

(d) Is not 21 years old; or

(e) Is not a citizen of the United States.

(H) (1) *Expiration date; renewal of licenses.* All licenses, except special temporary licenses and state multiple license holders, issued under this subchapter shall expire on May 31 of each year, and the fees thereof shall be due and payable on June 1 of each year. State multiple license holders shall be known as "batch" licensees. 1-L batch license shall expire on July 31 of each year, and the fees thereof shall be due and payable on August 1 of each year. M-Z batch licenses shall expire on August 31 of each year, and the fees thereof shall be due and payable on September 1 of each year.

(2) Renewal fees for the year 2001 will be determined by the number of months from July to the new assigned renewal month. The fee will be prorated based on the yearly license fee.

(3) A transitional license will take the place of the current license until the new renewal month. The transitional license must be displayed on each business by July 1, 2001.

(4) A pro-rated schedule will be utilized for transitional, new and renewal alcohol licenses.

(I) *Special temporary license.*

(1) The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized in KRS 243.290 for the sale of malt beverages within the corporate

boundaries of the city, the fee for which shall be \$16.25 for each month or part of month for which the temporary license is issued.

(2) The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be \$108.33 for each month or part of month for which the temporary license is issued.

(J) *Special private club license.* A special private club license may be issued to any non-profit 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. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license.

(K) *Transfer of assignment of license without authorization prohibited.* No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the State Administrator in the exercise of his or her sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of \$50 shall be made to the Finance Director.

(L) *Transfer of license to other premises.* In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the State Administrator who issued the license may, if in his or her discretion such action is necessary to attain justice change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made, the State Administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

(M) *Posting of license.*

(1) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.

(2) No licensee shall post the license or permit it to be posted, upon premises other than the licensee's premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(N) *Lost or destroyed licenses.* When the license shall be lost or destroyed without fault on the part of the holder of the license or his or her agent or employee, a duplicate in lieu of the original license shall be issued by Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate license shall pay a fee of \$10 for issuing the duplicate.

(O) *Sales only at place specified in license.* No license issued pursuant to this subchapter shall authorize the sale of alcoholic beverages of any kind at more than one place, which shall be specified in the license, and a separate license must be taken out for each place in which any alcoholic beverages are

proposed to be sold.

(P) *Distilled spirits and wine licenses; kinds; fees.* The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be:

Wholesaler's license, per annum	\$1,950.00
Retail package license, per annum	650.00
Retail drink license, per annum	650.00
Special temporary license, per month or part of month, one-sixth of the fees enumerated in "retail package license"	108.33
Special private club license, per annum	195.00
Supplemental bar license	650.00
Restaurant wine license, per annum:	
New applicants	390.00
Renewals	260.00

(Q) *Malt beverage licenses; kinds; fees.* The following kinds of melt beverage licenses may be issued by the City Administrator, the fees for which shall be:

Distributor's license, per annum	\$ 260.00
Retailer's license, per annum:	
New applicants	200.00
Renewals	75.00
Special temporary license, per month or part of month	16.25

(R) *Payment of license fee.* The license fee for every license issued under this subchapter shall be payable by the person making application for the license and to whom the license is issued, and no other person shall pay for any license under this subchapter. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another.

(S) *Partial license fees; forfeiture; proportional payments in law.*

(1) When a person applies for a license requires or authorized by this subchapter after July 1st of any year, he or she shall be charged, if the license is issued, a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six months. 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.

(2) The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit any and all claims which he or she might otherwise have had to any portion of the license fee paid

by him or her upon the issuing of the license.

(3) Should any person after obtaining a license to carry on any of the businesses mentioned under this subchapter, be prohibited from conducting such business for the full term of the license because of any changes that may hereafter be made in the laws of the state with reference to intoxicating liquors, then the city shall refund to him or her the proportionate part of the license for the period during which he or she is prevented from carrying on the business.

(T) *Revocation and/or suspension of licenses.* Licenses issued under this subchapter may be revoked or suspended as spelled out in § 117.99.

(U) *Disposition.* All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this subchapter, shall be paid into and become part of the general fund of the city government.

(Ord. 90-44, passed 12-4-90; Am. Ord. 01-23, passed 6-26-01) Penalty, see § 117.99

Statutory reference:

Similar provisions, see KRS 243.020, 243.360, 243.390, 243.370, 243.100, 243.090, 243.270, 243.630 - 243.640, 243.650, 243.620, 243.070, 243.040, 243.670, 243.090

§ 117.18 OPERATION OF LICENSED ESTABLISHMENTS.

(A) Prohibited retail sales.

(1) No retail licensee shall sell, give away or deliver any alcoholic beverages or procure or permit any alcoholic beverages to be sold, given away or deliver to:

(a) Any person under the age of 21; or

(b) Any person actually or apparently under the influence of alcoholic beverages; or

(c) A habitual drunkard or any person convicted of drunkenness as many as three times within the most recent 12 month period; or

(d) Any person known to the seller to have been convicted of any misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or of any felony.

(2) Under subdivision (A)(1)(a), it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchasers appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages, such evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

(B) Persons under the age of 21 not to possess or purchase liquor nor to misrepresent age or use fraudulent identification nor to loiter in barrooms; exceptions.

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

LOAF. To spend time in idleness; as to loaf time away.

LOITER. To be slow in moving, delay, linger, saunter, tarry, lag behind; to wander as an idle vagrant; and to waste time.

PREMISES. The place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments the entire lot upon which the business is situated.

RESTAURANT. An establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a "restaurant" within the meaning of this regulation.

(2) Prohibitions.

(a) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(b) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(c) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee or other employee of any licensee to sell or serve any alcoholic beverage to such person.

(d) No person under 21 years of age shall use or attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(e) No person under the age of 21 years shall possess in the city any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.

(f) No person under the age of 21 years shall loaf or loiter in or about the barroom of any licensed premises where alcoholic beverages are sold by the drink.

(g) Any person under the age of 21 years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set, will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any piers licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, and the like, will be considered as loitering or loafing within the meaning of this regulation.

(h) All bowling alleys licensed for the sale of alcoholic beverages shall have the bar

enclosed from the bowling area, except that this shall not apply to any premises licensed prior to November 1, 1968.

(3) Exceptions.

(a) *Limited.* Exceptions are limited to those created by KRS 244.085, KRS 244.087, and KRS 244.090, if applicable.

(b) *Persons under 21.* Persons under the age of 21 years may patronize licensed establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are scheduled. Bowling is considered an athletic event. During junior league bowling, the sale of alcoholic beverages on licensed premises is prohibited.

(c) *Retail premises to furnish clear view from sidewalk or entrance; hotel or club may serve in separate room.* The entrance doors of any premises for which a retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than 48 inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or where meals are served.

(d) *Retail premises not to be disorderly.*

1. No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

2. Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance or alarm, or wantonly creating a risk through:

- a. Engaging in fighting or in violent, tumultuous or threatening behavior; or
- b. Making unreasonable noise; or
- c. Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- d. Creating a hazardous' or physically offensive condition by any act that serves no legitimate purpose.

(e) *Security and lighting.* The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises.

(f) *Business hours.*

1. Premises for which a license has been granted to sell distilled spirits and wine and/or

malt beverages may remain open for business daily from 6:00 a.m. until 1:00 a.m. prevailing time.

2. 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 6:00 a.m. on Mondays through Saturdays, or at any time during the 24 hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a restaurant drink, wine, or malt beverage; retail package; or retail malt beverage licensee provides a separate department within his or her license premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the said licensee shall be deemed to have complied with this section. This section may be amended by city ordinance.

3. Exceptions. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business on Sundays from 1:00 p.m. until 9:00 p.m. provided that the dining facilities seats at least 75 people and that 50% or more of their gross annual income of their business is derived from the sale of food served at the establishment. Sunday sales shall be authorized only for those alcohol license holders whose predominant trade is the selling of prepared food for consumption on the premises. Sunday hours of alcohol sales shall only be for restaurants in the city limits.

4. Any restaurant requesting Sunday sales of alcohol by the drink must file a Schedule F with the State Office of Alcohol Beverage Control and apply to the State Director and meet all other legal requirements for obtaining a limited Sunday liquor and wine by the drink license. The cost for the state license is \$500 per year. Upon receipt of the state license, the business shall apply for a city limited Sunday liquor and wine by the drink Sunday sales license, the cost of which shall be \$300 per year. If the restaurant has a valid state and city retail malt beverage license, a special Sunday sales license for retail malt beverage sales will not be required. These regulations shall comply with KRS 244.290 and 244.480.

5. All trafficking in alcoholic beverages on Christmas Day in the city is hereby prohibited.

(g) *Delivery hours of malt beverages.*

1. It shall be unlawful for any distributor, wholesaler, or manufacturer of malt beverages or for any agent or employee thereof, to make such deliveries of malt beverage to any dispenser or customer in the corporate limits between the hours of 12:00 a.m. on Saturday and 6:00 a.m. on the succeeding Monday. The word **DELIVERIES** as used herein shall include the transfer of actual possession of malt beverage whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler, or manufacturer, or by any agent, or employee thereof.

2. It shall be unlawful for any person or for any dispenser or dealer, whether for private use, or for the purpose of sale, to receive from any distributor or wholesaler or manufacturer of malt beverages between the hours of 12:00 a.m. and 6:00 a.m. on the succeeding Monday.

(h) *Control of beverages on the licensed premises.*

1. *Premises of retail package licensees.* No bottle of distilled spirits or wine shall be opened or consumed on the licensed premises by any person.

2. *Premises of malt beverage licensees and retail drink licensees.* No distilled spirits, wine or malt beverages shall be taken from the licensed premises in an open container.

(I) *Duty to display warning.* It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight inches by eleven inches in size which shall show, in 30 point or large type substantially as follows:

“WARNING TO MINORS

Persons under the age of 21 are subject to a fine up to \$100 if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
2. Possess, purchase, or attempt to purchase, or to get another to purchase, alcoholic beverages.
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.”

(j) *Prizes and premiums.* It shall be unlawful for any licensee under this subchapter who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of alcoholic beverages.

(k) *Gambling; games of chance.* No gambling or games of chance shall be permitted in any form upon such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.

(l) *Controlled substances.* It shall be unlawful for any licensee under this subchapter to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this subchapter for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.

(m) *Radio receiving apparatus.* It shall be unlawful for any licensee licensed under this subchapter to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the police radio station as it is now or may hereafter be operated. In addition to other penalties set out in this subchapter for the violation of this section, the radio receiving apparatus shall be confiscated.

(n) *Warning systems.* It shall be unlawful for any license under this subchapter to have or maintain any sound, light or other warning system on such premises which is intentionally adjusted or constructed or which is utilized in such a fashion as to indicate to employees or patrons of the establishment that law enforcement officials are on the premises. This section includes announcements made over the public address systems.

(o) *Permitting possession and consumption of alcoholic beverages on premises.*

1. No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.

2. It shall be an affirmative defense under this section if the person charged with the offense, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on his property.

(Ord. 80-45, passed 2-3-81; Am. Ord. 90-44, passed 12-4-90; Am. Ord. 01-10, passed 4-3-01; Am. Ord. 01-23, passed 6-26-01; Am. Ord. 06-36, passed 10-10-06; Am. Ord. 07-04, passed 2-27-07; Am. Ord. 07-21, passed 8-14-07) Penalty, see § 117.99

Statutory reference:

Similar provisions, see KRS 244.080, 244.085, 244.110, 244.120, 244.290, 244.480 and 244.083

Similar provisions, see 804 KAR 5:040

NUDE OR NEARLY NUDE ACTIVITIES IN LICENSED LIQUOR ESTABLISHMENTS

§ 117.25 DEFINITIONS.

For the purpose of this subchapter, 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 premises pursuant to a retail drink liquor license and/or retail cereal malt beverage liquor license that has been issued by the city.

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

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

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

OCCUPATIONAL LICENSE. The occupational license issued for the business establishment pursuant to the city occupational license ordinance.

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

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

RETAIL LICENSEE. Any licensee including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.

(Ord. 85-23, passed 8-20-85)

§ 117.26 PROHIBITED ACTS.

(A) It shall be 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 a manner or attire as to expose to view a portion of the breast referred to as the areola, nipple, or simulation thereof.

(B) 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 referred to as the areola, nipple, or any simulation thereof, it permits such activity or fails to make reasonable and timely effort to halt or abate such activity or use.

(Ord. 85-23, passed 8-20-85) Penalty, see § 117.99

§ 117.27 ADMINISTRATIVE ACTION.

(A) In the event that a violation of § 117.26 occurs, the City Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.160 and 241.190), to determine whether the liquor licensee at whose business establishment the activity prohibited by this subchapter occurred, shall have his/her or its license suspended or revoked.

(B) In the event three or more violations of § 117.26 occur at a business establishment within a 12-month period, the Liquor Administrator, after a hearing, shall revoke the said retail drink license or retail cereal malt beverage liquor license or both.

(Ord. 85-23, passed 8-20-85)

§ 117.28 OCCUPATIONAL LICENSE FEE REVOCATION.

(A) In the event that a violation of § 117.26 occurs, the Chief of Police or any other citizen may prefer charges against the retail licensee pursuant to the city code, and after notice, a hearing 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 § 117.26 occur at a business establishment within a 12-month period, after notice and hearing by the Board of Commissioners, the Board of Commissioners shall revoke the occupational license of the retail licensee.

(Ord. 85-23, passed 8-20-85)

RETAIL PACKAGE LIQUOR LICENSE

§ 117.40 REQUIREMENT FOR ISSUANCE OF LICENSE.

No retail package liquor license shall be issued to any business or person that does not receive at least 90% of its gross receipts from the sale of alcohol.

(Ord. 95-22, passed 6-7-95)

§ 117.41 CERTIFICATION UNDER OATH; REISSUANCE OF LICENSE.

An applicant for a retail package liquor license shall certify under oath that 90% of the total projected gross receipts from sales made at the licensed premises during the 12 month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages. No retail package liquor license, issued after June 7, 1995, shall be reissued unless the licensee's total gross receipts were 90% from sales of alcoholic beverages for the immediate past 12 months. This subchapter applies to new licensees and not to those licensed as of June 7, 1995.

(Ord. 95-22, passed 6-7-95)

TRACKING SALE OF BEER KEGS

§ 117.55 DEFINITIONS.

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

INTOXICATING LIQUOR. Ethyl alcohol, distilled fermented, spirituous, vinous and malt beverages containing more than 3.2% of alcohol by weight in kegs.

KEGS. Containers designed for and capable of holding intoxicating or nonintoxicating malt liquor to be dispersed from a tapper.

MALT LIQUOR. Any beer, ale, or other beverage made from malt by fermentation and containing not less than 0.5% alcohol by volume in kegs.

NON-INTOXICATING LIQUOR. Malt liquor containing not less than 0.5% alcohol by volume nor more than 3.2% alcohol by weight.

OFF-SALE. The sale of alcoholic beverages in kegs in original packages for consumption off the licensed premises only.

(Ord. 03-56, passed 2-24-04)

§ 117.56 DUTIES OF SELLER.

(A) Off-sale sellers of beer kegs (“sellers” or “seller”) shall not sell beer kegs unless the seller affixes an identification label or tag to each beer keg. All sellers operating within the city who sell malt beverages for consumption off the premises of the licensee shall attach a numbered identification tag to each keg at the time of sale and shall require the purchaser to complete and sign a keg tracking form for the keg. This identification shall label or tag each keg or other container capable of holding four gallons or more of liquid.

(B) A seller who sells a beer keg must at the time of the sale record:

(1) The number of the purchaser’s driver’s license or other valid state or United States identification;

(2) The date and time of the purchase;

(3) The beer keg identification number; and

(4) The purchaser’s signature.

(C) All sellers shall require at the time of sale the purchaser to complete and sign a keg tracking form for each keg stating the following:

(1) That the purchaser is of legal age to purchase, possess and use the malt beverage;

(2) That the purchaser is not purchasing the keg for resale and will not allow any person under the age of 21 to consume any of the malt beverage;

(3) That the purchaser shall not remove, obliterate or allow to be removed or obliterated or defaced in any way the keg identification tag;

(4) That the purchaser is aware of his duty to maintain a copy of the keg tracking form and keep it readily accessible at the location of the keg; and

(5) That the purchaser shall sign a declaration stating the above facts.

(D) The seller shall:

(1) Obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver’s license or to produce at least one other valid form of identification, if a driver’s license is not available;

(2) Retain copies of the keg tracking form for a period of 90 days and shall make the keg tracking form available for inspection by state and local alcoholic beverage control officers and other law enforcement officers; and

(3) Affix identification to the kegs in accordance with this subchapter.

(E) In all situations when the keg is not returned or is returned with the identification tag removed, obliterated or defaced, the seller shall immediately contact the Richmond Police Department.

(Ord. 03-56, passed 2-24-04) Penalty, see § 117.99

§ 117.57 GENERAL REGULATIONS.

(A) It shall be unlawful for any seller to sell or offer for sale, kegs without the identification tags attached and the keg tracking form completed.

(B) It shall be unlawful for any person to remove or to obliterate or deface the identification tag or to fail to have the declaration form visible and readily accessible from the location of the keg.

(C) It shall be unlawful to falsify any information requested on the tracking form, declaration or receipt.

(D) The city shall develop forms and make available forms for the declaration and forms required by this subchapter.

(E) In any criminal prosecution against the purchaser arising from the fact that a person under the age of 21 has consumed intoxicating liquor from a keg purchased by the purchaser, it shall be presumed that the purchaser knowingly permitted such underage person to consume such intoxicating liquor.

(Ord. 03-56, passed 2-24-04) Penalty, see § 117.99

§ 117.99 PENALTY.

(A) Any person violating § 117.03 shall be guilty of a misdemeanor and shall be fined not less than \$100 nor more than \$500 for each offense, and each day's possession of a state license or federal permit, contrary to the provisions of this section, shall constitute a separate offense.

('79 Code, § 3-2) (Ord. A-105, passed 11-8-54)

(B) (1) *Penalties in general.* Any person violating § 117.18(B)(2)(o), shall be guilty of a violation and shall be subject to a fine of not more than \$250. Any person who violates any provision of §§ 117.15 through 117.18 for which no specific penalty is provided shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than \$100 and not more than \$200 or be imprisoned in the county jail for not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than \$200 or more than \$500, or be imprisoned in the county jail for not more than 12 months or both. If a person who violates any provision of §§ 117.15 through 117.18 is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principal officer or partner responsible for such violations may be punished by imprisonment as authorized by this section.

(2) *Causes for which licenses may be revoked or suspended.* Any license under KRS 243.020 to 243.670 may be revoked by the Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241, 243, or 244, or any rule or regulation of the city relating to the regulation of alcoholic beverages, or if any clerk, agent, servant or employee of any licensee shall violate any of the

laws, regulations or ordinances relating to alcoholic beverages, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse a license if the facts had been known.

(3) *Causes for which licenses must be revoked or suspended.* Any license issued under the terms of §§ 117.15 through 117.18 must be revoked or suspended for the following causes:

- (a) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- (b) Making any false, material statements in an application for a license.
- (c) Violation of the provisions of KRS 243.670.
- (d) If, within a period of two consecutive years, any licensee or any of his or her clerks, servants, agents or employees shall have been convicted of two violations of the terms and provisions of KRS Chapters 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulations of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his or her clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.
- (e) Willful and deliberate failure or default of a licensee to pay and excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Finance made in pursuance thereof.
- (f) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
- (g) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.
- (h) Conviction of the licensee, his agents, servants, or employees for:
 1. The sale or use upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances;
 2. Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances.

(4) *License revocation/suspension.*

(a) At any time after a license has been issued under the provisions of §§ 117.15 through 117.18, the same shall be revoked by the City Administrator, if the alcoholic beverage license issued by the state is revoked.

