

**CITY OF SHELBYVILLE  
ORDINANCE NO. 2013-12-05**

**AN ORDINANCE AMENDING CHAPTER 62 OF THE  
CITY OF SHELBYVILLE CODE OF ORDINANCES  
RELATING TO ALCOHOLIC BEVERAGES**

**WHEREAS**, during the 2013 Legislative Session the Kentucky General Assembly, through Senate Bill 13, adopted amendments to Chapters 241 to 244 of the Kentucky Revised Statutes regarding alcoholic beverages and licensing; and

**WHEREAS**, Senate Bill 13 requires that cities amend their alcoholic beverage ordinances to conform with the revisions made to the Kentucky Revised Statutes in order to maintain local regulatory and licensing authority pertaining to alcoholic beverages; and

**WHEREAS**, the City Council of the City of Shelbyville desires to implement any necessary amendments to the City of Shelbyville Code of Ordinances in order to provide conformity with state statutes.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SHELBYVILLE, KENTUCKY,**  
as follows:

**SECTION ONE:** Chapter 62 of the City of Shelbyville Code of Ordinances is hereby amended to read in its entirety as follows:

**§ 62.001      *CONFORMANCE TO APPLICABLE STATE AND LOCAL REGULATIONS REQUIRED***

No person, firm, or corporation shall sell, deal in, traffic in, or give away any intoxicating liquor, distilled spirit, wine, or malt beverage in any quantity whatever, or cause the same to be done without having procured a license as provided in this chapter, nor without complying with all of the provisions of this chapter, all Kentucky Revised Statutes, and state and local regulations applicable thereto.

**§ 62.002      *LICENSE CLASSIFICATIONS; FEES***

(A) Only those licenses set out in this section shall be issued. The license fees are subject to the provisions of subsections (15), (16) and (17) of this section and shall not exceed the amounts specified in subsections (1) to (14) of this section. The following are the classes of licenses and the fees therefor:

(1) ~~Distilled spirits and wine wholesaler's license, for which the annual fee shall be two thousand dollars (\$2,000.00).~~

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~~(2) Distilled spirits and wine retail package license, for which the annual license fee shall be six hundred dollars (\$600.00).~~

~~(3) Malt beverage distributor's license, for which the annual license fee shall be two hundred dollars (\$200.00).~~

~~(4) Malt beverage retailer's license, for which the annual license fee shall be two hundred dollars (\$200.00).~~

~~(5) Restaurant wine license, for which the annual license fee shall be one hundred dollars (\$100.00).~~

~~(6) Special retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be three hundred dollars (\$300.00) per year.~~

~~(7) Special Sunday retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be three hundred dollars (\$300.00) per year.~~

- (1) Distilled spirit licenses as set forth in KRS 243.030:
  - a. Distiller's license, per annum.....\$500.00
  - b. Rectifier's license, per annum.....\$3,000.00
  - c. Wholesaler's distilled spirits and wine license, per annum.....\$2,100.00
  - d. Quota retail package license, per annum.....\$600.00

(2) Quota retail drink license, per annum.....\$1,000.00

(3) Special temporary license, per annum.....\$166.66

(4) Nonquota type 1 retail drink license (includes distilled spirits, wine and malt beverages), per event.....\$2,000.00

(5) Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum.....\$315.00

(6) Nonquota type 3 retail drink license (includes distilled spirits, wine and malt beverages), per annum.....\$300.00

(7) Distilled spirits and wine special temporary auction license, per event.....\$200.00

(8) Special Sunday retail drink license, per annum.....\$300.00

(9) Extended hours supplemental license, per annum.....\$2,000.00

(10) Caterer's license, per annum.....\$800.00

(11) Bottling house or bottling house storage license, per annum.....\$1,000.00

- (12) Malt beverage licenses as follows:
- a. Brewer's license, per annum.....\$500.00
  - b. Microbrewery license, per annum.....\$500.00
  - c. Malt beverage distributor's license, per annum.....\$210.00
  - d. Nonquota retail malt beverage package license, per annum.....\$200.00
  - e. Nonquota type 4 retail malt beverage drink license, per annum.....\$200.00
  - f. Malt beverage brew-on-premises license, per annum.....\$100.00

(13) Limited restaurant license (includes distilled spirits, wine and malt beverages), per annum.....\$1,200.00

(14) Limited golf course license (includes distilled spirits, wine and malt beverages), per annum.....\$1,200.00

(15) The fee for the following license types may not be increased by more than five percent (5%) above the January 1, 2013 fee for the current license, or the former license type listed beside it, during any five (5) year period. The fees for the licenses described in this subsection are still subject to the maximum amounts listed for those licenses in subsections (1) to (14) of this section:

- a. Quota retail package license: retail package liquor licenses;
- b. Quota retail drink license: retail drink license;
- c. Nonquota type 1 retail drink license: convention center or convention hotel complex license;
- d. Nonquota type 2 retail drink license: restaurant drink license;
- e. Nonquota retail malt beverage package license: retail malt beverage license;
- f. Nonquota type 4 retail malt beverage drink license: retail malt beverage license;
- g. Limited restaurant license; and
- h. Limited golf course license.

(16) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

(17) The holder of a nonquota retail malt beverage package license may obtain a Nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a Nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

(B) Special licenses may be issued as follows:

(1) A special temporary license may be issued only as set out in KRS 243.260. The license shall authorize the licensee to exercise the privileges of a quota retail drink license and an NO4 retail malt beverage license at designated premises for a specified and limited time, not to exceed thirty (30) days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to

a distilled spirits and wine quota retail drink licensee or an NO4 retail malt beverage drink license shall apply also to a special temporary license.

(2) A nonprofit organization holding an NO4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, receptions, reunions, or similar occasions.

(3) All restrictions and prohibitions applying to regular retail drink licenses for distilled spirits, wine and malt beverages shall apply to the special licenses, unless otherwise provided by law.

(4) A "Nonquota type 1" or "NO1" retail drink license may be issued to:

- a. A convention center or a convention hotel complex;
- b. A horse racetrack;
- c. An automobile racetrack;
- d. A railroad system; or
- e. A commercial airlines system or charter flight system.