(b) The Administrator may, in his or her discretion, order a suspension on the license for any cause for which he or she may, but is not required to, revoke the license under the provisions of KRS 243.490, KRS 243.500, or under the provisions of §§ 117.15 through 117.18; provided however, the licensee may have the alternative, subject to the approval of the Administrator, to pay in lieu of part or all days of any suspension period, a sum as follows:

Wholesale liquor licensees, per day	\$400
Wholesale beer licensees, per day	100
Retail drink liquor licensees, per day	25
Retail package liquor licensees, per day	25
Retail beer licensees, per day	10
All remaining licensees, per day	10

(c) Payments in lieu of suspension collected by the Administrator shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.

(d) Appeals from order of suspension and the procedure thereon shall be the same as are proved for above.

(5) *Disposition.* All money derived under the provisions of §§ 117.15 through 117.18 shall be paid into the treasury of the city and become part of the general funds of the city.

(Ord. 90-44, passed 12-4-90)

(C) (1) Performing nude or nearly nude activities as set forth in § 117.26 or permitting such activities as set forth in said section is a Class B misdemeanor and upon conviction punishment shall be fixed at no more that 90 days in jail or a \$250 fine, or both.

(2) The second violation and subsequent violations of § 117.26 within a 12-month period shall constitute a Class A misdemeanor and upon conviction, punishment at no more than a \$500 fine or one year in jail, or both.

(D) (1) Any person who violates any provision of §§ 117.55 through 117.57 for which no specific penalty is provided shall be guilty of a misdemeanor and shall:

(a) For the first violation, be subject to a fine of not more than \$250; and

(b) For the second violation, be subject to a fine of not more than \$500 or be imprisoned in the county jail for not more than 12 months or both.

(2) If a person who violates any provision of §§ 117.55 through 117.57 is a corporation, partnership, joint stock company, association or fiduciary then the president and/or the principal officer or partner responsible for such violation may be punished pursuant to subsection (D)(1) above.

(E) Server training.

(1) No person, corporation, association, restaurant, business, club or other entity holding a license for the sale of distilled spirits, wine and/or malt beverages by the package or drink shall intentionally, willfully, knowingly, or wantonly authorize, direct, permit, allow or cause any employee, officer or agent of the licensee who has not completed the mandatory service training required, to sell or serve any alcoholic beverages to anyone on the licensed premises.

(2) Any person, corporation, licensee, association, restaurant, business, club or other entity or any employee thereof, found to be in violation of any subsection of § 117.05, shall upon conviction thereof, be fined in an amount not to exceed \$100; for subsequent violations within a two-year period and upon conviction thereof, a fine not to exceed \$500. Each day a violation occurs shall constitute a separate offense.

(3) If a person who violates any provision of § 117.05 is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principal officer or partner responsible for such violations may be fined as authorized by this section.

(85-23, passed 8-20-85; Am. Ord. 03-56, passed 2-24-04; Am. Ord. 06-40, passed 10-24-06)

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ORDINANCE NO. 06-40

AN ORDINANCE OF THE CITY OF RICHMOND ESTABLISHING SERVER TRAINING FOR ALCOHOL LICENSE HOLDERS IN THE CITY OF RICHMOND.

WHEREAS, the City of Richmond desires to promote responsible serving of Alcoholic Beverages in the City, and

WHEREAS, a Server Training Program would benefit the citizens of Richmond and would help in the responsible serving of alcoholic beverages.

NOW, THEREFORE BE IT ORDAINED by the City of Richmond Board of Commissioners.

The City of Richmond shall institute mandatory Server Training in the City of Richmond.

- (1) Training; standards for certification: All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the city. Before approval is granted, the city shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol intoxication.

All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed by the city for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered are to complete a responsible beverage service training class approved by the city.

This shall not apply to any manufacturer of alcoholic beverages is defined in KRS 241.010(29) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

- (A) "Server" For purposes of this ordinance shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premise licensed for the sale of alcoholic beverages by retail sale and/or dispersed by the drink or where malt beverages are sold by retail or by the drink and whose job duties include the sale, dispersing or service of alcoholic beverages on the management of the licensed premises.

- (B) No person shall be employed by a licensed premise as a server unless the server has successfully completed a city approved alcoholic beverage server training program. This training program shall be completed for all newly hired servers within thirty (30) days of the first date of employment.

Licensees, employees, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training.

- (C) Servers successfully completing the training shall receive a server certification from the server-training program.
 - (D) Each server shall successfully complete a new server-training program to be recertified not less than once every three (3) years.
 - (E) No licensed premise in which alcoholic beverages are sold by retail sale or consumed by the drink or malt beverages are sold for consumption on the premises or retail sale shall allow any server employed over thirty (30) days to sell, dispense or service any alcoholic beverage or malt beverages or to manage any such licensed premises unless that server is the holder of a current server certification. This includes all holders of an alcohol and/or malt beverage license.
 - (F) Each such licensed premise shall maintain a file at the licensed premise for each such server for whom training is required. The file shall contain the name, job description, date of employment and proof of certification of each server regulated by this Ordinance. This information shall be available during hours of operation to any alcoholic beverage control officer or any police officer. Training records shall be retained by the licensee for a minimum of one (1) year.
 - (G) Any person working at a special event for which a temporary alcoholic beverage license has been approved shall not be required to comply with this Ordinance.
- (2) (1) Any person who sells and/or serves alcoholic beverages in a licensed establishment shall participate in and successfully complete a responsible beverage service-training program approved by the City of Richmond. The city will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this ordinance.
 - (2) For a responsible beverage service-training program to be approved by the city, it must effectively train its participants in the following:

Applicable federal laws, state statutes and regulations and local ordinances regarding the sale of alcoholic beverages;

Verification of age forms of identification and methods of recognizing false or misleading age documents;

The effect of alcohol on humans and the physiology of alcohol intoxication;

Recognition of the signs or characteristics of alcohol intoxication;

Strategies for intervention and preventing underage and intoxicated persons from consuming alcoholic beverages and

Potential liability for persons selling or serving alcoholic beverages.

(3) Penalties

- (A) No person, corporation, association, restaurant, business, club or other entity holding a license for the sale of distilled spirits, wine and/or malt beverages by the package or drink shall intentionally, willfully, knowingly, or wantonly authorize, direct, permit, allow or cause any employee, officer or agent of the licensee who has not completed the mandatory service training required, to sell or serve any alcoholic beverages to anyone on the licensed premises.
- (B) Any person, corporation, licensee, association, restaurant, business, club or other entity or any employee thereof, found to be in violation of any subsection of this section, shall upon conviction thereof, be fined in an amount not to exceed one hundred dollars (\$100.00); for subsequent violations within a two-year period and upon conviction thereof, a fine not to exceed five hundred dollars (\$500.00). Each day a violation occurs shall constitute a separate offense.
- (C) If a person who violates any provision of this Ordinance is a Corporation, Partnership, Joint Stock Company, Association or Fiduciary, then the president and/or the principal officer or partner responsible for such violations may be fined as authorized by this section.

(4) This ordinance shall be effective on January 1, 2007.

This Ordinance shall be in full force and effect upon second reading, adoption and publication according to law.

Date of First Reading: October 10, 2006

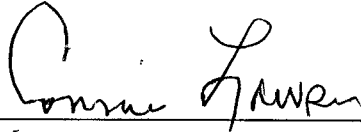
Motion By: Commissioner Barnes
Seconded By: Commissioner Jones
Vote:

	Yes	No
Commissioner Barnes	x	
Commissioner Blythe	x	
Commissioner Brewer	x	
Commissioner Jones	x	
Mayor Lawson	x	

Date of Second Reading: October 24, 2006

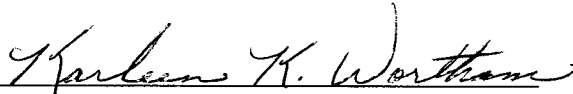
Motion By: Commissioner Blythe
Seconded By: Commissioner Jones
Vote:

	Yes	No
Commissioner Barnes	x	
Commissioner Blythe	x	
Commissioner Brewer	x	
Commissioner Jones	x	
Mayor Lawson	x	



Mayor

Attest:



City Clerk

ORDINANCE NO. 06-36

AN ORDINANCE OF THE CITY OF RICHMOND AMENDING ORDINANCE 90-44 RELATING TO THE ESTABLISHMENT OF RULES FOR THE CONTROL, LICENSING, OPERATION, ADMINISTRATION AND ENFORCEMENT OF THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY.

WHEREAS, the City of Richmond enacted Ordinance 90-44 on December 4, 1990 which established the hours of operation of Alcohol licensees in the city, among other items, and

WHEREAS, the City of Richmond Board of Commissioners is keenly interested in the safe and orderly operation of Alcohol Licensees in the City and in the safety of all residents, and

WHEREAS, by extending the hours of operation of alcohol licensees, it would allow for improved administration of the ordinance, and

WHEREAS, it is recommended that the hours of operation of Alcohol Licensees be extended, and

WHEREAS, extended hours will decrease rapid drinking and vehicles traveling to surrounding cities with later closing times.

NOW, THEREFORE BE IT ORDAINED by the City of Richmond Board of Commissioners that:

(1) Ordinance 90-44 is amended as follows:

Section IV Operation of Licensed establishments.

(6) Business Hours.

A. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from six o'clock a.m. (6:00 a.m.) until one o'clock a.m. (1:00 a.m.) [~~midnight (12:00 a.m.)~~] prevailing time.

B. 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 one o'clock a.m. (1:00 a.m.) [~~midnight (12:00 a.m.)~~] and six o'clock (6:00 a.m.) on Mondays through Saturdays,

or at any time during the twenty-four (24) hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section. This section may be amended by City Ordinance. [~~Order~~]

- (2) All other parts of Ordinance 90-44 shall remain in effect as if set out in full herein.
- (3) This Ordinance shall take effect on November 1, 2006.

This Ordinance shall be in full force and effect upon second reading, adoption and publication according to law.

Date of First Reading: September 26, 2006

Motion By: Commissioner Barnes

Seconded By: Mayor Lawson

Vote:	Yes	No
Commissioner Barnes	x	
Commissioner Blythe	Abstain	
Commissioner Brewer	Absent	
Commissioner Jones		x
Mayor Lawson	x	

Date of Second Reading: October 10, 2006

Motion By: Commissioner Barnes

Seconded By: Commissioner Brewer

Vote:	Yes	No
Commissioner Barnes	x	
Commissioner Blythe	x	
Commissioner Brewer	x	
Commissioner Jones		x
Mayor Lawson	x	

Comie Lawson
Mayor

Attest:

Haleem K. Wortham
City Clerk

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY ESTABLISHING REGULATIONS FOR THE CONTROL, LICENSING, OPERATING, ADMINISTRATION AND THE ENFORCEMENT OF THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY AND CREATING THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR AND PRESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE OFFICE; ALL PURSUANT TO KRS CHAPTERS 241, 242, 243 and 244.

ARTICLE 1: GENERAL

SECTIONS:

- SECTION 87:05:01 Definitions
- SECTION 87:05:02 Office of City Alcoholic Beverage Control Administrator
- SECTION 87:05:03 Oath and Bond
- SECTION 87:05:04 Functions and Powers
- SECTION 87:05:05 Institution of Revocation Proceedings; Notice
- SECTION 87:05:06 Hearings
- SECTION 87:05:07 Appeals
- SECTION 87:05:08 Report from Administrator

Section 87:05:01 Definitions. The words and terms used in this ordinance shall have the same meanings as in those Chapters of the Kentucky Revised Statutes dealing with Alcoholic Beverages.

Section 87:05:02 Office of City Alcoholic Beverage Control Administrator. There is hereby created an office of City Alcoholic Beverage Control Administrator in accordance with KRS 241.160 and 241.170.

Section 87:05:03 Oath and Bond.

- A) The City Administrator shall, before entering upon his duties, take the oath prescribed in Section 228 of the Kentucky Constitution.
- B) The City Administrator shall execute a bond with a good corporate surety in the penal sum of not less than One Thousand Dollars (\$1,000.00).
- C) The cost of bonds given under this section shall be borne by the city.

Section 87:05:04 Functions and Powers. The functions of the City Administrator shall be the same with respect to city licenses and regulations, as the functions of the Alcoholic Beverage Control Board with respect to state licenses and regulations.

Section 87:05:05 Institution of Revocation Proceeding; Notice. The administrator, on his own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license under Sections 87:05:50, 87:05:51 and 87:05:52 of this ordinance. Revocation or suspension shall be had only upon five (5) days notice to the licensee, and an opportunity shall be given him to be heard.

Section 87:05:06 Hearings. All hearings shall be before the administrator. Facilities are available for hearings to be held on the second (2nd) and third (3rd) Mondays of each month at seven o'clock p.m. (7:00 p.m.) in the courtroom, third (3rd) floor, City Hall.

Section 87:05:07 Appeals. Appeals from the orders of the city administrator may be taken to the board, by filing with the board within ten (10) days a certified copy of the orders of the city administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from orders of the city administrator shall be governed by KRS 243.550 to 243.590.

Section 87:05:08 Report from Administrator. The administrator will make a quarterly report to the Board of Commissioners.

ARTICLE II: LICENSES

SECTIONS:

- SECTION 87:05:09 City License Required
- SECTION 87:05:10 Application for License
- SECTION 87:05:11 Sworn Information to be Contained in Application
- SECTION 87:05:12 Local Administrator to Approve Application First
- SECTION 87:05:13 Payment of Delinquent Taxes Prerequisite to Issuance
- SECTION 87:05:14 Issuance of City Licenses
- SECTION 87:05:15 License Restrictions
- SECTION 87:05:16 Expiration Date; Renewal of Licenses
- SECTION 87:05:17 Special Temporary License
- SECTION 87:05:18 Special Private Club License
- SECTION 87:05:19 Transfer or Assignment of License Without Authorization Prohibited
- SECTION 87:05:20 Transfer of License to Other Premises
- SECTION 87:05:21 Posting of License
- SECTION 87:05:22 Lost or Destroyed License
- SECTION 87:05:23 Sales Only at Place Specified in License
- SECTION 87:05:24 Distilled Spirits and Wine Licenses; Kinds; Fees
- SECTION 87:05:25 Malt Beverage Licenses; Kinds; Fees
- SECTION 87:05:26 Payment of License Fee
- SECTION 87:05:27 Partial License Fees; Forfeiture; Proportional Payments; Changes in Law
- SECTION 87:05:28 Revocation and/or Suspension of Licenses
- SECTION 87:05:29 Disposition

Section 87:05:09 City License Required.

- A) No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinances, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable thereto.
- 1) Retail dealer of malt beverages;
 - 2) Distributor of malt beverages;
 - 3) Rectifier or blender of distilled spirits or wine;
 - 4) Selling wine at a restaurant facility which has a seating capacity of fifty (50) or more people at tables, which facility receives fifty (50) percent or more of its income from the sale of food (KRS 243.032);
 - 5) Wholesaler of distilled spirits or wine;
 - 6) Retailer of wine or distilled spirits;
 - 7) Activities for which special temporary licenses are authorized by Section 87:05:17;
 - 8) Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises;
- B) Any person violating any of the provisions of subsection (A) shall be deemed guilty of a Class B Misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

Section 87:05:10 Application for License. Applications for the issuance of new licenses and renewals of existing licenses shall be in writing and upon forms provided by the City Alcoholic Beverage Administrator. The applicant shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed, a concise advertisement stating the name and address of the applicant as well as the name and address of the business and the type of license applied for.

Section 87:05:11 Sworn Information to be Contained in Application. Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to

administer an oath, which shall be stated the applicant's name, age, nativity and address and the exact location, by street number or other name, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two (2) reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinances in the conduct of the proposed business.

Section 87:05:12 Local Administrator to Approve Application First. Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the city administrator.

Section 87:05:13 Payment of Delinquent Taxes Prerequisite to Issuance. No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the alcoholic beverage administrator may, at his discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him for taking care of the indebtedness represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

Section 87:05:14 Issuance of City Licenses. Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this ordinance, within the time prescribed in this ordinance to the Finance Department who shall issue the license.

Section 87:05:15 License Restrictions. No license shall be granted to any person who has been convicted of any felony or any misdemeanor directly attributable to the use of alcoholic beverages within two years of application, or who is not a citizen of the United States and of Kentucky for one year. No license shall be granted to any person under twenty-one (21) years of age. Upon revocation of any license issued under this ordinance or a conviction of any violation of this ordinance the licensee shall not thereafter be granted a license under this ordinance within two (2) years.

Section 87:05:16 Expiration Date; Renewal of Licenses. All licenses, except special temporary licenses, issued under this ordinance shall expire on June 30th of each year, and the fees thereof shall be due and payable on July 1st of each year.

Section 87:05:17 Special Temporary License.

- A) The City Alcoholic Beverage Administrator may, at his discretion, approve a special temporary license as authorized under KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be sixteen dollars and twenty-five cents (\$16.25) for each month or part of month for which the temporary license is issued.
- B) The City Alcoholic Beverage Administrator may, in his sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be one hundred eight dollars and thirty-three cents (\$108.33) for each month or part of month for which the temporary license is issued.

Section 87:05:18 Special Private Club License. A special private club license may be issued to any non-profit social, fraternal, military or political organization or club, which for more than one (1) year prior to the date of application has maintained

and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license.

Section 87:05:19 Transfer or Assignment of License without Authorization Prohibited.

No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of fifty dollars (\$50.00) shall be made to the Finance Director.

Section 87:05:20 Transfer of License to Other Premises. In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the state administrator who issued the license may, if in his discretion such action is necessary to attain justice change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made the state administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

Section 87:05:21 Posting of License.

- A) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.
- B) No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

Section 87:05:22 Lost or Destroyed Licenses. When the license shall be lost or destroyed without fault on the part of the holder of the license or his agent or employee, a duplicate in lieu of the original license shall be issued by the Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate license shall pay a fee of ten dollars (\$10.00) for issuing the duplicate.

Section 87:05:23 Sales Only at Place Specified in License. No license issued pursuant to this ordinance shall authorize the sale of alcoholic beverages of any kind at more than one place, which shall be specified in the license, and a separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

Section 87:05:24 Distilled Spirits and Wine Licenses; Kinds; Fees. The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be:

(1) Wholesaler's license, per annum	\$1,950.00
(2) Retail Package license, per annum	\$ 650.00
(3) Retail drink license, per annum	\$ 650.00
(4) Special temporary license, per month or part of month, one-sixth of the fees enumerated in subsection (2)	\$ 108.33
(5) Special private club license, per annum	\$ 195.00
(6) Supplemental bar license	\$ 650.00

- (7) Restaurant wine license, per annum
 - a) New Applicants \$390.00
 - b) Renewals \$260.00

Section 87:05:25 Malt Beverage Licenses; Kinds; Fees. The following kinds of malt beverage licenses may be issued by the City Administrator, the fees for which shall be:

- (1) Distributor's license, per annum \$260.00
- (2) Retailer's license, per annum
 - a) New Applicants \$200.00
 - b) Renewals \$ 75.00
- (3) Special temporary license, per month or part of month \$ 16.25

Section 87:05:26 Payment of License Fee. The license fee for every license issued under this ordinance shall be payable by the person making application for the license and to whom the license is issued, and no other person shall pay for any license under this ordinance. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another.

Section 87:05:27 Partial License Fees; Forfeiture; Proportional Payments; Changes in Law.