(5) A "Nonquota type 2" or "NO2" retail drink license may be issued to:

- a. A hotel that contains at least fifty (50) sleeping units, has dining facilities for at least one hundred (100) persons, and receives from its total food and beverage sales at least fifty percent (50%) of its gross receipts from the sale of food;
- b. A restaurant with minimum seating for fifty (50) consumers at tables;
- c. An airport; or
- d. A riverboat.

A qualifying hotel, restaurant with seating for at least one hundred (100) consumers at tables, airport, or riverboat holding an NO2 retail drink license may purchase, receive, possess and sell distilled spirits, wine and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine or malt beverages only from licensed wholesalers or distributors. An NO2 retail drink license shall not authorize the licensee to sell distilled spirits, wine or malt beverages by the package. The holder of an NO2 retail drink license shall comply with the requirements of KRS 243.250.

A restaurant holding an NO2 retail drink license which has seating for more than fifty (50) but less than one hundred (100) consumers at tables may only purchase, receive, possess and sell wine and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase wine and malt beverages only from licensed wholesalers or distributors. An NO2 license shall not authorize the licensee to sell wine and malt beverages by the package.

(6) A "Nonquota type 3" or "NO3" retail drink license may be issued to:

- a. A private club in existence for longer than one (1) year prior to the license



application; or  
b. A dining car.

(7) A "Nonquota type 4" or "NO4" retail drink license may be issues to the holder of a quota retail drink license, microbrewery license, small farm winery license, or any other business wishing to sell malt beverages by the drink for consumption on the premises only.

(B)(C) The business which shall be authorized under and by virtue of each of the respective licenses shall be that business as is authorized by this chapter, applicable regulations and state law.

(G)(D) All money derived from the collection of licenses and taxes herein provided shall be paid into the general fund of the city.

§ 62.003 *PRORATION OF LICENSE FEES; ABATEMENT; EXPIRATION*

(A) Fees for licenses issued pursuant to this chapter after ~~July 1~~ June 30 of any year shall be computed in an amount equal to as many twelfths of the total license fee as there are calendar months (including the month in which the license is granted) until the following ~~July 1~~ June 30, except that no license shall be issued for a shorter period than six (6) months.

(B) No abatement of license fee shall be permitted to any applicant 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.

(C) All licenses issued under this chapter shall expire on June 30 of each year.

(D) The renewal by the city of the certificate or permit of any alcoholic beverage license shall not be construed to waive or condone any violation that occurred prior to the renewal, and shall not prevent subsequent proceedings against the licensee.

§ 62.004 *LICENSES ISSUED SUBJECT TO CERTAIN CONDITIONS*

(A) No license shall be issued hereunder until the same has been approved as required by law by the State Alcoholic Beverage Control Board and by the City Alcoholic Beverage Control Administration. Licenses which have been approved according to law shall then be issued by the City Clerk/Treasurer.

(B) All licenses issued hereunder shall be subject to the following conditions:

(1) A ~~distilled spirits or wine~~ retail package license for the sale of distilled spirits, wine or malt beverages shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license; a sale of distilled spirits license shall constitute a violation of this chapter.

(2) A special retail drink license or Sunday retail drink license for the sale of alcoholic beverages by the drink shall be issued only on the following additional conditions:

~~(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred (100) persons. Restaurants must be bona fide restaurant establishments, open to the general public and having dining facilities for not less than one hundred (100) persons.~~

~~(b) Bona fide restaurants are restaurants which derive at least sixty percent (60%) of their total gross receipts from the sale of food.~~

~~(c)a.~~ Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department, and an inspection and certification by the city fire chief that the premises of the applicant meets all fire, building and safety standards.

~~(d)b.~~ All alcoholic beverages must be consumed on the premises.

~~(e)c.~~ No licensee shall require a minimum cover charge or charge admission to the premises.

~~(f)d.~~ All licensees ~~shall conduct alcohol awareness training twice yearly and the certificate for same must be available to the Alcohol Beverage Control Administrator~~ must be in compliance with the alcoholic beverage server training provisions of § 62.007 herein.

~~(g)e.~~ Each restaurant licensee shall file with the City Clerk/Treasurer and the city's Alcohol Beverage Control Administrator every three (3) months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages.

(3) No license for the sale of alcoholic beverages at retail shall be used for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(4) No city license for the sale of alcoholic beverages at retail shall be issued or renewed for any premises which are prohibited licenses under any of the provisions of state law. Further, no city license for the sale of alcoholic beverages shall be issued or renewed for any premises for which the licensee or operator of the premises is delinquent in the payment of any city taxes or fees, including business license fees, ad valorem real property tax, and any penalties and interest assessed for the delinquency in payment of such fees or taxes.

(5) A license that might be issued shall be refused for the same causes set forth in state law for the refusal of state licenses.

(6) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state license.

(7) No applicant shall become a licensee who (a) has been convicted of any felony until five (5) years have passed from the date of conviction, release from custody, parole, or termination of probation, whichever is later; (b) has been convicted of any misdemeanor described in KRS 218(A).050 to 130 or any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, within two (2) years preceding the application; (c) is under the age of twenty-one (21) years; (d) is not a citizen of the United States and has not had an actual bona fide residence in the state for at least one (1) year before the date on which his application for a license is made; (e) has had any license issued under state law 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 statute, until the expiration of two (2) years from the date of the revocation or conviction; (f) is a partnership, limited partnership, limited liability company, or corporation unless and each member of the partnership or each of the directors, principal officers, or managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is twenty one (21) years of age or more and is a citizen of the United States; has had any license issued under state law 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 statute, until the expiration of two (2) years from the date of the revocation or conviction qualifies does not qualify under subsections (a) through (c) of this section; (g) is a partnership, limited partnership, limited liability company, or corporation that 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 two (2) years from the date of the revocation or conviction; or (h) has, if it is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation that 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 (2) years from the date of the revocation or two (2) years from the date of conviction. Prior to the issuance of any license, the Police Department shall investigate all applicants pertaining to the above requirements.

(8) The time when retail premises shall be closed shall be controlled by KRS 244.290 and KRS 244.480. The dining facilities of hotels, motels, inns and restaurants holding a special Sunday retail drink license may serve alcoholic beverages on Sundays between the hours of 1:00 p.m. and 12:00 midnight. Any premises licensed to sell distilled spirits, wine or malt beverages at retail shall be permitted to remain open during the hours the polls are open on any primary, regular, local option, or special election day, as well as during any other hours of those election days not specifically prohibited by the provisions of this chapter or the Kentucky Revised Statutes.