- A) When a person applies for a license required or authorized by this ordinance after July 1st of any year, he shall be charged, if the license is issued, a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six (6) months. 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.
- B) The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or canceled for any reason by the city alcoholic beverage administrator, the licensee shall forfeit any and all claims which he might otherwise have had to any portion of the license fee paid by him upon the issuing of the license.
- C) Should any person after obtaining a license to carry on any of the businesses mentioned under this ordinance be prohibited from conducting such business for the full term of the license because of any changes that may hereafter be made in the laws of the state with reference to intoxicating liquors, then the city shall refund to him the proportionate part of the license for the period during which he is prevented from carrying on the business.

Section 87:05:28 Revocation and/or Suspension of Licenses. Licenses issued under this ordinance may be revoked or suspended as spelled out in Sections 87:05:50, 87:05:51 and 87:05:52.

Section 87:05:29 Disposition. All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this ordinance, shall be paid into and become part of the general fund of the city government.

ARTICLE III: OPERATION OF LICENSED ESTABLISHMENTS

SECTIONS:

- SECTION 87:05:30 General Statement**
- SECTION 87:05:31 Conduct**
- SECTION 87:05:32 Registration of Employees**

- SECTION 87:05:33 Secur and Lighting
- SECTION 87:05:34 Books | Records
- SECTION 87:05:35 Business Hours
- SECTION 87:05:36 Delivery Hours of Malt Beverages
- SECTION 87:05:37 Control of Beverages on the Licensed Premises
- SECTION 87:05:38 Licensed Establishment and Minors
- SECTION 87:05:39 Dancing on Premises Licensed to Sell Alcoholic Beverages
- SECTION 87:05:40 Retailled Premises to Furnish Clear View from Sidewalk or Entrance --
Hotel or Club May Serve in Separate Room
- SECTION 87:05:41 Floor Plan Required to be Filed

Section 87:05:30 General Statement. Nothing contained in this ordinance shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises in the city, where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of any statutes of the state relating to violations pertaining to alcoholic beverages.

Section 87:05:31 Conduct. Each licensed premises shall at all times be conducted in an orderly manner; and no disorderly or riotous conduct shall be allowed at any time any licensed premises; and no nuisance shall be suffered, permitted or maintained thereon.

Section 87:05:32 Registration 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 beer is sold or dispensed by the drink, or sold at retail, as defined in the Kentucky Revised Statutes shall register in a book of registration to be kept by the Richmond Police Department, and is hereby required to be registered, 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 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 photographed within the time period and as prescribed in (A) above.
- C) The registrants under this section are required to have the identification cards issued by the Richmond Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age and place of employment.
- D) The City of Richmond shall require a payment of seven dollars and fifty cents (\$7.50) of each person registered. This payment shall be collected by the Finance Department and applied to the police department budget to cover the cost of the identification card furnished to the registrants. It shall be the responsibility of the licensee (employer) to collect the card and return it to the Police Department with the date of employees seperation.
- E) Those businesses having a liquor by the drink or beer license as an accessory use with another business as the principle 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 primarily 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 (5) days, for which a temporary license has been secured, shall not be required to register under this section.

H) The employees, volunteer help or working proprietor a holder of a Special Private Club License shall be exempt from registration under this section if and only if:

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

Section 87:05:33 Security and Lighting. The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises.

Section 87:05:34 Books and 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. Such books and records shall be available at all reasonable times for inspection by the city alcoholic beverage administrator or any of his authorized representatives.

Section 87:05:35 Business Hours.

- A) Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from six o'clock a.m. (6:00 a.m.) until midnight (12:00 a.m.) prevailing time.
- B) 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 midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) on any day, or at any time during the twenty-four (24) hours of Sunday and Christmas Day, or on an election day during such time as 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 stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section.

Section 87:05:36 Delivery Hours of Malt Beverages.

- A) It shall be unlawful for any distributor, wholesaler or manufacturer of malt beverages or for any agent or employee thereof, to make such deliveries of malt beverage to any dispenser or customer in the corporate limits between the hours of midnight (12:00 a.m.) on Saturday and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. The word "deliveries" as used herein shall include the transfer of actual possession of malt beverage whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler, or manufacturer, or by any agent, or employee thereof.
- B) It shall be unlawful for any person or for any dispenser or dealer, whether for private use, or for the purpose of sale, to receive from any distributor or wholesaler or manufacturer of malt beverages between the hours of midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) on the succeeding Monday.

Section 87:05:37 Control of Beverages on the Licensed Premises.

- A) Premises of Retail Package Licensees. No bottle of distilled spirits, wine or malt beverages shall be opened or consumed on the licensed premises by any person.
- B) Premises of Malt Beverage licensees and Retail Drink Licensees. No distilled spirits, wine or malt beverages shall be taken from the licensed premises in an open container.

Section 87:05:38 Licen Establishment and Minors.

- A) As used in this section, "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.
- 1) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for a purpose other than set out in Section 87:05:39 or for the purpose of purchasing food from a lawfully licensed restaurant which derives 50% or more of its gross revenue from the sale of food.
 - 2) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.
 - 3) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee or other employee of any licensee to sell or serve any alcoholic beverage to such person.
 - 4) No person under 21 years of age shall use or attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
 - 5) It shall be unlawful for any person under the age of twenty-one (21) years to possess in the City of Richmond, Kentucky any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.
- B) The foregoing sections do not apply to those minors aged eighteen (18) to twenty (20) who enter a licensed establishment for the purpose of dancing and which licensed establishment possesses a valid dance license issued pursuant to this ordinance.
- C) It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or large type substantially as follows:

WARNING TO MINORS

Persons under the age of Twenty-one (21) are subject to a fine up to One Hundred Dollars (\$100.00) if they:

- 1) Enter licensed premises to buy, or have served to them, alcoholic beverages.
- 2) Possess, purchase, or attempt to purchase, or get another to purchase, alcoholic beverages.
- 3) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

Section 87:05:39 Dancing on Premises Licensed to Sell Alcoholic Beverages.

- A) License Required: Dancing shall not be permitted on any premises within the city for which an alcoholic beverage license is held unless a dancing license is obtained from the city for the premises. Licenses must be posted (Section 87:05:21 - A).
- B) Application for License: Applications for dancing licenses shall be in writing, be signed by the person holding the alcoholic beverage license for the premises for which the license is applied or, in the case the applicant is a corporation, by the directors of the corporation, and designate the area of the premises which is proposed to be used for dancing. All applications for dancing license shall be filed with the Alcoholic Beverage Control Administrator.

G) Inspection of Premises: Upon receipt for an application for a dancing license, the Alcoholic Beverage Control Administrator of the City shall refer the same to the Codes Enforcement Officer and the Fire Prevention Officer. No dancing license shall be issued until:

- 1) The Codes Enforcement Officer of the City shall have inspected the premises to be licensed and found that portion of the premises to be used for dancing to be structurally safe to accommodate a dance floor and that it is in conformity with the provisions of this Ordinance.
- 2) The Fire Prevention Officer shall inspect the premises and find the same to meet all state and city fire regulations.

D) Issuance of License: Upon the approval of the Codes Enforcement Officer and the Fire Prevention Officer whose endorsement shall be on the application filed with the Alcoholic Beverage Control Administrator, the Administrator shall issue a dancing license upon payment to the city of a license fee hereinafter prescribed.

E) Conditions of Issuance: All dancing licenses granted by the city shall be granted subject to the following conditions and all other conditions of other ordinances of the city applicable thereto:

- 1) Every licensed premises shall at all times be conducted in an orderly manner; and no disorderly or riotous conduct shall be allowed at any time on any licensed premises; and no nuisance shall be suffered, permitted or maintained thereon.
- 2) The license shall authorize dancing only on the premises of the license holder in the area designated in the application as a dance floor, which shall be defined as a clearly defined and separate area suitable for dancing with no structural obstructions of any type or kind or other such obstructions that may result in potential harm to dancers or that might inhibit or interfere with the safety of any dancer and which shall at a minimum consist of an area not less than 200 square feet.
- 3) Upon approval of the Alcoholic Beverage Control Administrator, the dance floor may be moved from one part of the premises to another.

F) License Fee; Amount: The annual license fee for a dancing license shall be determined by the occupancy level set for each establishment, by the Fire Prevention Officer according to State Fire Codes. The scale is as follows:

<u>Occupancy Level</u>	<u>License Fee</u>
0 - 100	\$ 100.00
101 - 200	200.00
201 - +	300.00

G) Expiration of Licenses; When Fees Due and Payable: All licenses issued under this section shall expire on June 30th of each year, and the fees therefore shall be due and payable on July 1st of each year.

H) Forfeiture of License Fees Upon Cancellation, Revocation of License: The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license issued hereunder shall be revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit and all claims which the licensee might otherwise have had to any portion of the license fee paid by the licensee upon the issuing of the license.

- I) Collection of Fees: All license fees from licenses issued under this section shall be collected by the Finance Director.
- J) Assignment of License: No assignment of any license issued under this section shall be made except by order of any court of competent jurisdiction with the approval of the city alcoholic beverage administrator.
- K) Revocation/Suspension of License: A dancing license may be revoked or suspended by the alcoholic beverage control administrator for the violation of any provisions of any ordinances of the city relating to dancing or for any other cause for which a license to sell alcoholic beverages could be revoked or suspended.

Section 87:05:40 Retailed Premises to Furnish Clear View from Sidewalk or Entrance--Hotel or Club may serve in Separate Room.

- A) The entrance doors of any premises for which retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or if the premises are not on the street level from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view of the general observation of persons; but partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or dinners or where meals are served.
- B) No person holding a license under this ordinance shall sell at retail any intoxicating alcoholic beverages behind blinds or screens, but such shall be conducted openly and without any attempt to hide such sales from public view.
- C) Every hotel and private club that procures a license under this ordinance shall be entitled to serve such beverages as such license holder is entitled to serve in a separate room or rooms at banquets or dinners or where meals are served; however, no hotel or private club shall maintain or operate or permit to be operated more than one (1) bar or room where alcoholic beverages are sold and which is open to the general public without first obtaining a separate license for each bar or room which is open to the general public.

Section 87:05:41 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 administrator.
- B) Said floor plan shall be submitted by the licensee to the city 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 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.

ARTICLE IV. PROHIBITIONS

SECTIONS:

- SECTION 87:05:42 General Statement
- SECTION 87:05:43 Prizes and Premiums
- SECTION 87:05:44 Gambling; Games of Chance
- SECTION 87:05:45 Controlled Substances
- SECTION 87:05:46 Radio Receiving Apparatus
- SECTION 87:05:47 Warning Systems
- SECTION 87:05:48 Permitting Possession and Consumption of Alcoholic Beverages on Premises
- SECTION 87:05:49 Price Advertising Restrictions

Section 87:05:42 General Statement. All prohibitions, restrictions and regulations pertaining to Alcoholic Beverages found in KRS 244.010 through 244.600 shall apply to alcoholic beverage use in the City of Richmond, Kentucky.

Section 87:05:43 Prizes and Premiums. It shall be unlawful for any licensee under this ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of alcoholic beverages.

Section 87:05:44 Gambling; Games of Chance. No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.

Section 87:05:45 Controlled Substances. It shall be unlawful for any licensee under this ordinance to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.

Section 87:05:46 Radio Receiving Apparatus. It shall be unlawful for any licensee licensed under this ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the police radio station as it is now or may hereafter be operated. In addition to other penalties set out in this ordinance for the violation of this section, the radio receiving apparatus shall be confiscated.

Section 87:05:47 Warning Systems. It shall be unlawful for any licensee under this ordinance to have or maintain any sound, light or other warning system on such premises which is intentionally adjusted or constructed or which is utilized in such a fashion as to indicate to employees or patrons of the establishment that law enforcement officials are on the premises. This section includes announcements made over P.A. Systems.

Section 87:05:48 Permitting Possession and Consumption of Alcoholic Beverages on Premises.

- A) No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.
- B) It shall be an affirmative defense under this section if the person charged with the offense, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on his property.

Section 87:05:49 Price Advertising Restrictions. No sign of any kind advertising the price of alcoholic beverages shall be printed on the exterior or so as to be visible from the exterior of any premises licensed for the sale of alcoholic beverages at retail; however, any alcoholic beverages licensee may place in the window of his place of business, price cards, not larger than two and one-half (2½) inches by three (3) inches in size with the price thereon at which he offers alcoholic beverages for sale.

ARTICLE V. PENALTIES

SECTIONS:

SECTION 87:05:50 Penalties in General

SECTION 87:05:51 Causes for which Licenses May be Revoked or Suspended

SECTION 87:05:52 Causes for which Licenses Must be Revoked or Suspended

SECTION 87:05:53 License Revocation/Suspension

SECTION 87:05:54 Disposition

Section 87:05:50 Penalties in General. Any person violating Section 87:05:48 shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00). Any person who violates any provision of this ordinance for which no specific penalty is provided shall for the first offense be fined not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00) or be imprisoned in the county jail for not more than six (6) months, or both; and for the second and each subsequent violation, shall be fined not less than two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00), or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this article is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principle officer or partner responsible for such violations may be punished by imprisonment as authorized by this section.

Section 87:05:51 Causes for which Licenses May be Revoked or Suspended. Any license under KRS 243.020 to 243.670 may be revoked by the Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241, 243 or 244, or any rule or regulation of the City of Richmond relating to the regulation of alcoholic beverages, or if any clerk, agent, servant or employee of any licensee shall violate any of the laws, regulations or ordinances relating to Alcoholic Beverages, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse a license if the facts had been known.

Section 87:05:52 Causes for which Licenses Must be Revoked or Suspended. Any license issued under the terms of this ordinance must be revoked or suspended for the following causes:

- 1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- 2) Making any false, material statements in an application for a license.
- 3) Violation of the provisions of KRS 243.670.
- 4) If, within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulations of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one (1) such felony and one (1) such misdemeanor.

- 5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof or any penalties imposed by _____ under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the department of finance made in pursuance thereof.
- 6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
- 7) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.
- 8) Conviction of the licensee, his agents, servants, or employees for:
 - a) The sale or use upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances;
 - b) Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances.

Section 87:05:53 License Revocation/Suspension.

- A) At any time after a license has been issued under the provisions of this article, the same shall be revoked by the City Administrator, if the alcoholic beverage license issued by the state is revoked.
- B) The Administrator may, in his discretion, order a suspension of the license for any cause for which he may, but is not required to, revoke the license under the provisions of KRS 243.490, KRS 243.500, or under the provisions of this ordinance; provided however, the licensee may have the alternative, subject to the approval of the administrator, to pay in lieu of part or all days of any suspension period, a sum as follows:

1) Wholesale liquor licensees, per day	\$500.00
2) Wholesale beer licensees, per day	250.00
3) Retail drink liquor licensees, per day	50.00
4) Retail package liquor licensees, per day	50.00
5) Retail beer licensees, per day	25.00
6) All remaining licensees, per day	25.00
- C) Payments in lieu of suspension collected by the administrator shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.
- D) Appeals from orders of suspension and the procedure thereon shall be the same as are provided for in Article I. Section 87:05:07 herein.

Section 87:05:54 Disposition. All money derived under the provisions of this article shall be paid into the treasury of the city and become a part of the general funds of the city.

ARTICLE VI: REPEALER

SECTIONS:

SECTION 87:05:55 Repeal of all Previous Alcoholic Beverage Ordinances.

Section 87:05:55 Repeal of all Previous Alcoholic Beverage Ordinances. All ordinances relating to the establishment of regulations for the control, licensing, operating, administration and the enforcement of the sale of Alcoholic Beverages previously adopted by the city are hereby repealed in their entirety on the effective date of this Ordinance.

ARTICLE VII: SEVERABILITY

SECTIONS:

SECTION 87:05:56 Severability Clause

Section 87:05:56 Severability Clause. If any provision of this Ordinance is declared unconstitutional, then it is separate from all other provisions and the latter remain in full force and effect.

ARTICLE VIII: EFFECTIVE DATE

SECTIONS:

SECTION 87:05:57 Effective Date

SECTION 87:05:58 Publishing of Ordinance

Section 87:05:57 Effective Date. This ordinance shall become effective on July 1, 1987.

Section 87:05:58 Publishing of Ordinance. The City Clerk shall cause this Ordinance to be published in accordance with the appropriate statutes of the Commonwealth of Kentucky.

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DATE OF FIRST READING March 10, 1987

MOTION BY Commissioner McWhorter

SECONDED BY Commissioner Todd

VOTE:	YES	NO
Commissioner Ballou	x	
Commissioner McAninch	x	
Commissioner McWhorter	x	
Commissioner Todd	x	
Mayor Baker	x	

DATE OF SECOND READING April 7, 1987

MOTION BY Commissioner Ballou

SECONDED BY Commissioner McAninch

VOTE:	YES	NO
Commissioner Ballou	x	
Commissioner McAninch	x	
Commissioner McWhorter	x	
Commissioner Todd	x	
Mayor Baker		x

Earl B. Baker
MAYOR

ATTEST:

Susan E. Higgins
City Clerk

An ordinance of the City of Richmond creating the Office of City Alcoholic Beverage Control Administrator and prescribing the duties and responsibilities of that office; establishing rules for the control, licensing, operation, administration and enforcement of the sale of alcoholic beverages in the city of Richmond and prescribing penalties for the violation of such rules.

Whereas, the City of Richmond has previously enacted Ordinance 87-05 and other related ordinances and,

Whereas, the enabling Kentucky Revised Statutes and other law have changed since the enactment of those ordinances and said enactments have resulted in continuous litigation against the City of Richmond and,

Whereas, there have been changes in Richmond of an economic, social and physical nature since enactment of those ordinances and,

Whereas, an enactment of an ordinance consistent with state law will further a settlement of the litigation, and,

Whereas, this ordinance is enacted under the general grant of powers given to Kentucky municipalities to enact legislation concerning the public welfare, now

THEREFORE, BE IT ORDAINED by the City of Richmond, Kentucky, as follows:

SECTION I DEFINITIONS

As used in this ordinance, unless the context requires otherwise, the following definitions apply to the following terms:

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced. 1
- (2) "Alcoholic beverage" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, malt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than one percent (1^o/^o) of alcohol by volume, which are fit for use for beverage purposes. It does not include:
 - (a) Denatured alcohol or denatured rum;
 - (b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes;
 - (c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;
 - (d) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;
 - (e) Flavoring extracts and syrups that are unfit for use for beverage purposes;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes;
 - (h) Alcohol, unfit for beverage purposes, that is to be sold for

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- (3) "Board" means the state alcoholic beverage control board created by KRS 241.030.
- (4) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail.
- (5) "Building containing licensed premises" means the licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.
- (6) "City administrator" means city alcoholic beverage control administrator.
- (7) "Commissioner" means the commissioner of alcoholic beverage control.
- (8) "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.
- (9) "Department" means the department of alcoholic beverage control.
- (10) "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by Subsection 2 above, obtained by distilling, mixed with water or other substances in solution, except wine.
- (11) "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail.
- (12) "Field representative" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes.
- (13) "License" means any license issued pursuant to KRS 243.020 to 243.670 and this ordinance.
- (14) "Licensee" means any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670 and this ordinance.
- (15) "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under Subsection 2 above.
- (16) "Manufacture" means distill, rectify, brew, bottle and operate a winery.
- (17) "Manufacturer" means a vintner, distiller, rectifier or brewer and any other person engaged in the production or bottling of alcoholic beverages.
- (18) "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two (2) separate businesses or enterprises of one (1) owner on the same lot or tract of land, in the same jurisdiction.

- (19) "Rectifies" means any person who rectifies, purifies or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name.
- (20) "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made.
- (21) "Retail sale" means any sale where delivery is made in Kentucky to any person not holding a license.
- (22) "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license is required.
- (23) "Sale" means any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage.
- (24) "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.
- (25) "State administrator" means the administrator of the distilled spirits unit or the administrator of the malt beverage unit or both, as the context requires.
- (26) "Warehouse" means any place in which alcoholic beverages are housed or stored.
- (27) "Wholesale sale" means a sale to any person for the purpose of resale.
- (28) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer or vintner.
- (29) "Wine" means the product of the normal alcoholic fermentation of the juices or fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes preparations or mixtures vended in retail containers if such preparations or mixtures contain not exceeding fifteen percent (15%) of alcohol by volume.