(9) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(10) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen it from the public view.

(11) A licensee ~~which that~~ holds a ~~restaurant-wine-license-or~~ special retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.

(12) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.

(13) A licensee to whom a license is issued pursuant to this ordinance shall provide periodic information demonstrating compliance with the conditions of any license. The licensee shall keep and maintain upon the licensed premises adequate books and records, including audio and video recordings, of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the Kentucky Department of Alcoholic Beverage Control.

§ 62.005 *NUDITY PROHIBITED IN STRUCTURES WHERE ALCOHOLIC BEVERAGES SOLD*

(A) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption within the same structure,

(1) To suffer or permit any female person, while within the structure in which the commercial establishment is maintained, to expose to the public view that area of the human breast at or below the areola thereof.

(2) To suffer or permit any female person, while within the structure in which the commercial establishment is maintained, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (A)(1).

(3) To suffer or permit any person, while within the structure in which the commercial establishment is maintained, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(4) To suffer or permit any person, while within the structure in which the commercial establishment is maintained, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft or cleavage.

(B) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to the public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance of or simulate such areas of the female breast as described herein.

(C) It shall be unlawful for any person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(D) Nothing in this section shall be interpreted as relieving any licensee from complying with the requirements of any other city ordinance.

§ 62.006 *SALE OF ALCOHOLIC BEVERAGES*

(A) Any golf course within the city that is licensed by the Commonwealth of Kentucky to sell alcoholic beverages at a location within the city may conduct the same type of sale of alcoholic beverages for which it is licensed at that location from the hours of 1:00 p.m. to 10:00 p.m. on Sunday upon obtaining a Special Sunday retail drink license from the city.

(B) Any license for the Sunday sale of alcoholic beverages by a golf course shall be subject to the Special Sunday retail drink license fee provided for in § 62.002(A)(7)(8).

(C) For the purposes of this section, the term "golf course" shall mean any nine (9) or eighteen (18) hole golf course that meets United States Golf Association criteria as a regulation golf course.

§ 62.007 *ALCOHOLIC BEVERAGE SERVER TRAINING*

(A) All persons employed in the selling and serving of alcoholic beverages shall complete a server training course provided by the Kentucky Department of Alcoholic Beverage Control.

(B) All persons required to complete training under the provisions of subsection (A) of this section shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages, all employees must be trained prior to the opening of the business.

(C) Each licensee shall be responsible for compliance with the training requirements of this section, and shall maintain for inspection by the city's Alcohol Beverage Control Administrator a record or file on each employee that shall contain the pertinent training information. Each premise licensed hereunder must, at all times when alcoholic beverages are being served, have at least one (1) person currently certified in responsible beverage service training on duty.

(D) All persons completing the training required by this section shall be re-certified in a responsible beverage server training course provided by the Kentucky Department of Alcoholic Beverage Control not less than once every two (2) years thereafter.

§ 62.008 *RETAIL PREMISES NOT TO BE DISORDERLY*

(A) A retail licensee, a patron, or the licensee's agents, servants or employees shall not cause, suffer or permit the licensed premises to be disorderly.

(B) 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 create a risk through:

(1) Engaging in fighting or in violent, tumultuous, or threatening behavior;

- (2) Making unreasonable noise;
- (3) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire hazard or other emergency;
- (4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;
- (5) Creating a public nuisance which is further defined by KRS 241.010(39);
- (6) Engaging in criminal activity that would constitute a capital offense, felony or misdemeanor;
- (7) Failing to maintain the minimum health, fire, safety or sanitary standards established by the state or the city, or by state administrative regulations for the licensed premises.

§ 62.999 *PENALTY-PENALTIES*

Any person, firm, or corporation who shall violate any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

(A) If for any violation of any statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.

(B) If for a violation of any provision of this chapter by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in jail for not more than thirty (30) days, or both, in the discretion of the court.

(C) If a restaurant licensee holding a special retail drink license or a special Sunday retail drink license fails to file the quarterly report required under § 62.004(B)(2)(e) above, or files a false or fraudulent report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.

(D) If a restaurant licensee is deemed ineligible for a special retail drink license or a special Sunday retail drink license based upon the quarterly report required under § 62.004(B)(2)(e) above, the licensee shall immediately forfeit said license(s) and there shall be no abatement or refund of the yearly license fee.

(E) (1) If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the city at which alcoholic beverages are offered for sale for consumption on the premises shall be convicted of violating § 62.005, then the City Council shall revoke the city license(s) for the establishment after giving a reasonable notice thereof to the holder of the license and affording the holder an opportunity to be heard as to why the revocation should not be issued.

(2) In addition to the penalty stated in subsection (E)(1), any person who shall violate any provision of this section shall be guilty of a Class B misdemeanor.

**SECTION TWO:** If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is declared illegal, unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof. Further, all ordinances or parts thereof in conflict with the provisions of this ordinance are, to the extent of such conflict, hereby repealed.

This Ordinance may be published in summary.

Introduced, seconded, and given a first reading at a duly convened meeting of the City Council of the City of Shelbyville, Kentucky held on the 3rd day of December, 2013.

Given a second reading and enacted at a duly convened meeting of the City Council of the City of Shelbyville, Kentucky held on the 5th day of December, 2013.



Thomas L. Hardesty, Mayor

ATTEST:



Inez Harris, City Clerk/Treasurer

**CITY OF SHELBYVILLE  
ORDINANCE NO. 2011-06-16**

**AN ORDINANCE RELATING TO  
THE SALE OF ALCOHOLIC BEVERAGES**

WHEREAS, the City Council of Shelbyville, Kentucky, pursuant to the authority of KRS 244.290(3) wishes to regulate in the manner provided herein the sale of alcoholic beverages at the golf courses within the City of Shelbyville:

BE IT ORDAINED BY THE CITY OF SHELBYVILLE:


SECTION ONE: Any golf course within the City of Shelbyville that is licensed by the Commonwealth of Kentucky to sell alcoholic beverages at a location within the City of Shelbyville may conduct the same type of sale of alcoholic beverages for which it is licensed at that location from the hours of 1 p.m. to 10:00 p.m. on Sunday upon obtaining a Special Sunday license from the City of Shelbyville.