SECTION II THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

1. There is hereby created in the City of Richmond the office of City Alcoholic Beverage Control Administrator. 2

2. The city administrator shall be appointed by the city manager with the approval of the commission. 3

3. No person is eligible for the office of city administrator who has himself or herself or a member of his or her immediate family has any interest in any premises or business where alcoholic beverages are manufactured, stored or sold, nor shall he or she receive any commission or profit from any person applying for or receiving any license or permit. Mem-

5. **Functions of / Administrator.** -- The functions of the city administrator shall be the same with respect to city licenses and regulations, as the functions of the board with respect to state licenses and regulations, except that no regulation adopted by a city administrator may be less stringent than the statutes relating to alcoholic beverage control, or that the regulations of the board. No regulation of a city administrator shall become effective until it has been approved by the city commission and the board. 6

6. **Institution of Revocation Proceeding; Notice.** The city administrator, on his or her own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license. Revocation or suspension shall be had only upon five (5) days notice to the licensee, and an opportunity shall be given him or her to be heard. 7

7. **Hearings.** All hearings shall be before the city administrator. Hearings will be held on the second (2nd) and third (3rd) Mondays of each month at seven o'clock p.m. (7:00 p.m.) in the courtroom, third (3rd) floor, City Hall. The days and times of these hearing may be changed by a city order.

8. **Appeals.** Appeals from the orders of the city administrator may be taken to the board, by filing with the board within ten (10) days a certified copy of the order of the city administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from order of the city administrator shall be governed by KRS 243.550 to 243.590. 8

9. **Report from Administrator.** The city administrator will make a quarterly report to the city commission.

SECTION III LICENSES

1. **City License Required.**

A. No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinances, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable hereto. 9

1. Retail dealer of malt beverages;
2. Distributor of malt beverages;
3. Rectifier or blender of distilled spirits or wine;
4. Selling wine at a restaurant facility which has a seating capacity of fifty (50) or more people at tables, which facility receives fifty (50) percent or more of its income from the sale of food (KRS 243.032);
5. Wholesaler of distilled spirits or wine; with premises in the city of Richmond, Kentucky;
6. Retailer of wine or distilled spirits;
7. Activities for which special temporary licenses are authorized;
8. Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises.

B. Any person violating any of the provisions of subsection (A) shall be deemed guilty of a Class B Misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

2. **Application for License.** Applications for the issuance of new licenses shall be in writing and upon forms provided by the City Alcoholic Beverage Administrator. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least once before such application is made.

3. **Sworn Information to be Contained in Application.** Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two (2) reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinances in the conduct of the proposed business. 11

4. **Local Administrator to Approve Application First.** Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the city administrator. 12

5. **Payment of Delinquent Taxes Prerequisite to Issuance.** No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the alcoholic beverage administrator may, at his or her discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him or her for taking care of the indebtedness represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

6. **Issuance of City Licenses.** Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this ordinance, within the time prescribed in this ordinance to the Finance Department who shall issue the license.

7. **License Restrictions.** 13

A. No license shall be granted to any person who has been convicted of any felony or any misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years of application, or who is not a citizen of the United States and of Kentucky for one year. No license shall be granted to any person under twenty-one (21) years of age. Upon revocation of any license issued under this ordinance or a conviction of any violation of this ordinance the licensee shall not thereafter be granted a license under this ordinance within two (2) years.

B. No license shall be granted to any partnership or corporation if a member of the partnership or if a director, principal officer or manager of the corporation:

1. has been convicted of a misdemeanor or felony directly related to the use of alcoholic beverages, or
2. has had any license issued under any statute or ordinance relating to the manufacture, sale or transportation of alcoholic beverages revoked for cause, or
3. has been convicted of a violation of any such statute, or
4. is not twenty-one (21) years old, or
5. is not a citizen of the United States.

9. **Special Temporary License.**

- A. The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized un KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be sixteen dollars and twenty-five cents (\$16.25) for each month or part of month for which the temporary license is issued.
- B. The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be one hundred eight dollars and thirty-three cents (\$108.33) for each month or part of month for which the temporary license is issued.

10. **Special Private Club License.** A special private club license may be issued to any non-profit social, fraternal, military or political organization or club, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license.

15

11. **Transfer of Assignment of License Without Authorization Prohibited.**

No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his or her sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of fifty dollars (\$50.00) shall be made to the Finance Director.

16

12. **Transfer of License to Other Premises.** In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the state administrator who issued the license may, if in his or her discretion such action is necessary to attain justice change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made the state administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

17

13. **Posting of License.**

18

- A. Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.
- B. No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

14. **Lost or Destroyed Licenses.** When the license shall be lost or destroyed without fault on the part of the holder of the license or his or her agent or employee, a duplicate in lieu of the original license shall be issued by Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate shall

15. **Sales Only** **ce Specified in License.** No license issued pursuant to this ordinance shall authorize the sale of alcoholic beverages of any kind at more than one place, which shall be specified in the license, and a separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

16. **Distilled Spirits and Wine Licenses; Kinds; Fees.** The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be: 20

1. Wholesaler's license, per annum	\$1,950.00
2. Retail package license, per annum	\$ 650.00
3. Retail drink license, per annum	\$ 650.00
4. Special temporary license, per month or part of month, one-sixth of the fees enumerated in subsection 2	\$ 108.33
5. Special private club license, per annum	\$ 195.00
6. Supplemental bar license	\$ 650.00
7. Restaurant wine license, per annum	
a. New applicants	\$ 390.00
b. Renewals	\$ 260.00

17. **Malt Beverage Licenses; Kinds; Fees.** The following kinds of malt beverage licenses may be issued by the City Administrator, the fees for which shall be:

1. Distributor's license, per annum	\$ 260.00
2. Retailer's license, per annum	
a. New applicants	\$ 200.00
b. Renewals	\$ 75.00
3. Special temporary license, per month or part of month	\$ 16.25 ₂₁

18. **Payment of License Fee.** The license fee for every license issued under this ordinance shall be payable by the person making application for the license and to whom the license is issued, and no other person shall pay for any license under this ordinance. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another. 22

19. **Partial License Fees; Forfeiture; Proportional Payments; Changes in Law.** 23

- A. When a person applies for a license required or authorized by this ordinance after July 1st of any year, he or she shall be charged, if the license is issued, a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six (6) months. 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.
- B. The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit any and all claims which he or she might otherwise have had to any portion of the license fee paid by him or her upon the issuing of the license.
- C. Should any person, after obtaining a license to carry on any of the

20. **Revocation and Suspension of Licenses.** Licenses issued under this ordinance may be revoked or suspended as spelled out in Section 5 below.

21. **Disposition.** All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this ordinance, shall be paid into and become part of the general fund of the city government.

SECTION IV OPERATION OF LICENSED ESTABLISHMENTS

1. **Prohibited Retail Sales.** 24

A. No retail licensee shall sell, give away or deliver any alcoholic beverages or procure or permit any alcoholic beverages to be sold, given away or delivered to:

- (1) Any person under the age of twenty-one (21), or
- (2) Any person actually or apparently under the influence of alcoholic beverages, or
- (3) A habitual drunkard or any person convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period, or
- (4) Any person known to the seller to have been convicted of any misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or of any felony.

B. Under 1 A (1) above, it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages, such evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

2. **Persons Under the Age of 21 Not to Possess or Purchase Liquor Nor to Misrepresent Age or Use Fraudulent Identification Nor to Loiter in Bar-rooms, Exceptions.** 25

A. The definitions of the words "restaurant," "loaf" and "loiter" as used in this section shall be, and the same are hereby declared to have the following meaning:

- (1) "Restaurant" means an establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a "restaurant" within the meaning of this regulation.
- (2) "Loaf" means to spend time in idleness; as to loaf time away.
- (3) "Loiter" means (i) to be slow in moving; delay; linger; saunter; tarry; lag behind; (ii) to wander as an idle vagrant; and (iii) to waste time.
- (4) As used in this section, "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business is situated.

B. **Prohibitions.**

- (1) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.
- (2) No person under 21 years of age shall possess for his or

- (4) No person under 21 years of age shall use or attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
- (5) No person under the age of twenty-one (21) years shall possess in the City of Richmond, Kentucky any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.
- (6) No person under the age of twenty-one (21) years shall loaf or loiter in or about the barroom of any licensed premises where alcoholic beverages are sold by the drink.
- (7) Any person under the age of twenty-one (21) years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set, will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any place licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, etc., will be considered as loitering or loafing within the meaning of this regulation.
- (8) All bowling alleys licensed for the sale of alcoholic beverages shall have the bar enclosed from the bowling area, except that this shall not apply to any premises licensed prior to November 1, 1968.

C. Exceptions.

- (1) Exceptions are limited to those created by KRS 244.085, KRS 244.087, and KRS 244.090, if applicable.
- (2) Persons under the age of twenty-one (21) years may patronize licensed establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are scheduled. Bowling is considered an athletic event. During junior league bowling, the sale of alcoholic beverages on licensed premises is prohibited.
- (3) Retail premises to furnish clear view from sidewalk or entrance
~~-- Hotel or club may serve in separate room. -- The entrance~~
 doors of any premises for which a retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or where meals are served.²⁶
- (4) Retail premises not to be disorderly.²⁷
 - (a) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

1. Engaging in fighting or in violent, tumultuous or threatening behavior; or
 - (2) Making unreasonable noise; or
 - (3) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
 - (4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- (5) Security and Lighting. The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises. 28
- (6) Business Hours.
- A. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from six o'clock a.m. (6:00 a.m.) until midnight (12:00 a.m.) prevailing time.
 - B. 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 midnight (12:00 a.m.) and six o'clock (6:00 a.m.) on Mondays through Saturdays, or at any time during the twenty-four (24) hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section. This section may be amended by City Order.
- (7) Delivery Hours of Malt Beverages.
- A. It shall be unlawful for any distributor, wholesaler, or manufacturer of malt beverages or for any agent or employee thereof, to make such deliveries of malt beverage to any dispenser or customer in the corporate limits between the hours of midnight (12:00 a.m.) on Saturday and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. The word "deliveries" as used herein shall include the transfer of actual possession of malt beverage whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler, or manufacturer, or by any agent, or employee thereof.
 - B. It shall be unlawful for any person or for any dispenser or dealer, whether for private use, or for the purpose of sale, to received from any distributor or wholesaler or manufacturer of malt beverages between the hours of midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. 29
- (8) Control of Beverages on the Licensed Premises.
- A. Premises of Retail Package Licensees. No bottle of distilled spirits or wine shall be opened or consumed on the licensed premises by any person.
 - B. Premises of Malt Beverage Licensees and Retail Drink Licensees: No distilled spirits, wine or malt beverages shall be taken from the licensed premises in an open container.
- (9) It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or large type substantially as follows:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
 2. Possess, purchase, or attempt to purchase, or to get another to purchase, alcoholic beverages.
 3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages
- (10) Prizes and Premiums. It shall be unlawful for any licensee under this ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of alcoholic beverages.
 - (11) Gambling; Games of Chance. No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.
 - (12) Controlled Substances. It shall be unlawful for any licensee Under this ordinance to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbituate drugs. In addition to other penalties set out in this ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.
 - (13) Radio Receiving Apparatus. It shall be unlawful for any licensee licensed under this ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to received police messages broadcast from the police radio station as it is now or may hereafter be operated. In addition to other penalties set out in this ordinance for the violation of this section, the radio receiving apparatus shall be confiscated.
 - (14) Warning Systems. It shall be unlawful for any licensee under this ordinance to have or maintain any sound, light or other warning system on such premises which is intentionally adjusted or constructed or which is utilized in such a fashion as to indicate to employees or patrons of the establishment that law enforcement officials are on the premises. This section includes announcements made over the P.A. Systems.
 - (15) Permitting Possession and Consumption of Alcoholic Beverages on Premises.
 - A. No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.
 - B. It shall be an affirmative defense under this section if the person charged with the offense, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on his property.

SECTION V PENALTIES

1. **Penalties in General.** Any person violating Section IV, subsection 15, shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00). Any person who violates any provision of this ordinance for which no specific penalty is provided shall for the first offense be fined not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00) or be imprisoned in the county jail for not more than six (6)

2. **Causes For Which Licenses May be Revoked or Suspended.** Any license under KRS 243.020 to 243.670 may be revoked by the Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241, 243, or 244, or any rule or regulation of the City of Richmond relating to the regulation of alcoholic beverages, or if any clerk, agent, servant or employee of any licensee shall violate any of the laws, regulations or ordinances relating to Alcoholic Beverages, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse a license if the facts had been known.

3. **Causes For Which Licenses Must be Revoked or Suspended.** Any license issued under the terms of this ordinance must be revoked or suspended for the following causes:

1. Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
2. Making any false, material statements in an application for a license.
3. Violation of the provisions of KRS 243.670.
4. If, within a period of two (2) consecutive years, any licensee or any of his or her clerks, servants, agents or employees shall have been convicted of two (2) violations of the terms and provisions of KRS Chapters 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulations of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his or her clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one (1) such felony and one (1) such misdemeanor.
5. Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the department of finance made in pursuance thereof.
6. Revocation of any license of permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
7. Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.
8. Conviction of the licensee, his agents, servants, or employees for:
 - a. The sale or use upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances;
 - b. Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances.

4. **License Revocation /Suspension.**

- A. At any time after a license has been issued under the provisions of this article, the same shall be revoked by the City Administrator, if the alcoholic beverage license issued by the state is revoked.

- B. The Administrator may, in his or her discretion, order a suspension on the license for any cause for which he or she may, but is not required to, revoke the license under the provisions of KRS 243.490, KRS 243.500, or under the provisions of this ordinance; provided however, the licensee may have the alternative, subject to the approval of the administrator, to pay in lieu of part or all days of any suspension period, a sum as follows:

1. Wholesale liquor licensees, per day	\$400.00
2. Wholesale beer licensees, per day	\$100.00
3. Retail drink liquor licensees, per day	\$ 25.00
4. Retail package liquor licensees, per day	\$ 25.00
5. Retail beer licensees, per day	\$ 10.00
6. All remaining licensees, per day	\$ 10.00

- C. Payments in lieu of suspension collected by the administrator shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.
- D. Appeals from orders of suspension and the procedure thereon shall be the same as are provided for above.
5. **Disposition.** All money derived under the provisions of this article shall be paid into the treasury of the city and become part of the general funds of the city.

SECTION VI REPEALER

1. **Repeal of Previous Alcoholic Beverage Ordinances.** Ordinance 87-05 and 80-45 are hereby repealed in their entirety.

SECTION VII SEVERABILITY

1. **Severability Clause.** If any provision of this Ordinance is declared unconstitutional, then it is separate from all other provisions and the latter remain in full force and effect. The footnotes herein are for quick reference to the appropriate Kentucky Revised Statutes.

SECTION VIII EFFECTIVE DATE/PUBLICATION

1. **Effective Date.** This Ordinance shall become effective immediately upon second reading and passage by the Richmond City Commission.
2. **Publishing Ordinance.** The City Clerk shall cause this Ordinance to be published in accordance with the appropriate statutes of the Commonwealth of Kentucky.

2ND READING - DEC 4, 1990

RECEIVED
2007 JAN 23 A
ALCOHOLIC
BEVERAGE BOARD

An ordinance of the City of Richmond creating the Office of City Alcoholic Beverage Control Administrator and prescribing the duties and responsibilities of that office; establishing rules for the control, licensing, operation, administration and enforcement of the sale of alcoholic beverages in the city of Richmond and prescribing penalties for the violation of such rules.

Whereas, the City of Richmond has previously enacted Ordinance 87-05 and other related ordinances and,

Whereas, the enabling Kentucky Revised Statutes and other law have changed since the enactment of those ordinances and said enactments have resulted in continuous litigation against the City of Richmond and,

Whereas, there have been changes in Richmond of an economic, social and physical nature since enactment of those ordinances and,

Whereas, an enactment of an ordinance consistent with state law will further a settlement of the litigation, and,

Whereas, this ordinance is enacted under the general grant of powers given to Kentucky municipalities to enact legislation concerning the public welfare, now

THEREFORE, BE IT ORDAINED by the City of Richmond, Kentucky, as follows:

SECTION I DEFINITIONS

As used in this ordinance, unless the context requires otherwise, the following definitions apply to the following terms:

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced. 1
- (2) "Alcoholic beverage" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, malt or fermented liquours, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than one percent (1⁰/₁₀₀) of alcohol by volume, which are fit for use for beverage purposes. It does not include:
 - (a) Denatured alcohol or denatured rum;
 - (b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes;
 - (c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;
 - (d) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;
 - (e) Flavoring extracts and syrups that are unfit for use for beverage purposes;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes;
 - (h) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use;

- (3) "Board" means the state alcoholic beverage control board created by KRS 241.030.
- (4) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail.
- (5) "Building containing licensed premises" means the licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.
- (6) "City administrator" means city alcoholic beverage control administrator.
- (7) "Commissioner" means the commissioner of alcoholic beverage control.
- (8) "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.
- (9) "Department" means the department of alcoholic beverage control.
- (10) "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by Subsection 2 above, obtained by distilling, mixed with water or other substances in solution, except wine.
- (11) "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail.
- (12) "Field representative" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes.
- (13) "License" means any license issued pursuant to KRS 243.020 to 243.670 and this ordinance.
- (14) "Licensee" means any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670 and this ordinance.
- ✓ (15) "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under Subsection 2 above.
- (16) "Manufacture" means distill, rectify, brew, bottle and operate a winery.
- (17) "Manufacturer" means a vintner, distiller, rectifier or brewer and any other person engaged in the production or bottling of alcoholic beverages.
- (18) "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two (2) separate businesses or enterprises of one (1) owner on the same lot or tract of land, in the same or in different build-

- (19) "Rectifier" means any person who rectifies, purifies or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name.
- (20) "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made.
- (21) "Retail sale" means any sale where delivery is made in Kentucky to any person not holding a license.
- (22) "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license is required.
- (23) "Sale" means any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage.
- (24) "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.
- (25) "State administrator" means the administrator of the distilled spirits unit or the administrator of the malt beverage unit or both, as the context requires.
- (26) "Warehouse" means any place in which alcoholic beverages are housed or stored.
- (27) "Wholesale sale" means a sale to any person for the purpose of resale.
- (28) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer or vintner.
- (29) "Wine" means the product of the normal alcoholic fermentation of the juices or fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes preparations or mixtures vended in retail containers if such preparations or mixtures contain not exceeding fifteen percent (15%) of alcohol by volume.

SECTION II THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

1. There is hereby created in the City of Richmond the office of City Alcoholic Beverage Control Administrator. 2

2. The city administrator shall be appointed by the city manager with the approval of the commission. 3

3. No person is eligible for the office of city administrator who has himself or herself or a member of his or her immediate family has any interest in any premises or business where alcoholic beverages are manufactured, stored or sold, nor shall he or she receive any commission or profit from any person applying for or receiving any license or permit. Membership in any club is not reason for ineligibility for this office. 4

5. **Functions of City Administrator.** -- The functions of the city administrator shall be the same with respect to city licenses and regulations, as the functions of the board with respect to state licenses and regulations, except that no regulation adopted by a city administrator may be less stringent than the statutes relating to alcoholic beverage control, or that the regulations of the board. No regulation of a city administrator shall become effective until it has been approved by the city commission and the board.6

6. **Institution of Revocation Proceeding; Notice.** The city administrator, on his or her own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license. Revocation or suspension shall be had only upon five (5) days notice to the licensee, and an opportunity shall be given him or her to be heard.7

7. **Hearings.** All hearings shall be before the city administrator. Hearings will be held on the second (2nd) and third (3rd) Mondays of each month at seven o'clock p.m. (7:00 p.m.) in the courtroom, third (3rd) floor, City Hall. The days and times of these hearing may be changed by a city order.