SECTION TWO: Any license for the Sunday sale of alcoholic beverages by a golf course shall be subject to the Special Sunday retail license fee provided for in Section 62.002(A)(7) of the City of Shelbyville Code of Ordinances.

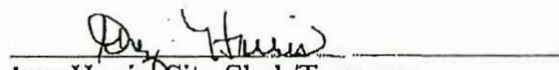
SECTION THREE: For the purposes of this Ordinance, the term "golf course" shall mean any nine (9) or eighteen (18) hole golf course that meets United States Golf Association criteria as a regulation golf course.

Given a first reading at a meeting of the Shelbyville City Council on June 2, 2011.

Given a second reading and enacted at a meeting of the Shelbyville City Council on June 16, 2011.

  
Thomas L. Hardesty, Mayor

ATTEST:

  
Inez Harris, City Clerk/Treasurer



**CITY OF SHELBYVILLE**  
**ORDINANCE NO. 2007-07-05(A)**

**AN ORDINANCE OF THE CITY OF SHELBYVILLE ENACTING AN ALCOHOL  
REGULATORY LICENSE FEE**

**BE IT ORDAINED BY THE CITY OF SHELBYVILLE:**

**WHEREAS, KRS 243.075** authorizes cities of the third or fourth class in which the discontinuance of prohibition is effective by virtue of a local option election to impose a regulatory license fee upon the gross receipts of each establishment licenses in the city to sell alcoholic beverage and

**WHEREAS, the regulatory license fee is authorized to be at a percentage rate as shall be reasonably estimated to full reimburse the local government for the estimated costs of any additional policing, regulatory, or administrative expense relate to the sale of alcoholic beverage in the city, and**

**WHEREAS, the City Council estimates that the additional costs listed above incurred policing and regulating the sale of alcoholic beverages within the City of Shelbyville to be in the range of five percent (5%) of the gross sales of alcoholic beverages in the City, the City Council ordain as follows:**


**SECTION ONE:** Each person or business establishment selling alcoholic beverages in the City of Shelbyville shall pay an annual fee in the amount of five percent (5%) of that person's or business establishment's gross receipts on the sale of alcoholic beverages in the City of Shelbyville. The fee shall be paid quarterly and shall be accompanied by a completed and signed form that reports on the amount of sales of alcoholic beverages during the reported period. Copies of the forms required to be submitted shall be made available by the City Clerk of the City of Shelbyville.

**SECTION TWO:** A credit against the regulatory fee imposed by this ordinance shall be allowed in an amount equal to any other City of Shelbyville alcohol beverage license fee.


**SECTION THREE:** Any person failing to file a report as required by this Ordinance, or any person who knowingly falsifies the report required by this Ordinance, shall be subject to imprisonment of up to 12 months in the county jail and/or a fine of up to \$500 for each offense. Any person or business establishment failing to timely pay the regulatory license fee enacted by this Ordinance shall be liable to the City of Shelbyville in the amount of said fee, plus interest and penalty of 10% on the unpaid amount. Further, failure to timely pay the regulatory license fee enacted by this Ordinance shall be grounds for revocation of the license to sell alcoholic beverages in the City of Shelbyville.

Introduced, seconded, and given first reading at a regular meeting of the City Council of the City of Shelbyville, Kentucky, held on June 21, 2007.

Given second reading and enacted at a meeting of the Shelbyville City Council, held on July 5, 2007.

  
Thomas L. Hardesty, Mayor

ATTEST:

  
Inez Harris  
City Clerk/Treasurer

20284444.2

# CITY OF SHELBYVILLE

## CHAPTER 62: ALCOHOLIC BEVERAGES

62.001	Conformance to applicable state and local regulations required
62.002	License classifications; fees
62.003	Proration of license fees; abatement
62.004	Licenses issued subject to certain conditions
62.005	Nudity prohibited in structures where alcoholic beverages sold
62.999	Penalty

Cross reference:

Limitations period for tax and fee refunds, see § 24.006

### § 62.001 CONFORMANCE TO APPLICABLE STATE AND LOCAL REGULATIONS REQUIRED

No person, firm, or corporation shall sell, deal in, traffic in, or give away any intoxicating liquor, distilled spirit, wine, or malt beverage in any quantity whatever, or cause the same to be done without having procured a license as provided in this chapter, nor without complying with all of the provisions of this chapter, all Kentucky Revised Statutes, and state and local regulations applicable thereto.

(Ord. - -, passed 10-19-78) Penalty, see § 62.999

### § 62.002 LICENSE CLASSIFICATIONS; FEES

(A) The following are the classes of licenses and the fees therefor:

(1) Distilled spirits and wine wholesaler's license, for which the annual fee shall be two thousand dollars (\$2,000.00).

(2) Distilled spirits and wine retail package license, for which the annual license fee shall be six hundred dollars (\$600.00).

(3) Malt beverage distributor's license, for which the annual license fee shall be two hundred dollars (\$200.00).

(4) Malt beverage retailer's license, for which the annual license fee shall be two hundred dollars (\$200.00).

(5) Restaurant-wine license, for which the annual license fee shall be one hundred dollars (\$100.00).

(6) Special retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be three hundred dollars (\$300.00) per year.

(7) Special Sunday retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be three hundred dollars (\$300.00) per year.



## **SHELBYVILLE - ALCOHOLIC BEVERAGES**

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(B) The business which shall be authorized under and by virtue of each of the respective licenses shall be that business as is authorized by this chapter, applicable regulations and state law.

(C) All money derived from the collection of licenses and taxes herein provided shall be paid into the general fund of the city.

(Ord. - -, passed 10-19-78; Am. Ord. - -, passed 4-17-86; Am. Ord. 06-05-03, passed 6-5-03)

Cross-reference:

Business licenses, see Chapter 60

Statutory reference:

City licenses; fees, see KRS 243.070

### *§ 62.003 PRORATION OF LICENSE FEES; ABATEMENT*

(A) Fees for licenses issued pursuant to this chapter after July 1 of any year shall be computed in an amount equal to as many twelfths of the total 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.

(B) No abatement of license fee shall be permitted to any applicant 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.

(C) All licenses shall expire on June 30 of each year.

(KRS 243.090(2)) (Ord. - -, passed 10-19-78)

### *§ 62.004 LICENSES ISSUED SUBJECT TO CERTAIN CONDITIONS*

(A) No license shall be issued hereunder until the same has been approved as required by law by the State Alcoholic Beverage Control Board and by the City Alcoholic Beverage Control Administration. Licenses which have been approved according to law shall then be issued by the City Clerk/Treasurer.

(B) All licenses issued hereunder shall be subject to the following conditions:

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license; a sale of distilled spirits license shall constitute a violation of this chapter.

(2) A special retail drink license or Sunday retail drink license for the sale of alcoholic beverages by the drink shall be issued only on the following conditions:

(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred (100) persons. Restaurants must be bona fide

**SHELBYVILLE - ALCOHOLIC BEVERAGES**

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## **SHELBYVILLE - ALCOHOLIC BEVERAGES**

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restaurant establishments, open to the general public and having dining facilities for not less than one hundred (100) persons.

(b) Bona fide restaurants are restaurants which derive at least sixty percent (60%) of their total gross receipts from the sale of food.



## SHELBYVILLE - ALCOHOLIC BEVERAGES

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(c) Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department, and an inspection and certification by the city fire chief that the premises of the applicant meets all fire, building and safety standards.

(d) All alcoholic beverages must be consumed on the premises.

(e) No licensee shall require a minimum cover charge or charge admission to the premises.

(f) All licensees shall conduct alcohol awareness training twice yearly and the certificate for same must be available to the Alcohol Beverage Control Administrator.

(g) Each restaurant licensee shall file with the City Clerk/Treasurer and the city's Alcohol Beverage Control Administrator every three (3) months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages.

(3) No license for the sale of alcoholic beverages at retail shall be used for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(4) No city license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(5) A license that might be issued shall be refused for the same causes set forth in state law for the refusal of state licenses.

(6) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state license.

(7) No applicant shall become a licensee who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages, within two (2) years preceding the application; is under the age of twenty-one (21) years; is not a citizen of the United States and has not had an actual bona fide residence in this state for at least one (1) year before the date on which his application for a license is made; is a partnership or corporation unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is twenty-one (21) years of age or more and is a citizen of the United States; has had any license issued under state law 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 statute, until the expiration of two (2) years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation 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 two (2) years from the date of the revocation or conviction. Prior to the issuance of any license, the Police Department shall investigate all applicants pertaining to the above requirements. (KRS 243.100)

(8) The time when retail premises shall be closed shall be controlled by KRS 244.290 and KRS 244.480. The dining facilities of hotels, motels, inns and restaurants holding a special retail drink license may serve alcoholic beverages on Sundays between the hours of 1:00 p.m. and 12:00 midnight.

(9) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(10) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen it from the public view.

(11) A licensee which holds a restaurant-wine license or special retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.

(12) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.  
(Ord. - -, passed 10-19-78; Am. Ord. 88-08001, passed 8-18-88; Am. Ord. 06-05-03, passed 6-5-03)  
Penalty, see § 62.999

Statutory reference:

Persons who may not be licensed, see KRS 243.100

Premises that may not be licensed for sales at retail, see KRS 243.200

Premises for which retail package and drink licenses may be issued; exceptions, see KRS 243.230

§ 62.005 *NUDITY PROHIBITED IN STRUCTURES WHERE ALCOHOLIC BEVERAGES SOLD*

(A) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption within the same structure.

(1) To suffer or permit any female person, while within the structure in which the commercial establishment is maintained, to expose to the public view that area of the human breast at or below the areola thereof.

(2) To suffer or permit any female person, while within the structure in which the commercial establishment is maintained, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (A)(1).

(3) To suffer or permit any person, while within the structure in which the commercial establishment is maintained, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.



## ELBYVILLE - ALCOHOLIC BEVERAGES

(4) To suffer or permit any person, while within the structure in which the commercial establishment is maintained, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft or cleavage.

(B) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

(C) It shall be unlawful for any person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(D) Nothing in this section shall be interpreted as relieving any licensee from complying with the requirements of any other city ordinance.

(Ord. 98-11-05(A), passed 11-5-98) Penalty, see § 62.999

Cross-reference:

Adult Entertainment Establishments, see Ch. 68

§ 62.999 *PENALTY*

Any person, firm, or corporation who shall violate any of provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

(A) If for a violation of any statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.

(B) If for a violation of any provision of this chapter by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in jail for not more than thirty (30) days, or both, in the discretion of the court.

(C) If a restaurant licensee holding a special retail drink license or a special Sunday retail drink license fails to file the quarterly report required under § 62.004(B) above, or files a false or fraudulent report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.

(D) If a restaurant licensee is deemed ineligible for a special retail drink license or a special Sunday retail drink license based upon the quarterly report required under § 62.004(B) above, the licensee shall immediately forfeit said license(s) and there shall be no abatement or refund of the yearly license fee.

(Ord. - -, passed 10-19-78; Am. Ord. 88-08001, passed 8-18-88)

## SHELBYVILLE - ALCOHOLIC BEVERAGES

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(E) (1) If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the city at which alcoholic beverages are offered for sale for consumption on the premises shall be convicted of violating § 62.005, then the City Council shall revoke the city license(s) for the establishment after giving a reasonable notice thereof to the holder of the license and affording the holder an opportunity to be heard as to why the revocation should not be issued.

(2) In addition to the penalty stated in subsection (E)(1), any person who shall violate any provision of this section shall be guilty of a Class B misdemeanor.  
(Ord. 98-11-05(A), passed 11-5-98; Am. Ord. 06-05-03, passed 6-5-03)

**CHAPTER: 62 ALCOHOL BEVERAGES**

62.001	Conformance to applicable state and local regulations required
62.002	License classifications; fees
62.003	Proration of license fees; abatement
62.004	Licenses issued subject to certain conditions
62.005	Nudity prohibited in structures where alcoholic beverages sold
62.999	Penalty

**§ 62.001 CONFORMANCE TO APPLICABLE STATE AND LOCAL REGULATIONS REQUIRED**

No person, firm, or corporation shall sell, deal in, traffic in, or give away any intoxicating liquor, distilled spirit, wine, or malt beverage in any quantity whatever, or cause the same to be done without having procured a license as provided in this chapter, nor without complying with all of the provisions of this chapter, all Kentucky Revised Statutes, and state and local regulations applicable thereto.