8. **Appeals.** Appeals from the orders of the city administrator may be taken to the board, by filing with the board within ten (10) days a certified copy of the order of the city administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from order of the city administrator shall be governed by KRS 243.550 to 243.590.8

9. **Report from Administrator.** The city administrator will make a quarterly report to the city commission.

SECTION III LICENSES

1. City License Required.

- A. No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinances, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable hereto.9
1. Retail dealer of malt beverages;
 2. Distributor of malt beverages;
 3. Rectifier or blender of distilled spirits or wine;
 4. Selling wine at a restaurant facility which has a seating capacity of fifty (50) or more people at tables, which facility receives fifty (50) percent or more of its income from the sale of food (KRS 243.032);
 5. Wholesaler of distilled spirits or wine; with premises in the city of Richmond, Kentucky;
 6. Retailer of wine or distilled spirits;
 7. Activities for which special temporary licenses are authorized;
 8. Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises.
- B. Any person violating any of the provisions of subsection (A) shall be deemed guilty of a Class B Misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

2. **Application for License.** Applications for the issuance of new licenses ~~shall be in writing and upon forms provided by the City Alcoholic Beverage Administrator.~~ shall be in writing and upon forms provided by the City Alcoholic Beverage Administrator. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed, a con-

3. **Sworn Declaration to be Contained in Application.** Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two (2) reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinances in the conduct of the proposed business. 11

4. **Local Administrator to Approve Application First.** Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the city administrator. 12

5. **Payment of Delinquent Taxes Prerequisite to Issuance.** No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the alcoholic beverage administrator may, at his or her discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him or her for taking care of the indebtedness represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

6. **Issuance of City Licenses.** Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this ordinance, within the time prescribed in this ordinance to the Finance Department who shall issue the license.

7. **License Restrictions.** 13

- A. No license shall be granted to any person who has been convicted of any felony or any misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years of application, or who is not a citizen of the United States and of Kentucky for one year. No license shall be granted to any person under twenty-one (21) years of age. Upon revocation of any license issued under this ordinance or a conviction of any violation of this ordinance the licensee shall not thereafter be granted a license under this ordinance within two (2) years.
- B. No license shall be granted to any partnership or corporation if a member of the partnership or if a director, principal officer or manager of the corporation:
1. has been convicted of a misdemeanor or felony directly related to the use of alcoholic beverages, or
 2. has had any license issued under any statute or ordinance relating to the manufacture, sale or transportation of alcoholic beverages revoked for cause, or
 3. has been convicted of a violation of any such statute, or
 4. is not twenty-one (21) years old, or
 5. is not a citizen of the United States.

8. **Expiration Date; Renewal of Licenses.** All licenses, except special

9. **Special Temporary License.**

- A. The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized un KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be sixteen dollars and twenty-five cents (\$16.25) for each month or part of month for which the temporary license is issued.
- B. The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be one hundred eight dollars and thirty-three cents (\$108.33) for each month or part of month for which the temporary license is issued.

10. **Special Private Club License.** A special private club license may be issued to any non-profit social, fraternal, military or political organization or club, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license. 15

11. **Transfer of Assignment of License Without Authorization Prohibited.** No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his or her sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of fifty dollars (\$50.00) shall be made to the Finance Director. 16

12. **Transfer of License to Other Premises.** In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the state administrator who issued the license may, if in his or her discretion such action is necessary to attain justice change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made the state administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement. 17

13. **Posting of License.** 18

- A. Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.
- B. No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

14. **Lost or Destroyed Licenses.** When the license shall be lost or destroyed without fault on the part of the holder of the license or his or her agent or employee, a duplicate in lieu of the original license shall be issued by Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate license shall pay a fee of ten dollars (\$10.00).

Sales of alcoholic beverages shall be authorized in the license. No license issued pursuant to this ordinance shall authorize the sale of alcoholic beverages of more than one place, which shall be specified in the license, and at more than one place, which shall be specified in the license, separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

16. **Distilled Spirits and Wine Licenses; Kinds; Fees.** The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be: 20

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|--|------------|
| 1. Wholesaler's license, per annum | \$1,950.00 |
| 2. Retail package license, per annum | \$ 650.00 |
| 3. Retail drink license, per annum | \$ 650.00 |
| 4. Special temporary license, per month or part of month, one-sixth of the fees enumerated in subsection 2 | \$ 108.33 |
| 5. Special private club license, per annum | \$ 195.00 |
| 6. Supplemental bar license | \$ 650.00 |
| 7. Restaurant wine license, per annum | |
| a. New applicants | \$ 390.00 |
| b. Renewals | \$ 260.00 |

17. **Malt Beverage Licenses; Kinds; Fees.** The following kinds of malt beverage licenses may be issued by the City Administrator, the fees for which shall be:

- | | |
|--|------------------------|
| 1. Distributor's license, per annum | \$ 260.00 |
| 2. Retailer's license, per annum | |
| a. New applicants | \$ 200.00 |
| b. Renewals | \$ 75.00 |
| 3. Special temporary license, per month or part of month | \$ 16.25 ₂₁ |

18. **Payment of License Fee.** The license fee for every license issued under this ordinance shall be payable by the person making application for the license and to whom the license is issued, and no other person shall pay for any license under this ordinance. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another. 22

19. **Partial License Fees; Forfeiture; Proportional Payments; Changes in Law.** 23

- A. When a person applies for a license required or authorized by this ordinance after July 1st of any year, he or she shall be charged, if the license is issued, a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six (6) months. 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.
- B. The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit any and all claims which he or she might otherwise have had to any portion of the license fee paid by him or her upon the issuing of the license.
- C. Should any person, after obtaining a license to carry on any of the businesses mentioned under this ordinance, be prohibited from con-

20. Revocation and/or suspension of Licenses. License issued under this ordinance may be revoked or suspended as specified in Section 5 below.

21. Disposition. All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this ordinance, shall be paid into and become part of the general fund of the city government.

SECTION IV OPERATION OF LICENSED ESTABLISHMENTS

1. Prohibited Retail Sales. 24

A. No retail licensee shall sell, give away or deliver any alcoholic beverages or procure or permit any alcoholic beverages to be sold, given away or delivered to:

- (1) Any person under the age of twenty-one (21), or
- (2) Any person actually or apparently under the influence of alcoholic beverages, or
- (3) A habitual drunkard or any person convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period, or
- (4) Any person known to the seller to have been convicted of any misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or of any felony.

B. Under 1 A (1) above, it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages, such evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

2. Persons Under the Age of 21 Not to Possess or Purchase Liquor Nor to Misrepresent Age or Use Fraudulent Identification Nor to Loiter in Bar-rooms, Exceptions. 25

A. The definitions of the words "restaurant," "loaf" and "loiter" as used in this section shall be, and the same are hereby declared to have the following meaning:

- (1) "Restaurant" means an establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a "restaurant" within the meaning of this regulation.
- (2) "Loaf" means to spend time in idleness; as to loaf time away.
- (3) "Loiter" means (i) to be slow in moving; delay; linger; saunter; tarry; lag behind; (ii) to wander as an idle vagrant; and (iii) to waste time.
- (4) As used in this section, "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business is situated.

B. Prohibitions.

- (1) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.
- (2) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase for him or

- (4) No person under 21 years of age shall attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
- (5) No person under the age of twenty-one (21) years shall possess in the City of Richmond, Kentucky any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.
- (6) No person under the age of twenty-one (21) years shall loaf or loiter in or about the barroom of any licensed premises where alcoholic beverages are sold by the drink.
- (7) Any person under the age of twenty-one (21) years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set, will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any place licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, etc., will be considered as loitering or loafing within the meaning of this regulation.
- (8) All bowling alleys licensed for the sale of alcoholic beverages shall have the bar enclosed from the bowling area, except that this shall not apply to any premises licensed prior to November 1, 1968.

C. Exceptions.

- (1) Exceptions are limited to those created by KRS 244.085, KRS 244.087, and KRS 244.090, if applicable.
- (2) Persons under the age of twenty-one (21) years may patronize licensed establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are scheduled. Bowling is considered an athletic event. During junior league bowling, the sale of alcoholic beverages on licensed premises is prohibited.
- (3) ~~Retail premises to furnish clear view from sidewalk or entrance -- Hotel or club may serve in separate room. -- The entrance doors of any premises for which a retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or where meals are served.~~ 26
- (4) Retail premises not to be disorderly. 27
 - (a) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.
 - (b) Acts which constitute disorderly premises consist of

- (1) Engaging in fighting or violent, tumultuous or threatening behavior; or
- (2) Making unreasonable noise; or
- (3) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- (4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- (5) Security and Lighting. The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises. 28
- (6) Business Hours.
- A. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from six o'clock a.m. (6:00 a.m.) until midnight (12:00 a.m.) prevailing time.
- B. 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 midnight (12:00 a.m.) and six o'clock (6:00 a.m.) on Mondays through Saturdays, or at any time during the twenty-four (24) hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section. This section may be amended by City Order.
- (7) Delivery Hours of Malt Beverages.
- A. It shall be unlawful for any distributor, wholesaler, or manufacturer of malt beverages or for any agent or employee thereof, to make such deliveries of malt beverage to any dispenser or customer in the corporate limits between the hours of midnight (12:00 a.m.) on Saturday and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. The word "deliveries" as used herein shall include the transfer of actual possession of malt beverage whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler, or manufacturer, or by any agent, or employee thereof.
- B. It shall be unlawful for any person or for any dispenser or dealer, whether for private use, or for the purpose of sale, to received from any distributor or wholesaler or manufacturer of malt beverages between the hours of midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. 29
- (8) Control of Beverages on the Licensed Premises.
- A. Premises of Retail Package Licensees. No bottle of distilled spirits or wine shall be opened or consumed on the licensed premises by any person.
- B. Premises of Malt Beverage Licensees and Retail Drink Licensees. No distilled spirits, wine or malt beverages shall be taken from the licensed premises in an open container.
- (9) It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or large type substantially as follows:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
 2. Possess, purchase, or attempt to purchase, or to get another to purchase, alcoholic beverages.
 3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages
- (10) Prizes and Premiums. It shall be unlawful for any licensee under this ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of alcoholic beverages.
 - (11) Gambling; Games of Chance. No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.
 - (12) Controlled Substances. It shall be unlawful for any licensee Under this ordinance to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbituate drugs. In addition to other penalties set out in this ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.
 - (13) Radio Receiving Apparatus. It shall be unlawful for any licensee licensed under this ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the police radio station as it is now or may hereafter be operated. In addition to other penalties set out in this ordinance for the violation of this section, the radio receiving apparatus shall be confiscated.
 - (14) Warning Systems. It shall be unlawful for any licensee under this ordinance to have or maintain any sound, light or other warning system on such premises which is intentionally adjusted or constructed or which is utilized in such a fashion as to indicate to employees or patrons of the establishment that law enforcement officials are on the premises. This section includes announcements made over the P.A. Systems.
 - (15) Permitting Possession and Consumption of Alcoholic Beverages on Premises.
 - A. No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.
 - B. It shall be an affirmative defense under this section if the person charged with the offense, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on his property.

SECTION V PENALTIES

1. Penalties in General. Any person violating Section IV, subsection 15, shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00). Any person who violates any provision of this ordinance for which no specific penalty is provided shall for the first offense be fined not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00) or be imprisoned in the county jail for not more than six (6) months, or both; and for the second and each subsequent violation, shall

2. Causes for Which Licenses May be Revoked or Suspended. Any license under KRS 243.020 to 243.670 may be revoked by the Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241, 243, or 244, or any rule or regulation of the City of Richmond relating to the regulation of alcoholic beverages, or if any clerk, agent, servant or employee of any licensee shall violate any of the laws, regulations or ordinances relating to Alcoholic Beverages, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse a license if the facts had been known.

3. Causes For Which Licenses Must be Revoked or Suspended. Any license issued under the terms of this ordinance must be revoked or suspended for the following causes:

1. Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
2. Making any false, material statements in an application for a license.
3. Violation of the provisions of KRS 243.670.
4. If, within a period of two (2) consecutive years, any licensee or any of his or her clerks, servants, agents or employees shall have been convicted of two (2) violations of the terms and provisions of KRS Chapters 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulations of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his or her clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one (1) such felony and one (1) such misdemeanor.
5. Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the department of finance made in pursuance thereof.
6. Revocation of any license of permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
7. Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.
8. Conviction of the licensee, his agents, servants, or employees for:
 - a. The sale or use upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances;
 - b. Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances.

4. License Revocation /Suspension.

- A. At any time after a license has been issued under the provisions of this article, the same shall be revoked by the City Administrator, if the alcoholic beverage license issued by the state is revoked.

B. The Administrator may, in his or her discretion, order a suspension on the license for any cause for which he or she may, but is not required to, revoke the license under the provisions of KRS 243.490, KRS 243.500, or under the provisions of this ordinance; provided however, the licensee may have the alternative, subject to the approval of the administrator, to pay in lieu of part or all days of any suspension period, a sum as follows:

1. Wholesale liquor licensees, per day	\$400.00
2. Wholesale beer licensees, per day	\$100.00
3. Retail drink liquor licensees, per day	\$ 25.00
4. Retail package liquor licensees, per day	\$ 25.00
5. Retail beer licensees, per day	\$ 10.00
6. All remaining licensees, per day	\$ 10.00

- C. Payments in lieu of suspension collected by the administrator shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.
- D. Appeals from orders of suspension and the procedure thereon shall be the same as are provided for above.
5. **Disposition.** All money derived under the provisions of this article shall be paid into the treasury of the city and become part of the general funds of the city.

SECTION VI REPEALER

1. **Repeal of Previous Alcoholic Beverage Ordinances.** Ordinance and are hereby repealed in their entirety.

SECTION VII SEVERABILITY

1. **Severability Clause.** If any provision of this Ordinance is declared unconstitutional, then it is separate from all other provisions and the latter remain in full force and effect. The footnotes herein are for quick reference to the appropriate Kentucky Revised Statutes.

SECTION VIII EFFECTIVE DATE/PUBLICATION

1. **Effective Date.** This Ordinance shall become effective immediately upon second reading and passage by the Richmond City Commission.

2. **Publishing Ordinance.** The City Clerk shall cause this Ordinance to be published in accordance with the appropriate statutes of the Commonwealth of Kentucky.



MAYOR ANN L. DURHAM

P.O. BOX 250

RICHMOND, KY 40476-0250

March 13, 1996

606 -
623-3877

Hon. Pam Carroll Farmer
General Counsel
Department of Alcoholic Beverage Control
123 Walnut Street
Frankfort, Kentucky 40601

RE: City of Richmond
Alcoholic Beverage Control Ordinance

Dear Ms. Farmer:

Enclosed, please find a copy of the Alcoholic Beverage Control Ordinance for the city of Richmond, Kentucky, as requested by Greg Ginter.

Very truly yours,

Jerry W. Gilbert

JWG:dr
enclosure

An ordinance of the City of Richmond creating the Office of City Alcoholic Beverage Control Administrator and prescribing the duties and responsibilities of that office; establishing rules for the control, licensing, operation, administration and enforcement of the sale of alcoholic beverages in the city of Richmond and prescribing penalties for the violation of such rules.

Whereas, the City of Richmond has previously enacted Ordinance 87-05 and other related ordinances and,

Whereas, the enabling Kentucky Revised Statues and other law have changed since the enactment of those ordinances and said enactments have resulted in continuous litigation against the City of Richmond and,

Whereas, there have been changes in Richmond of an economic, social and physical nature since enactment of those ordinances and,

Whereas, an enactment of an ordinance consistent with state law will further a settlement of the litigation, and,

Whereas, this ordinance is enacted under the general grant of powers given to Kentucky municipalities to enact legislation concerning the public welfare, now

THEREFORE, BE IT ORDAINED by the City of Richmond, Kentucky, as follows:

SECTION I DEFINITIONS

As used in this ordinance, unless the context requires otherwise, the following definitions apply to the following terms:

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced. 1
- (2) "Alcoholic beverage" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter, wine and all other spirituous, vinous, malt or fermented liquours, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than one percent (1^o/_o) of alcohol by volume, which are fit for use for beverage purposes. It does not include:
 - (a) Denatured alcohol or denatured rum;
 - (b) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy that are unfit for use for beverage purposes;
 - (c) Patented, patent and proprietary medicines that are unfit for use for beverage purposes;
 - (d) Toilet, medicinal and antiseptic preparations and solutions that are unfit for use for beverage purposes;
 - (e) Flavoring extracts and syrups that are unfit for use for beverage purposes;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes;
 - (h) Alcohol, unfit for beverage purposes, that is to be sold for

- (3) "Board" means the state alcoholic beverage control board created by KRS 241.030.
- (4) "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail.
- (5) "Building containing licensed premises" means the licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.
- (6) "City administrator" means city alcoholic beverage control administrator.
- (7) "Commissioner" means the commissioner of alcoholic beverage control.
- (8) "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.
- (9) "Department" means the department of alcoholic beverage control.
- (10) "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by Subsection 2 above, obtained by distilling, mixed with water or other substances in solution, except wine.
- (11) "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail.
- (12) "Field representative" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes.
- (13) "License" means any license issued pursuant to KRS 243.020 to 243.670 and this ordinance.
- (14) "Licensee" means any person to whom a license has been issued, pursuant to KRS 243.020 to 243.670 and this ordinance.
- ✓(15) "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under Subsection 2 above.
- (16) "Manufacture" means distill, rectify, brew, bottle and operate a winery.
- (17) "Manufacturer" means a vintner, distiller, rectifier or brewer and any other person engaged in the production or bottling of alcoholic beverages.
- (18) "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two (2) separate businesses or enterprises of one (1) owner on the same lot or tract of land.

- (19) "Rectifier" means any person who rectifies, purifies or refines distilled spirits or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters or any other name.
- (20) "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made.
- (21) "Retail sale" means any sale where delivery is made in Kentucky to any person not holding a license.
- (22) "Retailer" means any person who sells at retail any alcoholic beverage for the sale of which a license is required.
- (23) "Sale" means any transfer, exchange or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage.
- (24) "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.
- (25) "State administrator" means the administrator of the distilled spirits unit or the administrator of the malt beverage unit or both, as the context requires.
- (26) "Warehouse" means any place in which alcoholic beverages are housed or stored.
- (27) "Wholesale sale" means a sale to any person for the purpose of resale.
- (28) "Wholesaler" means any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer or vintner.
- (29) "Wine" means the product of the normal alcoholic fermentation of the juices or fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes preparations or mixtures vended in retail containers if such preparations or mixtures contain not exceeding fifteen percent (15%) of alcohol by volume.

SECTION II THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

1. There is hereby created in the City of Richmond the office of City Alcoholic Beverage Control Administrator. 2

2. The city administrator shall be appointed by the city manager with the approval of the commission. 3

3. No person is eligible for the office of city administrator who has himself or herself or a member of his or her immediate family has any interest in any premises or business where alcoholic beverages are manufactured, stored or sold, nor shall he or she receive any commission or profit from any person applying for or receiving any license or permit. Membership in any club is not reason for ineligibility for this office.