(Ord. - -, passed 10-19-78) Penalty, see § 62.999

**§ 62.002 LICENSE CLASSIFICATIONS; FEES**

(A) The following are the classes of licenses and the fees therefor:

(1) Distilled spirits and wine wholesaler's license, for which the annual fee shall be two thousand dollars (\$2,000.00).

(2) Distilled spirits and wine retail package license, for which the annual license fee shall be six hundred dollars (\$600.00).

(3) Malt beverage distributor's license, for which the annual license fee shall be two hundred dollars (\$200.00).

(4) Malt beverage retailer's license, for which the annual license fee shall be two hundred dollars (\$200.00).

(5) Restaurant-wine license, for which the annual license fee shall be one hundred dollars (\$100.00).

(6) Special retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be three hundred dollars (\$300.00) per year.

(7) Special Sunday retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be three hundred dollars (\$300.00) per year.

(B) The business which shall be authorized under and by virtue of each of the respective licenses shall be that business as is authorized by this chapter, applicable regulations and state law.



**SH YVILLE - ALCOHOLIC BEVERA**

(C) All money derived from the collection of licenses and taxes herein provided shall be paid into the general fund of the city.  
(Ord. --, passed 10-19-78; Am. Ord. --, passed 4-17-86; Am. Ord. 06-05-03, passed 6-5-03)

**Cross-reference:**

Business licenses, see Chapter 60

**Statutory reference:**

City licenses; fees, see KRS 243.070

**§ 62.003 PRORATION OF LICENSE FEES; ABATEMENT**

(A) Fees for licenses issued pursuant to this chapter after July 1 of any year shall be computed in an amount equal to as many twelfths of the total 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.

(B) No abatement of license fee shall be permitted to any applicant 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.

(C) All licenses shall expire on June 30 of each year.  
(KRS 243.090(2)) (Ord. --, passed 10-19-78)

**§ 62.004 LICENSES ISSUED SUBJECT TO CERTAIN CONDITIONS**

(A) No license shall be issued hereunder until the same has been approved as required by law by the State Alcoholic Beverage Control Board and by the City Alcoholic Beverage Control Administration. Licenses which have been approved according to law shall then be issued by the City Clerk/Treasurer.

(B) All licenses issued hereunder shall be subject to the following conditions:

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license; a sale of distilled spirits license shall constitute a violation of this chapter.

(2) A special retail drink license or Sunday retail drink license for the sale of alcoholic beverages by the drink shall be issued only on the following conditions:

(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred (100) persons. Restaurants must be bona fide restaurant establishments, open to the general public and having dining facilities for not less than one hundred (100) persons.

(b) Bona fide restaurants are restaurants which derive at least sixty percent (60%) of their total gross receipts from the sale of food.



**SHELBYVILLE - ALCOHOLIC BEVERAGES**

(c) Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department, and an inspection and certification by the city fire chief that the premises of the applicant meets all fire, building and safety standards.

(d) All alcoholic beverages must be consumed on the premises.

(e) No licensee shall require a minimum cover charge or charge admission to the premises.

(f) All licensees shall conduct alcohol awareness training twice yearly and the certificate for same must be available to the Alcohol Beverage Control Administrator.

(g) Each restaurant licensee shall file with the City Clerk/Treasurer and the city's Alcohol Beverage Control Administrator every three (3) months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages.

(3) No license for the sale of alcoholic beverages at retail shall be used for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(4) No city license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(5) A license that might be issued shall be refused for the same causes set forth in state law for the refusal of state licenses.

(6) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state license.

(7) No applicant shall become a licensee who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages, within two (2) years preceding the application; is under the age of twenty-one (21) years; is not a citizen of the United States and has not had an actual bona fide residence in this state for at least one (1) year before the date on which his application for a license is made; is a partnership or corporation unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is twenty-one (21) years of age or more and is a citizen of the United States; has had any license issued under state law 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 statute, until the expiration of two (2) years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation 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 two (2) years from the date of the revocation or conviction. Prior to the issuance of any license, the Police Department shall investigate all applicants pertaining to the above requirements. (KRS 243.100)



**SH YVILLE - ALCOHOLIC BEVER S**

(8) The time when retail premises shall be closed shall be controlled by KRS 244.290 and KRS 244.480. The dining facilities of hotels, motels, inns and restaurants holding a special retail drink license may serve alcoholic beverages on Sundays between the hours of 1:00 p.m. and 12:00 midnight.

(9) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(10) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen it from the public view.

(11) A licensee which holds a restaurant-wine license or special retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.

(12) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.  
(Ord. - -, passed 10-19-78; Am. Ord. 88-08001, passed 8-18-88; Am. Ord. 06-05-03, passed 6-5-03)  
Penalty, see § 62.999

**Statutory reference:**

Persons who may not be licensed, see KRS 243.100

Premises that may not be licensed for sales at retail, see KRS 243.200

Premises for which retail package and drink licenses may be issued; exceptions,  
see KRS 243.230

**§ 62.005 NUDITY PROHIBITED IN STRUCTURES WHERE ALCOHOLIC BEVERAGES SOLD**

(A) It shall be unlawful for any person maintaining, owning, or operating a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption within the same structure.

(1) To suffer or permit any female person, while within the structure in which the commercial establishment is maintained, to expose to the public view that area of the human breast at or below the areola thereof.

(2) To suffer or permit any female person, while within the structure in which the commercial establishment is maintained, to employ any device or covering which is intended to give the appearance of or simulate such portions of the human female breast as described in subsection (A)(1).

(3) To suffer or permit any person, while within the structure in which the commercial establishment is maintained, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage.



**HELBYVILLE - ALCOHOLIC BEVERAGES**

(4) To suffer or permit any person, while within the structure in which the commercial establishment is maintained, to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus, anal cleft or cleavage.

(B) It shall be unlawful for any female person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view that area of the human female breast at or below the areola thereof, or to employ any device or covering which is intended to give the appearance or simulate such areas of the female breast as described herein.

(C) It shall be unlawful for any person, while on the premises of a commercial establishment located within the city, at which alcoholic beverages are offered for sale for consumption on the premises, to expose to public view his or her genitals, pubic area, buttocks, anus or anal cleft or cleavage, or to employ any device or covering which is intended to give the appearance of or simulate the genitals, pubic area, buttocks, anus or anal cleft or cleavage.

(D) Nothing in this section shall be interpreted as relieving any licensee from complying with the requirements of any other city ordinance.  
(Ord. 98-11-05(A), passed 11-5-98) Penalty, see § 62.999

Cross-reference:

Adult Entertainment Establishments, see Ch. 68

**§ 62.999 PENALTY**

Any person, firm, or corporation who shall violate any of provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows:

(A) If for a violation of any statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.

(B) If for a violation of any provision of this chapter by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in jail for not more than thirty (30) days, or both, in the discretion of the court.

(C) If a restaurant licensee holding a special retail drink license or a special Sunday retail drink license fails to file the quarterly report required under § 62.004(B) above, or files a false or fraudulent report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.

(D) If a restaurant licensee is deemed ineligible for a special retail drink license or a special Sunday retail drink license based upon the quarterly report required under § 62.004(B) above, the licensee shall immediately forfeit said license(s) and there shall be no abatement or refund of the yearly license fee.

(Ord. --, passed 10-19-78; Am. Ord. 88-08001, passed 8-18-88)

**SHELVILLE - ALCOHOLIC BEVERA**

(E) (1) If the owner, operator, licensee, lessor, lessee, manager, employee, or any other person participating in the operation of a commercial establishment located within the city at which alcoholic beverages are offered for sale for consumption on the premises shall be convicted of violating § 62.005, then the City Council shall revoke the city license(s) for the establishment after giving a reasonable notice thereof to the holder of the license and affording the holder an opportunity to be heard as to why the revocation should not be issued.

(2) In addition to the penalty stated in subsection (E)(1), any person who shall violate any provision of this section shall be guilty of a Class B misdemeanor.  
(Ord. 98-11-05(A), passed 11-5-98; Am. Ord. 06-05-03, passed 6-5-03)



### C HAPTER 62: ALCOHOLIC BEVERAGES

- 62.001 Conformance to applicable state and local regulations required
- 62.002 License classifications; fees
- 62.003 Proration of license fees; abatement
- 62.004 Licenses issued subject to certain conditions
  
- 62.999 Penalty

#### § 62.001 CONFORMANCE TO APPLICABLE STATE AND LOCAL REGULATIONS REQUIRED

No person, firm, or corporation shall sell, deal in, traffic in, or give away any intoxicating liquor, distilled spirit, wine, or malt beverage in any quantity whatever, or cause the same to be done without having procured a license as provided in this chapter, nor without complying with all of the provisions of this chapter, all Kentucky Revised Statutes, and state and local regulations applicable thereto.

(Ord. - -, passed 10-19-78) Penalty, see § 62.999

#### § 62.002 LICENSE CLASSIFICATIONS; FEES

(A) The following are the classes of licenses and the fees therefor:

- (1) Distilled spirits and wine wholesaler's license, for which the annual fee shall be two thousand dollars (\$2,000.00).
- (2) Distilled spirits and wine retail package license, for which the annual license fee shall be six hundred dollars (\$600.00).
- (3) Malt beverage distributor's license, for which the annual license fee shall be two hundred dollars (\$200.00).
- (4) Malt beverage retailer's license, for which the annual license fee shall be two hundred dollars (\$200.00).
- (5) Restaurant-wine license, for which the annual license fee shall be one hundred dollars (\$100.00).
- (6) Special retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be three hundred dollars (\$300.00) per year.

(B) The business which shall be authorized under and by virtue of each of the respective licenses shall be that business as is authorized by this chapter, applicable regulations and state law.

(C) All money derived from the collection of licenses and taxes herein provided shall be paid into the general fund of the city.

(Ord. - -, passed 10-19-78; Am. Ord. - -, passed 4-17-86)

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Dept.	Phone #
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**Statutory reference:**

City licenses; fees, see KRS 243.070

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**Cross reference:**

Business licenses, see Chapter 60

**§ 62.003 PRORATION OF LICENSE FEES; ABATEMENT**

(A) Fees for licenses issued pursuant to this chapter after July 1 of any year shall be computed in an amount equal to as many twelfths of the total 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.

(B) No abatement of license fee shall be permitted to any applicant 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.

(C) All licenses shall expire on June 30 of each year.  
(KRS 243.090(2)) (Ord. - -, passed 10-19-78)

**§ 62.004 LICENSES ISSUED SUBJECT TO CERTAIN CONDITIONS**

(A) No license shall be issued hereunder until the same has been approved as required by law by the State Alcoholic Beverage Control Board and by the City Alcoholic Beverage Control Administration. Licenses which have been approved according to law shall then be issued by the City Clerk/Treasurer.

(B) All licenses issued hereunder shall be subject to the following conditions:

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license; a sale of distilled spirits license shall constitute a violation of this chapter.

(2) A special retail drink license for the sale of alcoholic beverages by the drink shall be issued only on the following conditions:

(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred (100) persons. Restaurants must be bona fide restaurant establishments, open to the general public and having dining facilities for not less than one hundred (100) persons.

(b) Bona fide restaurants are restaurants which derive at least sixty percent (60%) of their total gross receipts from the sale of food.

(c) Applicants shall obtain and present with the application a fire marshal's certificate as to seating capacity of the dining facility, a food service permit from the health department,



**SHELBYVILLE - ALCOHOLIC BEVERAGES**

and an inspection and certification by the city fire chief that the premises of the applicant meets all fire, building and safety standards.

(d) All alcoholic beverages must be consumed on the premises.

(e) No licensee shall require a minimum cover charge or charge admission to the premises.

(f) All licensees shall conduct alcohol awareness training twice yearly and the certificate for same must be available to the Alcohol Beverage Control Administrator.

(g) Each restaurant licensee shall file with the City Clerk/Treasurer and the city's Alcohol Beverage Control Administrator every three (3) months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages.

(3) No license for the sale of alcoholic beverages at retail shall be used for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

(4) No city license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(5) A license that might be issued shall be refused for the same causes set forth in state law for the refusal of state licenses.

(6) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state license.