5. **Functions of City Administrator.** -- The functions of the city administrator shall be the same with respect to city licenses and regulations, as the functions of the board with respect to state licenses and regulations, except that no regulation adopted by a city administrator may be less stringent than the statutes relating to alcoholic beverage control, or that the regulations of the board. No regulation of a city administrator shall become effective until it has been approved by the city commission and the board.6

6. **Institution of Revocation Proceeding; Notice.** The city administrator, on his or her own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license. Revocation or suspension shall be had only upon five (5) days notice to the licensee, and an opportunity shall be given him or her to be heard.7

7. **Hearings.** All hearings shall be before the city administrator. Hearings will be held on the second (2nd) and third (3rd) Mondays of each month at seven o'clock p.m. (7:00 p.m.) in the courtroom, third (3rd) floor, City Hall. The days and times of these hearing may be changed by a city order.

8. **Appeals.** Appeals from the orders of the city administrator may be taken to the board, by filing with the board within ten (10) days a certified copy of the order of the city administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from order of the city administrator shall be governed by KRS 243.550 to 243.590.8

9. **Report from Administrator.** The city administrator will make a quarterly report to the city commission.

SECTION III LICENSES

1. City License Required.

- A. No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinances, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable hereto.9
1. Retail dealer of malt beverages;
 2. Distributor of malt beverages;
 3. Rectifier or blender of distilled spirits or wine;
 4. Selling wine at a restaurant facility which has a seating capacity of fifty (50) or more people at tables, which facility receives fifty (50) percent or more of its income from the sale of food (KRS 243.032);
 5. Wholesaler of distilled spirits or wine; with premises in the city of Richmond, Kentucky;
 6. Retailer of wine or distilled spirits;
 7. Activities for which special temporary licenses are authorized;
 8. Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises.
- B. Any person violating any of the provisions of subsection (A) shall be deemed guilty of a Class B Misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

2. **Application for License.** Applications for the issuance of new licenses shall be in writing and upon forms provided by the City Alcoholic Beverage Administrator. The applicant for a new license shall have caused to be published in a newspaper of general circulation in the city at least

3. **Sworn Information to be Contained in Application.** Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to administer an oath, wherein shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two (2) reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinances in the conduct of the proposed business. 11

4. **Local Administrator to Approve Application First.** Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the city administrator. 12

5. **Payment of Delinquent Taxes Prerequisite to Issuance.** No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the alcoholic beverage administrator may, at his or her discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him or her for taking care of the indebtedness represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

6. **Issuance of City Licenses.** Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this ordinance, within the time prescribed in this ordinance to the Finance Department who shall issue the license.

7. **License Restrictions.** 13

A. No license shall be granted to any person who has been convicted of any felony or any misdemeanor directly or indirectly attributable to the use of alcoholic beverages within two years of application, or who is not a citizen of the United States and of Kentucky for one year. No license shall be granted to any person under twenty-one (21) years of age. Upon revocation of any license issued under this ordinance or a conviction of any violation of this ordinance the licensee shall not thereafter be granted a license under this ordinance within two (2) years.

B. No license shall be granted to any partnership or corporation if a member of the partnership or if a director, principal officer or manager of the corporation:

1. has been convicted of a misdemeanor or felony directly related to the use of alcoholic beverages, or
2. has had any license issued under any statute or ordinance relating to the manufacture, sale or transportation of alcoholic beverages revoked for cause, or
3. has been convicted of a violation of any such statute, or
4. is not twenty-one (21) years old, or
5. is not a citizen of the United States.

8. **Expiration Date: Renewal of Licenses.** All licenses, except special

9. **Special Temporary License.**

- A. The City Alcoholic Beverage Administrator may, at his or her discretion, approve a special temporary license as authorized un KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be sixteen dollars and twenty-five cents (\$16.25) for each month or part of month for which the temporary license is issued.
- B. The City Alcoholic Beverage Administrator may, in his or her sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be one hundred eight dollars and thirty-three cents (\$108.33) for each month or part of month for which the temporary license is issued.

10. **Special Private Club License.** A special private club license may be issued to any non-profit social, fraternal, military or political organization or club, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license. 15

11. **Transfer of Assignment of License Without Authorization Prohibited.** No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his or her sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of fifty dollars (\$50.00) shall be made to the Finance Director. 16

12. **Transfer of License to Other Premises.** In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the state administrator who issued the license may, if in his or her discretion such action is necessary to attain justice change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made the state administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement. 17

13. **Posting of License.** 18

- A. Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.
- B. No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

14. **Lost or Destroyed Licenses.** When the license shall be lost or destroyed without fault on the part of the holder of the license or his or her agent or employee, a duplicate in lieu of the original license shall be issued by Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate license

Sales at a place Specified in License No license issued pursuant to this ordinance shall authorize the sale of alcoholic beverages of more than one place, which shall be specified in the license, separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

16. **Distilled Spirits and Wine Licenses; Kinds; Fees.** The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be: 20

1. Wholesaler's license, per annum	\$1,950.00
2. Retail package license, per annum	\$ 650.00
3. Retail drink license, per annum	\$ 650.00
4. Special temporary license, per month or part of month, one-sixth of the fees enumerated in subsection 2	\$ 108.33
5. Special private club license, per annum	\$ 195.00
6. Supplemental bar license	\$ 650.00
7. Restaurant wine license, per annum	
a. New applicants	\$ 390.00
b. Renewals	\$ 260.00

17. **Malt Beverage Licenses; Kinds; Fees.** The following kinds of malt beverage licenses may be issued by the City Administrator, the fees for which shall be:

1. Distributor's license, per annum	\$ 260.00
2. Retailer's license, per annum	
a. New applicants	\$ 200.00
b. Renewals	\$ 75.00
3. Special temporary license, per month or part of month	\$ 16.25 ₂₁

18. **Payment of License Fee.** The license fee for every license issued under this ordinance shall be payable by the person making application for the license and to whom the license is issued, and no other person shall pay for any license under this ordinance. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another. 22

19. **Partial License Fees; Forfeiture; Proportional Payments; Changes in Law.** 23

- A. When a person applies for a license required or authorized by this ordinance after July 1st of any year, he or she shall be charged, if the license is issued, a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six (6) months. 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.
- B. The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit any and all claims which he or she might otherwise have had to any portion of the license fee paid by him or her upon the issuing of the license.
- C. Should any person, after obtaining a license to carry on any of the

20. Revocation and/or Suspension of Licenses. License issued under this ordinance may be revoked or suspended as specified in Section 5 below.

21. Disposition. All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this ordinance, shall be paid into and become part of the general fund of the city government.

SECTION IV OPERATION OF LICENSED ESTABLISHMENTS

1. Prohibited Retail Sales. 24

A. No retail licensee shall sell, give away or deliver any alcoholic beverages or procure or permit any alcoholic beverages to be sold, given away or delivered to:

- (1) Any person under the age of twenty-one (21), or
- (2) Any person actually or apparently under the influence of alcoholic beverages, or
- (3) A habitual drunkard or any person convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period, or
- (4) Any person known to the seller to have been convicted of any misdemeanor attributable directly or indirectly to the use of alcoholic beverages, or of any felony.

B. Under 1 A (1) above, it is an affirmative defense that the sale was induced by the use of false, fraudulent, or altered identification papers or other documents and that the appearance and character of the purchaser were such that his or her age could not have been ascertained by any other means and that the purchaser's appearance and character indicated strongly that he or she was of legal age to purchase alcoholic beverages, such evidence may be introduced either in mitigation of the charge or as a defense to the charge itself.

2. Persons Under the Age of 21 Not to Possess or Purchase Liquor Nor to Misrepresent Age or Use Fraudulent Identification Nor to Loiter in Bar-rooms, Exceptions. 25

A. The definitions of the words "restaurant," "loaf" and "loiter" as used in this section shall be, and the same are hereby declared to have the following meaning:

- (1) "Restaurant" means an establishment, the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and other food items shall not render any licensed premises a "restaurant" within the meaning of this regulation.
- (2) "Loaf" means to spend time in idleness; as to loaf time away.
- (3) "Loiter" means (i) to be slow in moving; delay; linger; saunter; tarry; lag behind; (ii) to wander as an idle vagrant; and (iii) to waste time.
- (4) As used in this section, "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business is situated.

B. Prohibitions.

- (1) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.
- (2) No person under 21 years of age shall possess for his or

- (4) No person under 21 years of age shall attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
- (5) No person under the age of twenty-one (21) years shall possess in the City of Richmond, Kentucky any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.
- (6) No person under the age of twenty-one (21) years shall loaf or loiter in or about the barroom of any licensed premises where alcoholic beverages are sold by the drink.
- (7) Any person under the age of twenty-one (21) years remaining in any barroom of any premises licensed to sell alcoholic beverages for the purpose of listening to a radio or for the purpose of listening to and observing a television set, will be considered as loafing and loitering within the meaning of this regulation. The listening to any radio program or the observance and listening to any television program by minors in any place licensed to sell alcoholic beverages by the drink shall not permit the establishment to be considered as a place where a public exhibition, sport or athletic event is being conducted. Any minor, or minors, entering or remaining in any licensed premises having a bar at which alcoholic beverages are sold by the drink for the purpose of playing pool, etc., will be considered as loitering or loafing within the meaning of this regulation.
- (8) All bowling alleys licensed for the sale of alcoholic beverages shall have the bar enclosed from the bowling area, except that this shall not apply to any premises licensed prior to November 1, 1968.

C. Exceptions.

- (1) Exceptions are limited to those created by KRS 244.085, KRS 244.087, and KRS 244.090, if applicable.
- (2) Persons under the age of twenty-one (21) years may patronize licensed establishments such as restaurants, grocery stores, drug stores, hotels, private clubs, parks, fairs or public exhibitions where sports or athletic events are scheduled. Bowling is considered an athletic event. During junior league bowling, the sale of alcoholic beverages on licensed premises is prohibited.
- (3) Retail premises to furnish clear view from sidewalk or entrance -- ~~Hotel or club may serve in separate room. -- The entrance~~ doors of any premises for which a retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises are not on the street level, from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view or the general observation of persons, but partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or where meals are served.²⁶
- (4) Retail premises not to be disorderly.²⁷
 - (a) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly.

- (1) Engaging in fighting or riotous, tumultuous or threatening behavior; or
- (2) Making unreasonable noise; or
- (3) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard or other emergency; or
- (4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.
- (5) Security and Lighting. The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises. 28
- (6) Business Hours.
- A. Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from six o'clock a.m. (6:00 a.m.) until midnight (12:00 a.m.) prevailing time.
- B. 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 midnight (12:00 a.m.) and six o'clock (6:00 a.m.) on Mondays through Saturdays, or at any time during the twenty-four (24) hour period of Sunday 6:00 a.m. to 6:00 a.m. Monday, or on an election day during such time as the polls are open. However, if a licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section. This section may be amended by City Order.
- (7) Delivery Hours of Malt Beverages.
- A. It shall be unlawful for any distributor, wholesaler, or manufacturer of malt beverages or for any agent or employee thereof, to make such deliveries of malt beverage to any dispenser or customer in the corporate limits between the hours of midnight (12:00 a.m.) on Saturday and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. The word "deliveries" as used herein shall include the transfer of actual possession of malt beverage whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler, or manufacturer, or by any agent, or employee thereof.
- B. It shall be unlawful for any person or for any dispenser or dealer, whether for private use, or for the purpose of sale, to received from any distributor or wholesaler or manufacturer of malt beverages between the hours of midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. 29
- (8) Control of Beverages on the Licensed Premises.
- A. Premises of Retail Package Licensees. No bottle of distilled spirits or wine shall be opened or consumed on the licensed premises by any person.
- B. Premises of Malt Beverage Licensees and Retail Drink Licensees. No distilled spirits, wine or malt beverages shall be taken from the licensed premises in an open container.
- (9) It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or large type substantially as follows:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
 2. Possess, purchase, or attempt to purchase, or to get another to purchase, alcoholic beverages.
 3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages
- (10) Prizes and Premiums. It shall be unlawful for any licensee under this ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of alcoholic beverages.
 - (11) Gambling; Games of Chance. No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.
 - (12) Controlled Substances. It shall be unlawful for any licensee Under this ordinance to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbituate drugs. In addition to other penalties set out in this ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.
 - (13) Radio Receiving Apparatus. It shall be unlawful for any licensee licensed under this ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to received police messages broadcast from the police radio station as it is now or may hereafter be operated. In addition to other penalties set out in this ordinance for the violation of this section, the radio receiving apparatus shall be confiscated.
 - (14) Warning Systems. It shall be unlawful for any licensee under this ordinance to have or maintain any sound, light or other warning system on such premises which is intentionally adjusted or constructed or which is utilized in such a fashion as to indicate to employees or patrons of the establishment that law enforcement officials are on the premises. This section includes announcements made over the P.A. Systems.
 - (15) Permitting Possession and Consumption of Alcoholic Beverages on Premises.
 - A. No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.
 - B. It shall be an affirmative defense under this section if the person charged with the offense, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on his property.

SECTION V PENALTIES

1. Penalties in General. Any person violating Section IV, subsection 15, shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00). Any person who violates any provision of this ordinance for which no specific penalty is provided shall for the first offense be fined not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00) or be imprisoned in the county jail for not more than six (6)

2. Causes For Which Licenses May be Revoked or Suspended. Any license under KRS 243.020 to 243.670 may be revoked by the Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241, 243, or 244, or any rule or regulation of the City of Richmond relating to the regulation of alcoholic beverages, or if any clerk, agent, servant or employee of any licensee shall violate any of the laws, regulations or ordinances relating to Alcoholic Beverages, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse a license if the facts had been known.

3. Causes For Which Licenses Must be Revoked or Suspended. Any license issued under the terms of this ordinance must be revoked or suspended for the following causes:

1. Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
2. Making any false, material statements in an application for a license.
3. Violation of the provisions of KRS 243.670.
4. If, within a period of two (2) consecutive years, any licensee or any of his or her clerks, servants, agents or employees shall have been convicted of two (2) violations of the terms and provisions of KRS Chapters 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulations of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his or her clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one (1) such felony and one (1) such misdemeanor.
5. Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the department of finance made in pursuance thereof.
6. Revocation of any license of permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
7. Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.
8. Conviction of the licensee, his agents, servants, or employees for:
 - a. The sale or use upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances;
 - b. Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances.

4. License Revocation /Suspension.

- A. At any time after a license has been issued under the provisions of this article, the same shall be revoked by the City Administrator, if the alcoholic beverage license issued by the state is revoked.

B. The Administrator may, in his or her discretion order a suspension on the license for any cause for which he or she may, but is not required to, revoke the license under the provisions of KRS 243.490, KRS 243.500, or under the provisions of this ordinance; provided however, the licensee may have the alternative, subject to the approval of the administrator, to pay in lieu of part or all days of any suspension period, a sum as follows:

1. Wholesale liquor licensees, per day	\$400.00
2. Wholesale beer licensees, per day	\$100.00
3. Retail drink liquor licensees, per day	\$ 25.00
4. Retail package liquor licensees, per day	\$ 25.00
5. Retail beer licensees, per day	\$ 10.00
6. All remaining licensees, per day	\$ 10.00

C. Payments in lieu of suspension collected by the administrator shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.

D. Appeals from orders of suspension and the procedure thereon shall be the same as are provided for above.

5. **Disposition.** All money derived under the provisions of this article shall be paid into the treasury of the city and become part of the general funds of the city.

SECTION VI REPEALER

1. **Repeal of Previous Alcoholic Beverage Ordinances.** Ordinance and are hereby repealed in their entirety.

SECTION VII SEVERABILITY

1. **Severability Clause.** If any provision of this Ordinance is declared unconstitutional, then it is separate from all other provisions and the latter remain in full force and effect. The footnotes herein are for quick reference to the appropriate Kentucky Revised Statutes.

SECTION VIII EFFECTIVE DATE/PUBLICATION

1. **Effective Date.** This Ordinance shall become effective immediately upon second reading and passage by the Richmond City Commission.

2. **Publishing Ordinance.** The City Clerk shall cause this Ordinance to be published in accordance with the appropriate statutes of the Commonwealth of Kentucky.

AN ORDINANCE OF THE CITY RICHMOND, KENTUCKY ESTABLISHING REGULATIONS FOR THE CONTROL, LICENSING, OPERATING, ADMINISTRATING AND THE ENFORCEMENT OF THE SALE OF ALCOHOLIC BEVERAGES IN THE CITY AND CREATING THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR AND PRESCRIBING THE DUTIES AND RESPONSIBILITIES OF THE OFFICE; ALL PURSUANT TO KRS CHAPTERS 241, 242, 243 and 244.

ARTICLE 1: GENERAL

SECTIONS:

- SECTION 87:05:01** Definitions
SECTION 87:05:02 Office of City Alcoholic Beverage Control Administrator
SECTION 87:05:03 Oath and Bond
SECTION 87:05:04 Functions and Powers
SECTION 87:05:05 Institution of Revocation Proceedings; Notice
SECTION 87:05:06 Hearings
SECTION 87:05:07 Appeals
SECTION 87:05:08 Report from Administrator

Section 87:05:01 Definitions. The words and terms used in this ordinance shall have the same meanings as in those Chapters of the Kentucky Revised Statutes dealing with Alcoholic Beverages.

Section 87:05:02 Office of City Alcoholic Beverage Control Administrator. There is hereby created an office of City Alcoholic Beverage Control Administrator in accordance with KRS 241.160 and 241.170.

Section 87:05:03 Oath and Bond.

- A) The City Administrator shall, before entering upon his duties, take the oath prescribed in Section 228 of the Kentucky Constitution.
- B) The City Administrator shall execute a bond with a good corporate surety in the penal sum of not less than One Thousand Dollars (\$1,000.00).
- C) The cost of bonds given under this section shall be borne by the city.

Section 87:05:04 Functions and Powers. The functions of the City Administrator shall be the same with respect to city licenses and regulations, as the functions of the Alcoholic Beverage Control Board with respect to state licenses and regulations.

Section 87:05:05 Institution of Revocation Proceeding; Notice. The administrator, on his own initiative or on the complaint of any person, may institute proceedings, to revoke or suspend any license under Sections 87:05:50, 87:05:51 and 87:05:52 of this ordinance. Revocation or suspension shall be had only upon five (5) days notice to the licensee, and an opportunity shall be given him to be heard.

Section 87:05:06 Hearings. All hearings shall be before the administrator. Facilities are available for hearings to be held on the second (2nd) and third (3rd) Mondays of each month at seven o'clock p.m. (7:00 p.m.) in the courtroom, third (3rd) floor, City Hall.

Section 87:05:07 Appeals. Appeals from the orders of the city administrator may be taken to the board, by filing with the board within ten (10) days a certified copy of the orders of the city administrator. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from orders of the city administrator shall be governed by KRS 243.550 to 243.590.

Section 87:05:08 Report from Administrator. The administrator will make a quarterly report to the Board of Commissioners.

ARTICLE II: LICENSES

SECTIONS:

- SECTION 87:05:09 City License Required
- SECTION 87:05:10 Application for License
- SECTION 87:05:11 Sworn Information to be Contained in Application
- SECTION 87:05:12 Local Administrator to Approve Application First
- SECTION 87:05:13 Payment of Delinquent Taxes Prerequisite to Issuance
- SECTION 87:05:14 Issuance of City Licenses
- SECTION 87:05:15 License Restrictions
- SECTION 87:05:16 Expiration Date; Renewal of Licenses
- SECTION 87:05:17 Special Temporary License
- SECTION 87:05:18 Special Private Club License
- SECTION 87:05:19 Transfer or Assignment of License Without Authorization Prohibited
- SECTION 87:05:20 Transfer of License to Other Premises
- SECTION 87:05:21 Posting of License
- SECTION 87:05:22 Lost or Destroyed License
- SECTION 87:05:23 Sales Only at Place Specified in License
- SECTION 87:05:24 Distilled Spirits and Wine Licenses; Kinds; Fees
- SECTION 87:05:25 Malt Beverage Licenses; Kinds; Fees
- SECTION 87:05:26 Payment of License Fee
- SECTION 87:05:27 Partial License Fees; Forfeiture; Proportional Payments; Changes in Law
- SECTION 87:05:28 Revocation and/or Suspension of Licenses
- SECTION 87:05:29 Disposition

Section 87:05:09 City License Required.

- A) No person shall sell, deal or traffic in any of the following for the purpose of evading the statutes or ordinances, without having procured a license as provided by ordinance, or without complying with all statutes, ordinances and regulations applicable thereto.
- 1) Retail dealer of malt beverages;
 - 2) Distributor of malt beverages;
 - 3) Rectifier or blender of distilled spirits or wine;
 - 4) Selling wine at a restaurant facility which has a seating capacity of fifty (50) or more people at tables, which facility receives fifty (50) percent or more of its income from the sale of food (KRS 243.032);
 - 5) Wholesaler of distilled spirits or wine;
 - 6) Retailer of wine or distilled spirits;
 - 7) Activities for which special temporary licenses are authorized by Section 87:05:17;
 - 8) Operation of a private club, as defined in KRS 243.270 which traffics in distilled spirits and wine for consumption on the premises;
- B) Any person violating any of the provisions of subsection (A) shall be deemed guilty of a Class B Misdemeanor. Each sale, each dealing or each trafficking without the required license shall constitute a separate offense.

Section 87:05:10 Application for License. Applications for the issuance of new licenses and renewals of existing licenses shall be in writing and upon forms provided by the City Alcoholic Beverage Administrator. The applicant shall have caused to be published in a newspaper of general circulation in the city at least once before such application is filed, a concise advertisement stating the name and address of the applicant as well as the name and address of the business and the type of license applied for.

Section 87:05:11 Sworn Information to be Contained in Application. Application for a license to sell, deal or traffic in intoxicating liquor shall be made in writing, properly subscribed and sworn to before a notary public or other officer authorized to

administer an oath, where shall be stated the applicant's name, age, nativity and address and the exact location, by street number or otherwise, of the premises where the liquor is to be sold, and the name of the owner of the premises, and, if the applicant be a corporation, the name of the president or other chief officer of such corporation and the name and address of the person who is to manage or conduct the sale of liquor, and the application shall contain a statement signed by two (2) reputable citizens and taxpayers of the city to the effect that the applicant is of good standing and character and will in their opinion comply with the law and the ordinances in the conduct of the proposed business.

Section 87:05:12 Local Administrator to Approve Application First. Before being eligible to apply for a state license an applicant's city license for manufacturing, sale or transportation of alcoholic beverages must have been approved by the city administrator.

Section 87:05:13 Payment of Delinquent Taxes Prerequisite to Issuance. No license to sell alcoholic beverages shall be granted to any person who is delinquent in the payment of any taxes due to the city at the time of issuing the license; nor shall any license be granted to sell upon any premises or property, owned and occupied by the licensee, upon which there are any delinquent taxes due the city. In such cases, if taxes due the city for any taxing period prior to the date of the application for a license are unpaid and delinquent upon the property or premises upon which a license to sell is sought, the alcoholic beverage administrator may, at his discretion, approve a license to sell after receiving from the Finance Director a written statement to the effect that the applicant for the license has paid or has made arrangements with the Finance Director satisfactory to him for taking care of the indebtedness represented by the unpaid and delinquent taxes above referred to. This section shall apply only to taxes which are due and payable by the licensee.

Section 87:05:14 Issuance of City Licenses. Upon the approval of the application, the applicant shall pay the amount of the license fee provided in this ordinance, within the time prescribed in this ordinance to the Finance Department who shall issue the license.

Section 87:05:15 License Restrictions. No license shall be granted to any person who has been convicted of any felony or any misdemeanor directly attributable to the use of alcoholic beverages within two years of application, or who is not a citizen of the United States and of Kentucky for one year. No license shall be granted to any person under twenty-one (21) years of age. Upon revocation of any license issued under this ordinance or a conviction of any violation of this ordinance the licensee shall not thereafter be granted a license under this ordinance within two (2) years.

Section 87:05:16 Expiration Date; Renewal of Licenses. All licenses, except special temporary licenses, issued under this ordinance shall expire on June 30th of each year, and the fees thereof shall be due and payable on July 1st of each year.

Section 87:05:17 Special Temporary License.

- A) The City Alcoholic Beverage Administrator may, at his discretion, approve a special temporary license as authorized under KRS 243.290 for the sale of malt beverages within the corporate boundaries of the city, the fee for which shall be sixteen dollars and twenty-five cents (\$16.25) for each month or part of month for which the temporary license is issued.
- B) The City Alcoholic Beverage Administrator may, in his sound discretion, approve a special temporary retail drink license to any person who qualified for such a license in accordance with the provisions of KRS 243.260. The fee for such license shall be one hundred eight dollars and thirty-three cents (\$108.33) for each month or part of month for which the temporary license is issued.

Section 87:05:18 Special Private Club License. A special private club license may be issued to any non-profit social, fraternal, military or political organization or club, which for more than one (1) year prior to the date of application has maintained

and operated a club room rooms from which the general public is excluded. This license shall authorize licensee to exercise the privilege of a distilled spirits and wine retail drink license at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink license shall apply to a special private club license.

Section 87:05:19 Transfer or Assignment of License without Authorization Prohibited.

No license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall be transferable or assignable to any other person or to any other premises, unless a transfer or assignment is authorized by the state administrator in the exercise of his sound discretion under KRS 243.640 to 243.650. If this is so approved, a payment of fifty dollars (\$50.00) shall be made to the Finance Director.

Section 87:05:20 Transfer of License to Other Premises. In case of destruction by an act of God, or casualty for which the licensee was not responsible, of premises for which a license under KRS 243.020 to 243.670 has been issued, the state administrator who issued the license may, if in his discretion such action is necessary to attain justice, change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee had filed a written verified statement of the reasons for the necessity of transfer. If the transfer is made the state administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

Section 87:05:21 Posting of License.

- A) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.
- B) No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

Section 87:05:22 Lost or Destroyed Licenses. When the license shall be lost or destroyed without fault on the part of the holder of the license or his agent or employee, a duplicate in lieu of the original license shall be issued by the Finance Director after the Finance Director is satisfied as to the facts; however, the person applying for the duplicate license shall pay a fee of ten dollars (\$10.00) for issuing the duplicate.

Section 87:05:23 Sales Only at Place Specified in License. No license issued pursuant to this ordinance shall authorize the sale of alcoholic beverages of any kind at more than one place, which shall be specified in the license, and a separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

Section 87:05:24 Distilled Spirits and Wine Licenses; Kinds; Fees. The following kinds of distilled spirits and wine licenses may be issued by the City Administrator, the fees for which shall be:

(1) Wholesaler's license, per annum	\$1,950.00
(2) Retail Package license, per annum	\$ 650.00
(3) Retail drink license, per annum	\$ 650.00
(4) Special temporary license, per month or part of month, one-sixth of the fees enumerated in subsection (2)	\$ 108.33
(5) Special private club license, per annum	\$ 195.00
(6) Supplemental bar license	\$ 650.00

(7) Restaurant wine lic	, per annum	
a) New Applicants		190.00
b) Renewals		\$260.00

Section 87:05:25 Malt Beverage Licenses; Kinds; Fees. The following kinds of malt beverage licenses may be issued by the City Administrator, the fees for which shall be:

(1) Distributor's license, per annum		\$260.00
(2) Retailer's license, per annum		
a) New Applicants		\$200.00
b) Renewals		\$ 75.00
(3) Special temporary license, per month or part of month		\$ 16.25

Section 87:05:26 Payment of License Fee. The license fee for every license issued under this ordinance shall be payable by the person making application for the license and to whom the license is issued, and no other person shall pay for any license under this ordinance. A violation of this section shall require the revocation of the license, the fee for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another.

Section 87:05:27 Partial License Fees; Forfeiture; Proportional Payments; Changes in Law.

- A) When a person applies for a license required or authorized by this ordinance after July 1st of any year, he shall be charged, if the license is issued a license fee equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted until the following July 1st; except that no license shall be issued for a shorter period than six (6) months. 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.
- B) The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license is revoked or canceled for any reason by the city alcoholic beverage administrator, the licensee shall forfeit any and all claims which he might otherwise have had to any portion of the license fee paid by him upon the issuing of the license.
- C) Should any person after obtaining a license to carry on any of the businesses mentioned under this ordinance be prohibited from conducting such business for the full term of the license because of any changes that may hereafter be made in the laws of the state with reference to intoxicating liquors, then the city shall refund to him the proportionate part of the license for the period during which he is prevented from carrying on the business.

Section 87:05:28 Revocation and/or Suspension of Licenses. Licenses issued under this ordinance may be revoked or suspended as spelled out in Sections 87:05:50, 87:05:51 and 87:05:52.

Section 87:05:29 Disposition. All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this ordinance, shall be paid into and become part of the general fund of the city government.

ARTICLE III: OPERATION OF LICENSED ESTABLISHMENTS

SECTIONS:

- SECTION 87:05:30 General Statement
SECTION 87:05:31 Conduct
SECTION 87:05:32 Registration of Employees

- SECTION 87:05:33** Security and Lighting
- SECTION 87:05:34** Books Records
- SECTION 87:05:35** Business Hours
- SECTION 87:05:36** Delivery Hours of Malt Beverages
- SECTION 87:05:37** Control of Beverages on the Licensed Premises
- SECTION 87:05:38** Licensed Establishment and Minors
- SECTION 87:05:39** Dancing on Premises Licensed to Sell Alcoholic Beverages
- SECTION 87:05:40** Retailed Premises to Furnish Clear View from Sidewalk or Entrance --
Hotel or Club May Serve in Separate Room
- SECTION 87:05:41** Floor Plan Required to be Filed

Section 87:05:30 General Statement. Nothing contained in this ordinance shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises in the city, where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of any statutes of the state relating to violations pertaining to alcoholic beverages.

Section 87:05:31 Conduct. Each licensed premises shall at all times be conducted in an orderly manner; and no disorderly or riotous conduct shall be allowed at any time any licensed premises; and no nuisance shall be suffered, permitted or maintained thereon.

Section 87:05:32 Registration 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 beer is sold or dispensed by the drink, or sold at retail, as defined in the Kentucky Revised Statutes shall register in a book of registration to be kept by the Richmond Police Department, and is hereby required to be registered, 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 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 photographed within the time period and as prescribed in (A) above.
- C) The registrants under this section are required to have the identification cards issued by the Richmond Police Department in their immediate possession during their hours of employment. The identification card shall contain the registrant's picture, name, age and place of employment.
- D) The City of Richmond shall require a payment of seven dollars and fifty cents (\$7.50) of each person registered. This payment shall be collected by the Finance Department and applied to the police department budget to cover the cost of the identification card furnished to the registrants. It shall be the responsibility of the licensee (employer) to collect the card and return it to the Police Department with the date of employees separation.
- E) Those businesses having a liquor by the drink or beer license as an accessory use with another business as the principle 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 (5) days, for which a temporary license has been secured, shall not be required to register under this section.

H) The employees, volunteer help or working proprietors a holder of a Special Private Club License shall be exempt from registration under this section if and only if:

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

Section 87:05:33 Security and Lighting. The licensee shall be responsible for maintaining security on his premises including providing adequate lighting to illuminate the sidewalk and all adjacent parking areas and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity, in and around the licensed premises.

Section 87:05:34 Books and 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. Such books and records shall be available at all reasonable times for inspection by the city alcoholic beverage administrator or any of his authorized representatives.

Section 87:05:35 Business Hours.

- A) Premises for which a license has been granted to sell distilled spirits and wine and/or malt beverages may remain open for business daily from six o'clock a.m. (6:00 a.m.) until midnight (12:00 a.m.) prevailing time.
- B) 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 midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) on any day, or at any time during the twenty-four (24) hours of Sunday and Christmas Day, or on an election day during such time as 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 stocks of distilled spirits and wine and such department is kept locked during the times mentioned above, the licensee shall be deemed to have complied with this section.

Section 87:05:36 Delivery Hours of Malt Beverages.

- A) It shall be unlawful for any distributor, wholesaler or manufacturer of malt beverages or for any agent or employee thereof, to make such deliveries of malt beverage to any dispenser or customer in the corporate limits between the hours of midnight (12:00 a.m.) on Saturday and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. The word "deliveries" as used herein shall include the transfer of actual possession of malt beverage whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler, or manufacturer, or by any agent, or employee thereof.
- B) It shall be unlawful for any person or for any dispenser or dealer, whether for private use, or for the purpose of sale, to receive from any distributor or wholesaler or manufacturer of malt beverages between the hours of midnight (12:00 a.m.) and six o'clock a.m. (6:00 a.m.) on the succeeding Monday.

Section 87:05:37 Control of Beverages on the Licensed Premises.

- A) Premises of Retail Package Licensees. No bottle of distilled spirits, wine or malt beverages shall be opened or consumed on the licensed premises by any person.
- B) Premises of Malt Beverage licensees and Retail Drink Licensees. No distilled spirits, wine or malt beverages shall be taken from the licensed premises in an open container.

Section 87:05:38 Licens Establishment and Minors.

A) As used in this section, "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.

- 1) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for a purpose other than set out in Section 87:05:39 or for the purpose of purchasing food from a lawfully licensed restaurant which derives 50% or more of its gross revenue from the sale of food.
 - 2) No person under 21 years of age shall possess for his or her own use, or purchase or attempt to purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.
 - 3) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee or other employee of any licensee to sell or serve any alcoholic beverage to such person.
 - 4) No person under 21 years of age shall use or attempt to use false, fraudulent or altered identification cards or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.
 - 5) It shall be unlawful for any person under the age of twenty-one (21) years to possess in the City of Richmond, Kentucky any alcoholic beverage outside of the confines of his or her abode or any residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.
- B) The foregoing sections do not apply to those minors aged eighteen (18) to twenty (20) who enter a licensed establishment for the purpose of dancing and which licensed establishment possesses a valid dance license issued pursuant to this ordinance.
- C) It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least 8 inches by 11 inches in size which shall show, in 30 point or large type substantially as follows:

WARNING TO MINORS

Persons under the age of Twenty-one (21) are subject to a fine up to One Hundred Dollars (\$100.00) if they:

- 1) Enter licensed premises to buy, or have served to them, alcoholic beverages.
- 2) Possess, purchase, or attempt to purchase, or get another to purchase, alcoholic beverages.
- 3) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

Section 87:05:39 Dancing on Premises Licensed to Sell Alcoholic Beverages.

- A) License Required: Dancing shall not be permitted on any premises within the city for which an alcoholic beverage license is held unless a dancing license is obtained from the city for the premises. Licenses must be posted (Section 87:05:21 - A).
- B) Application for License: Applications for dancing licenses shall be in writing, be signed by the person holding the alcoholic beverage license for the premises for which the license is applied or, in the case the applicant is a corporation, by the directors of the corporation, and designate the area of the premises which is proposed to be used for dancing. All applications for dancing license shall be filed with the Alcoholic Beverage Control Administrator.

C) Inspection of Premises: Upon receipt for an application for a dancing license, the Alcoholic Beverage Control Administrator of the City shall refer the same to the Codes Enforcement Officer and the Fire Prevention Officer. No dancing license shall be issued until:

- 1) The Codes Enforcement Officer of the City shall have inspected the premises to be licensed and found that portion of the premises to be used for dancing to be structurally safe to accommodate a dance floor and that it is in conformity with the provisions of this Ordinance.
- 2) The Fire Prevention Officer shall inspect the premises and find the same to meet all state and city fire regulations.

D) Issuance of License: Upon the approval of the Codes Enforcement Officer and the Fire Prevention Officer whose endorsement shall be on the application filed with the Alcoholic Beverage Control Administrator, the Administrator shall issue a dancing license upon payment to the city of a license fee hereinafter prescribed.

E) Conditions of Issuance: All dancing licenses granted by the city shall be granted subject to the following conditions and all other conditions of other ordinances of the city applicable thereto:

- 1) Every licensed premises shall at all times be conducted in an orderly manner; and no disorderly or riotous conduct shall be allowed at any time on any licensed premises; and no nuisance shall be suffered, permitted or maintained thereon.
- 2) The license shall authorize dancing only on the premises of the license holder in the area designated in the application as a dance floor, which shall be defined as a clearly defined and separate area suitable for dancing with no structural obstructions of any type or kind or other such obstructions that may result in potential harm to dancers or that might inhibit or interfere with the safety of any dancer and which shall at a minimum consist of an area not less than 200 square feet.
- 3) Upon approval of the Alcoholic Beverage Control Administrator, the dance floor may be moved from one part of the premises to another.

F) License Fee; Amount: The annual license fee for a dancing license shall be determined by the occupancy level set for each establishment, by the Fire Prevention Officer according to State Fire Codes. The scale is as follows:

<u>Occupancy Level</u>	<u>License Fee</u>
0 - 100	\$ 100.00
101 - 200	200.00
201 - +	300.00

G) Expiration of Licenses; When Fees Due and Payable: All licenses issued under this section shall expire on June 30th of each year, and the fees therefore shall be due and payable on July 1st of each year.

H) Forfeiture of License Fees Upon Cancellation, Revocation of License: The proportionate part of the license fee prescribed shall be paid in advance at the time the application therefore shall be made and the license issued as herein provided for. If any license issued hereunder shall be revoked or cancelled for any reason by the City Alcoholic Beverage Administrator, the licensee shall forfeit and all claims which the licensee might otherwise have had to any portion of the license fee paid by the licensee upon the issuing of the license.

- I) Collection of Fees: All license fees from license issued under this section shall be collected by the Finance Director.
- J) Assignment of License: No assignment of any license issued under this section shall be made except by order of any court of competent jurisdiction with the approval of the city alcoholic beverage administrator.
- K) Revocation/Suspension of License: A dancing license may be revoked or suspended by the alcoholic beverage control administrator for the violation of any provisions of any ordinances of the city relating to dancing or for any other cause for which a license to sell alcoholic beverages could be revoked or suspended.

Section 87:05:40 Retailed Premises to Furnish Clear View from Sidewalk or Entrance--Hotel or Club may serve in Separate Room.

- A) The entrance doors of any premises for which retail license has been issued shall be of clear glass. The premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or if the premises are not on the street level from the entrance. No partition, box, stall, screen, curtain or other device shall obstruct the view of the general observation of persons; but partitions, subdivisions or panels that are not higher than forty-eight (48) inches from the floor shall not be construed as obstructing the view or the general observation of persons. Any license to any bona fide hotel or club shall entitle the licensee to serve such alcoholic beverages as it is licensed to sell in a separate room at banquets or dinners or where meals are served.
- B) No person holding a license under this ordinance shall sell at retail any intoxicating alcoholic beverages behind blinds or screens, but such shall be conducted openly and with out any attempt to hide such sales from public view.
- C) Every hotel and private club that procures a license under this ordinance shall be entitled to serve such beverages as such license holder is entitled to serve in a separate room or rooms at banquets or dinners or where meals are served; however, no hotel or private club shall maintain or operate or permit to be operated more than one (1) bar or room where alcoholic beverages are sold and which is open to the general public without first obtaining a separate license for each bar or room which is open to the general public.

Section 87:05:41 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 administrator.
- B) Said floor plan shall be submitted by the licensee to the city 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 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.

ARTICLE IV. PROHIBITIONS

SECTIONS:

- SECTION 87:05:42 General Statement
- SECTION 87:05:43 Prizes and Premiums
- SECTION 87:05:44 Gambling; Games of Chance
- SECTION 87:05:45 Controlled Substances
- SECTION 87:05:46 Radio Receiving Apparatus
- SECTION 87:05:47 Warning Systems
- SECTION 87:05:48 Permitting Possession and Consumption of Alcoholic Beverages on Premises
- SECTION 87:05:49 Price Advertising Restrictions

Section 87:05:42 General Statement. All prohibitions, restrictions and regulations pertaining to Alcoholic Beverages found in KRS 244.010 through 244.600 shall apply to alcoholic beverage use in the City of Richmond, Kentucky.

Section 87:05:43 Prizes and Premiums. It shall be unlawful for any licensee under this ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize or for any other purpose in connection with the sale of alcoholic beverages.

Section 87:05:44 Gambling; Games of Chance. No gambling or game of chance shall be permitted in any form upon such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.

Section 87:05:45 Controlled Substances. It shall be unlawful for any licensee under this ordinance to sell, to smoke or keep or permit to be sold, smoked or kept upon the licensed premises any marijuana. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.

Section 87:05:46 Radio Receiving Apparatus. It shall be unlawful for any licensee licensed under this ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from the police radio station as it is now or may hereafter be operated. In addition to other penalties set out in this ordinance for the violation of this section, the radio receiving apparatus shall be confiscated.

Section 87:05:47 Warning Systems. It shall be unlawful for any licensee under this ordinance to have or maintain any sound, light or other warning system on such premises which is intentionally adjusted or constructed or which is utilized in such a fashion as to indicate to employees or patrons of the establishment that law enforcement officials are on the premises. This section includes announcements made over P.A. Systems.

Section 87:05:48 Permitting Possession and Consumption of Alcoholic Beverages on Premises.

- A) No person being the owner or occupant or otherwise in possession of any property located within the city knowingly shall allow any person under the age of 21 years to remain on such property while in the possession of intoxicating liquor or beer or while consuming intoxicating liquor or beer.
- B) It shall be an affirmative defense under this section if the person charged with the offense, enlisted the aid of and cooperated with law enforcement personnel to cause minors who are utilizing intoxicating liquor or beer in violation of this section to not remain on his property.

Section 87:05:49 Price Advertising Restrictions. No sign of any kind advertising the price of alcoholic beverages shall be printed on the exterior or so as to be visible from the exterior of any premises licensed for the sale of alcoholic beverages at retail; however, any alcoholic beverage licensee may place in the window of his place of business, price cards, not larger than two and one-half (2½) inches by three (3) inches in size with the price thereon at which he offers alcoholic beverages for sale.

ARTICLE V. PENALTIES

SECTIONS:

SECTION 87:05:50 Penalties in General

SECTION 87:05:51 Causes for which Licenses May be Revoked or Suspended

SECTION 87:05:52 Causes for which Licenses Must be Revoked or Suspended

SECTION 87:05:53 License Revocation/Suspension

SECTION 87:05:54 Disposition

Section 87:05:50 Penalties in General. Any person violating Section 87:05:48 shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250.00). Any person who violates any provision of this ordinance for which no specific penalty is provided shall for the first offense be fined not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00) or be imprisoned in the county jail for not more than six (6) months, or both; and for the second and each subsequent violation, shall be fined not less than two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00), or be imprisoned in the county jail for not more than twelve (12) months or both. If a person who violates any provision of this article is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principle officer or partner responsible for such violations may be punished by imprisonment as authorized by this section.

Section 87:05:51 Causes for which Licenses May be Revoked or Suspended. Any license under KRS 243.020 to 243.670 may be revoked by the Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241, 243 or 244, or any rule or regulation of the City of Richmond relating to the regulation of alcoholic beverages, or if any clerk, agent, servant or employee of any licensee shall violate any of the laws, regulations or ordinances relating to Alcoholic Beverages, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse a license if the facts had been known.

Section 87:05:52 Causes for which Licenses Must be Revoked or Suspended. Any license issued under the terms of this ordinance must be revoked or suspended for the following causes:

- 1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- 2) Making any false, material statements in an application for a license.
- 3) Violation of the provisions of KRS 243.670.
- 4) If, within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulations of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of his clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one (1) such felony and one (1) such misdemeanor.

- 5) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof or any penalties imposed by under the provisions of any statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the department of finance made in pursuance thereof.
- 6) Revocation of any license or permit provided in KRS 243.060, 243.070, 243.600 and 243.610, or granted under any Act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license issued under KRS 243.020 to 243.670 must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
- 7) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.
- 8) Conviction of the licensee, his agents, servants, or employees for:
 - a) The sale or use upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances;
 - b) Knowingly permitting the sale or use by patrons upon the licensed premises of those items described in KRS 218A.050 to 218A.130 as controlled substances.

Section 87:05:53 License Revocation/Suspension.

- A) At any time after a license has been issued under the provisions of this article, the same shall be revoked by the City Administrator, if the alcoholic beverage license issued by the state is revoked.
- B) The Administrator may, in his discretion, order a suspension of the license for any cause for which he may, but is not required to, revoke the license under the provisions of KRS 243.490, KRS 243.500, or under the provisions of this ordinance; provided however, the licensee may have the alternative, subject to the approval of the administrator, to pay in lieu of part or all days of any suspension period, a sum as follows:

1) Wholesale liquor licensees, per day	\$500.00
2) Wholesale beer licensees, per day	250.00
3) Retail drink liquor licensees, per day	50.00
4) Retail package liquor licensees, per day	50.00
5) Retail beer licensees, per day	25.00
6) All remaining licensees, per day	25.00
- C) Payments in lieu of suspension collected by the administrator shall be deposited and used as local alcoholic beverage license tax receipts are deposited and used.
- D) Appeals from orders of suspension and the procedure thereon shall be the same as are provided for in Article I. Section 87:05:07 herein.

Section 87:05:54 Disposition. All money derived under the provisions of this article shall be paid into the treasury of the city and become a part of the general funds of the city.

ARTICLE VI: REPEALER

SECTIONS:

SECTION 87:05:55 Repeal of all Previous Alcoholic Beverage Ordinances.

Section 87:05:55 Repeal of all Previous Alcoholic Beverage Ordinances. All ordinances relating to the establishment of regulations for the control, licensing, operating, administration and the enforcement of the sale of Alcoholic Beverages previously adopted by the city are hereby repealed in their entirety on the effective date of this Ordinance.

ARTICLE VII: SEVERABILITY

SECTIONS:

SECTION 87:05:56 Severability Clause

Section 87:05:56 Severability Clause. If any provision of this Ordinance is declared unconstitutional, then it is separate from all other provisions and the latter remain in full force and effect.

ARTICLE VIII: EFFECTIVE DATE

SECTIONS:

SECTION 87:05:57 Effective Date

SECTION 87:05:58 Publishing of Ordinance

Section 87:05:57 Effective Date. This ordinance shall become effective on July 1, 1987.

Section 87:05:58 Publishing of Ordinance. The City Clerk shall cause this Ordinance to be published in accordance with the appropriate statutes of the Commonwealth of Kentucky.

DATE OF FIRST READING March 10, 1987

MOTION BY Commissioner McWhorter

SECONDED BY Commissioner Todd

VOTE:	YES	NO
Commissioner Ballou	x	
Commissioner McAninch	x	
Commissioner McWhorter	x	
Commissioner Todd	x	
Mayor Baker	x	

DATE OF SECOND READING April 7, 1987

MOTION BY Commissioner Ballou

SECONDED BY Commissioner McAninch

VOTE:	YES	NO
Commissioner Ballou	x	
Commissioner McAninch	x	
Commissioner McWhorter	x	
Commissioner Todd	x	
Mayor Baker		x

Earl B. Baker
MAYOR

ATTEST:

Susan E. Higgins
City Clerk

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ALCOHOLIC
BEVERAGE CONTROL

ORDINANCE NO. 80-45

AN ORDINANCE OF THE CITY OF RICHMOND, KENTUCKY ESTABLISHING THE CITY'S ALCOHOLIC BEVERAGE CONTROL REGULATIONS.

WHEREAS, it is generally recognized that trafficking in alcoholic beverages is subject to strict regulations and control, and

WHEREAS, the city has appointed a local Alcoholic Beverage Control Administrator in accordance with KRS 241.170, 241.180 and 241.100, and

WHEREAS, it is the intent of the Richmond City Board of Commissioners to locally regulate the sale of alcoholic beverages.

NOW, THEREFORE BE IT ORDAINED by the Richmond City Board of Commissioners that the City of Richmond Alcoholic Beverage Control Regulations shall be as follows:

SECTION 1 (Definitions)

The words and terms used in this ordinance specifying the kind of licenses shall have the same meanings as in those parts of the Kentucky Revised Statutes applying to the licenses provided herein.

SECTION 2 (Office of City Alcoholic Beverage Control Administrator-Qualifications)

There is created an office of City Alcoholic Beverage Control Administrator. The City Administrator shall take the oath prescribed in Section 228 of the Kentucky Constitution before entering upon such duties.

SECTION 3 (Bond)

(1) Before entering upon his duties, the City Administrator shall execute a bond with a good corporate security in the penal sum of not less than One Thousand Dollars (\$1,000.00).

(2) The cost of the bonds given under this section shall be borne by the City Government.

SECTION 4 (Function and Powers)

The functions of the City Administrator shall be the same with respect to city licenses and regulations as the functions of the Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no regulations adopted by the City Administrator may be less stringent than the statutes relating to alcoholic beverage control, or than the regulations of the Board. No regulations of the City Administrator shall become effective until it has been approved by the Board.

SECTION 5 (Appeals)

Appeals from the orders of the City Administrator may be taken as prescribed by law.

(3) The City Administrator shall either approve or disapprove of any such application in accordance with the law.

(4) Upon approval of any such application, the applicant shall pay the amount of the license fee provided in this ordinance, within the time prescribed in this ordinance to the Finance Director who shall issue the license.

SECTION 7 (Transfer or Assignment)

The City Administrator may permit the transfer or assignment of any license issued under this ordinance to another person or premises under the same terms and conditions as provided by statute.

SECTION 8 (Distilled Spirits and Wine-Special Private Club License)

Any new application for a special private club license under subsection (6) of Section 11 of this ordinance shall be required, as a condition precedent to obtaining such a license, to show to the satisfaction of the City Administrator that they are a non-profit social, fraternal, military or political organization or club, which operates club room or rooms within the limits of the city from which the general public is excluded. This license shall authorize the licensee to exercise the privilege of a distilled spirits and wine retail drink licensee at the designated premises if the general public is excluded. All restrictions and prohibitions applying to a distilled spirits and wine retail drink licensee shall apply to a special private club license.

SECTION 9 (License Revocation or Suspension-Powers of Board)

The City Administrator shall have the same powers and duties with respect to suspension and revocation of licenses granted under this ordinance as the state Alcoholic Beverage Control Board has with respect to licenses granted under KRS 243.020 to 243.670 in addition to any other powers and duties granted to or imposed upon him by ordinance.

SECTION 10 (Effect)

Upon revocation of any license issued under this ordinance, the licensee shall not thereafter be granted a license under this ordinance within two years.

SECTION 11 (Distilled Spirits and Wine-License Fees)

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

(1) Wholesaler's license, per annum	\$700.00
(2) Retail Package license, per annum	600.00
(3) Retail drink license, per annum	600.00
(4) Supplemental bar license	500.00
(5) Special temporary license, per month or part of month	200.00
(6) Special private club license, per annum	200.00
(7) Restaurant wine license, per annum	
(a) New applicants	200.00
(b) Renewals	100.00

SECTION 12 (Malt Beverage-License Fees)

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

(1) Distributor's license, per annum	200.00
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SECTION 13 (License period, time of payment, delinquency)

(1) The license period for all forms of alcoholic beverage licenses shall conform to the period covered by kindred licenses issued by the state, and such licenses, other than special temporary licenses, when issued shall be effective for the dates specified in such license.

(2) The annual license renewal fees provided in this ordinance shall be paid on or before the tenth day of July of each year and any person holding any form of such license who fails to pay the license fees by said date shall be subject to a revocation of such license, and in addition, shall pay a penalty of ten percent of the amount of the annual license renewal fee if the license is subsequently renewed.

(3) The license fees of any person entering upon any of the businesses required by this ordinance to be licensed shall be due and payable at the time of their entering upon any of such businesses and if not paid within ten days after they become due, shall be deemed delinquent and shall have added thereto a penalty of ten percent of the license tax.

(4) Persons delinquent in their payment of any license fees imposed upon them by this ordinance shall be proceeded against and subjected to revocation of license and to additional penalty as provided in section 23.

(5) When any person applies for a license authorized to be issued under this ordinance after July 1 of any year, he shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following July 1, except that no license shall be issued for a shorter period than six (6) months. 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.

SECTION 14 (Disposition)

All money derived from the collection of license fees or the forfeiture of bonds, pursuant to this ordinance, shall be paid into and become part of the general fund of the City Government.

SECTION 15 (License to Contain Certain Information)

There shall be stamped or printed on the face of each license issued pursuant to this ordinance, the type of license issued, such as "Retail Beer", "Retail Package Liquor", and so forth, together with the words "License period shall be July 1 through July 30", and the years to be covered by such license, or (in the case of special temporary licenses) the precise dates covered by the license.

SECTION 16 (License to be Displayed)

(1) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed in a conspicuous place in the room or principal room where the business is carried on, so that all persons visiting the place may readily see the license. Licenses shall be enclosed in a wood or metal frame enclosing a clear glass space so that the whole license may be seen.

(2) No licensee shall post the license or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

SECTION 17 (Sales Only at Place Specified in License)

No license issued pursuant to this ordinance shall authorize the sale of alcoholic beverages of any kind at more than one place, which shall be specified in the license, and a separate license must be taken out for each place in which any alcoholic beverages are proposed to be sold.

SECTION 18 (Sales to Be in Public View)

No person holding a license under this ordinance shall sell at retail any intoxicating alcoholic beverage behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide such sales or screen them from public view.

SECTION 19 (Delivery hours for malt beverages)

(a) It shall be unlawful for any distributor, wholesaler or manufacturer of malt beverages or for any agent or employee thereof, to make any such deliveries of malt beverages to any dispenser or customer in the corporate limits between the hours of midnight on Saturday and six o'clock a.m. (6:00 a.m.) on the succeeding Monday. The word "deliveries" as used herein shall include the transfer of actual possession of malt beverages whether the same be sold, bartered, loaned or transferred in any manner, by a distributor, wholesaler or manufacturer, or by any agent, or employee thereof.

(b) It shall be unlawful for any person or for any dispenser or dealer, either for private use, or for the purpose of sale, to receive from any distributor or wholesaler or manufacturer of malt beverages between the hours of midnight on Saturday and six o'clock a.m. (6:00 a.m.) on the succeeding Monday.

SECTION 20 (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 twelve o'clock (midnight) and six o'clock a.m. (6:00 a.m.) on any day, or at any time during the twenty-four (24) hours of a Sunday, or on an election day during such time as the polls are open, provided, however, if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and such 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 six o'clock (6:00 a.m.) until midnight.

(b) All trafficking in alcoholic beverages on Christmas Day in the city is hereby prohibited.

SECTION 21 (Dancing Where Beverages Sold; Permits, Regulations)

(1) No person operating a business wherein alcoholic beverages are sold shall permit dancing without first obtaining the permits and paying the license fee as herein described.

(2) A permit shall be obtained from the Fire Marshall and it shall be the duty of the Fire Marshall to cause an inspection to be made of the premises for which an application has been made to permit dancing under the terms of this section to determine whether the premises and the structures located thereon comply with all the requirements of the existing fire prevention ordinances of the City Government, including the standards of safety adopted by the City Government and all other laws relative to fire prevention. No permit shall be issued by the Fire Marshall unless all the ordinances and laws mentioned in this subsection are being fully complied with.

(3) A permit shall be obtained from the Code Enforcement Officer and it shall be

the City Government, dancing is permitted at the location for which the permit is sought.

(4) The permits mentioned in the preceding two subsections shall be delivered by the persons responsible for the issuing thereof to the City Manager accompanied by a written report setting forth why the permit should or should not be issued. It shall be the duty of the City Manager to review the permits and reports and to approve or disapprove the same.

(5) The applicant, prior to permitting dancing, if the permit is approved as herein set forth, shall pay to the City Government Finance Office a minimum license fee of fifty dollars (\$50.00) per year. No license shall be issued unless the permits herein mentioned are presented to the Finance Office.

(6) The license and permits issued under the terms of this section shall not be transferable. In case the license or permit applies to a corporation, a transfer of ownership of any interest in the corporation shall ipso facto cancel the license and permit.

(7) The premises wherein dancing is permitted under the terms and provisions of this section shall be at all times reasonably and adequately lighted.

(8) Any person violating any of the provisions of this section, or who having been issued a license hereunder, permits such business to operate in such a manner as to create a nuisance or to violate any of the provisions of this ordinance or any law relating to the sale of alcoholic beverages shall, in addition to any other penalties prescribed by law, be fined in accordance with section 23(5).

SECTION 22 (Display of Warning to Minors)

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or larger type, substantially as follows:

"WARNING TO MINORS"

Persons under the age of twenty-one (21) are subject to a fine up to one hundred dollars (\$100.00) if they:

1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

SECTION 23 (Penalties)

(1) Any person who shall engage in or carry on, without a license, any business for which a license is provided by this ordinance, or who, having had a license, shall continue in such business in any succeeding year without obtaining a renewal of his license, shall be guilty of a misdemeanor and shall be liable to be proceeded against for the penalty prescribed in subsection (2) in addition to the amount of the license.

(2) Any person who shall violate any provisions of this ordinance, other than those provisions specified in subsections (3) through (6) of this section, shall, for each offense, and upon conviction in the District Court be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Each

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(5) Any person violating any of the provisions of section 21 shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) and the license issued to such person shall become null and void.

(6) Any person violating any of the provisions of section 22 shall, upon conviction thereof, be fined not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) for each offense.

DATE OF FIRST READING November 5, 1980

MOTION BY Commissioner Strong

SECONDED BY Commissioner Lovell

VOTE:	YES	NO
Commissioner Brewer	X	
Commissioner Lawson	X	
Commissioner Lovell	X	
Commissioner Strong	X	
Mayor Todd	X	

DATE OF SECOND READING February 3, 1981

MOTION BY Commissioner Lovell

SECONDED BY Commissioner Brewer

VOTE:	YES	NO
Commissioner Brewer	X	
Commissioner Lawson	X	
Commissioner Lovell	X	
Commissioner Strong	X	
Mayor Todd	Absent	

James C. Todd
MAYOR

ATTEST:

Nancy A. Neely
CITY CLERK

ORDINANCE NO. A-489.

AN ORDINANCE MAKING IT UNLAWFUL FOR A MINOR TO PURCHASE ALCOHOLIC BEVERAGES, OR HAVE SAME IN HIS OR HER POSSESSION, IN THE CITY OF RICHMOND, KENTUCKY.

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ALCOHOLIC BEVERAGE CONTROL

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF RICHMOND, KENTUCKY:


It shall be unlawful for any person under twenty-one years of age to purchase alcoholic beverages, or have same in his or her possession, in the City of Richmond, Kentucky.

Any person violating this ordinance shall be fined not less than \$10.00 nor more than \$50.00 for each offense, and each purchase of alcoholic beverages or possession of alcoholic beverages shall constitute a separate offense.

The foregoing ordinance was given its first reading by the Common Council of Richmond, Kentucky, on December 23, 1963.


The foregoing ordinance was given its second reading by the Common Council of Richmond, Kentucky, on January 13, 1964.

Approved January 13, 1964.



Mayor

Attest:



City Clerk