(7) No applicant shall become a licensee who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages, within two (2) years preceding the application; is under the age of twenty-one (21) years; is not a citizen of the United States and has not had an actual bona fide residence in this state for at least one (1) year before the date on which his application for a license is made; is a partnership or corporation unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted of any misdemeanor or felony directly attributable to the use of alcoholic beverages, is twenty-one (21) years of age or more and is a citizen of the United States; has had any license issued under state law 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 statute, until the expiration of two (2) years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation 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 two (2) years from the date of the revocation or conviction. Prior to the issuance of any license, the Police Department shall investigate all applicants pertaining to the above requirements. (KRS 243.100)

**SHI (VILLE - ALCOHOLIC BEVER S**

(8) The time when retail premises shall be closed shall be controlled by KRS 244.290 and KRS 244.480. The dining facilities of hotels, motels, inns and restaurants holding a special retail drink license may serve alcoholic beverages on Sundays between the hours of 1:00 p.m. and 12:00 midnight.

(9) The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(10) No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen it from the public view.

(11) A licensee which holds a restaurant-wine license or special retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.

(12) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.  
 (Ord. --, passed 10-19-78; Am. Ord. 88-08001, passed 8-18-88) Penalty, see § 62.999

**Statutory reference:**

- Persons who may not be licensed, see KRS 243.100
- Premises that may not be licensed for sales at retail, see KRS 243.200
- Premises for which retail package and drink licenses may be issued; exceptions, see KRS 243.230

**§ 62.999 PENALTY**

Any person, firm, or corporation who shall violate any of provisions of this chapter shall be guilty of a misdemeanor and shall be punished as follows.

(A) If for a violation of any statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.

(B) If for a violation of any provision of this chapter by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment in jail for not more than thirty (30) days, or both, in the discretion of the court.

(C) If a restaurant licensee holding a special retail drink license fails to file the quarterly report required under § 62.004(B) above, or files a false or fraudulent report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.



**SHELBYVILLE - ALCOHOLIC BEVERAGES**

(D) If a restaurant licensee is deemed ineligible for a special retail drink license based upon the quarterly report required under § 62.004(B) above, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.  
(Ord. --, passed 10-19-78; Am. Ord. 88-08001, passed 8-18-88)

AN ORDINANCE TO AMEND CHAPTER 71 OF THE SHELBYVILLE CODIFIED ORDINANCES RELATING TO SALE OF ALCOHOLIC BEVERAGES

# 88-08001

THAT WHEREAS the City Council has determined that the City's restaurants suffer an economic hardship resulting from the City's proximity to the Jefferson County market where restaurants are allowed to serve liquor by the drink; and,

WHEREAS, the City Council has further determined that passage of an ordinance allowing a special retail drink license for the dining facilities of qualified hotels, motels, inns and restaurants will enable local restaurants to compete on an equal footing with Jefferson County Establishments, attract patrons into the City who will shop or otherwise support local businesses, and generally aid the economic growth of the City;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SHELBYVILLE THAT CHAPTER 71 OF THE CODIFIED ORDINANCES IS HEREBY REENACTED AS FOLLOWS:

CHAPTER 71: ALCOHOLIC BEVERAGES

Section:

- |       |  |
|-------|--|
| 71.01 | Conformance to applicable state and local regulations required |
| 71.02 | License classifications; fees                                  |
| 71.03 | Proration of license fees; abatement                           |
| 71.04 | Licenses issued subject to certain conditions                  |
| 71.99 | Penalty  |

Cross-reference:

Alcoholic Beverage Control Administrator, see § 31.07(E)

§ 71.01 CONFORMANCE TO APPLICABLE STATE AND LOCAL REGULATIONS REQUIRED.

No person, firm, or corporation shall sell, deal in, traffic in, or give away any intoxicating liquor, distilled spirit, wine, or malt beverage in any quantity whatever, or cause the same to be done without having procured a license as provided in this chapter, nor without complying with all of the provisions of this chapter, all Kentucky Revised Statutes, and state and local regulations applicable thereto.

(Ord., passed 10-19-78) Penalty, see §71.99

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§ 71.02 LICENSE CLASSIFICATIONS; FEES.

(A) The following are the classes of licenses and the fees therefor:

(1) Distilled spirits and wine wholesaler's license, for which the annual license fee shall be \$2000.00.

(2) Distilled spirits and wine retail package license, for which the annual license fee shall be \$600.00.

(3) Malt beverage distributor's license, for which the annual license fee shall be \$200.00.

(4) Malt beverage retailer's license, for which the annual license fee shall be \$200.00.

(5) Restaurant-wine license, for which the annual license fee shall be \$100.00.

(6) Special retail drink license for hotels, motels, inns, and restaurants, for which the annual license fee shall be \$100.00 for the fiscal year ending June 30, 1989 and \$300.00 per year thereafter.

(B) The business which shall be authorized under and by virtue of each of the respective licenses shall be that business as is authorized by this chapter, applicable regulations and state law.

(C) All money derived from the collection of licenses and taxes herein provided shall be paid into the and become a part of the general fund of the city.

(Ord., passed 10-19-78; Am. Ord., passed 4-17-86)

Statutory Reference:

City licenses; fees, see KRS 243.070

§ 71.03 PRORATION OF LICENSE FEES; ABATEMENT.

(A) Fees for licenses issued pursuant to this chapter after July 1 of any year shall be computed in an amount equal to as many twelfths of the total 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 months.



(B) No abatement of license fee shall be permitted to any applicant 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.

(C) All licenses shall expire on June 30 of each year.  
(KRS 243.090(2) (Ord., passes 10-19-78)

§ 71.04 LICENSES ISSUED SUBJECT TO CERTAIN CONDITIONS.

(A) No license shall be issued hereunder until the same has been approved as required by law by the State Alcoholic Beverage Control Administration. Licenses which have been approved according to law shall then be issued by the Clerk-Administrator.

(B) All licenses issued hereunder shall be subject to the following conditions.

(1) A distilled spirits or wine retail package license shall be issued only for the portion of the premises located on the street level, and the place or location of the licensed premises shall be written into the license; a sale of distilled spirits license shall constitute a violation of this chapter.

(2) A special retail drink license for the sale of alcoholic Beverages by the drink shall be issued only on the following conditions:

(a) Hotels, motels, or inns must have not less than fifty (50) sleeping units and dining facilities for not less than one hundred (100) persons. Restaurants must be bona fide restaurant establishments, open to the general public and having dining facilities for not less than one hundred (100) persons.

(b) Bona fide restaurants are restaurants which derive at least sixty (60%) percent of their total gross receipts from the sale of food.

(c) Applicants shall obtain and present with the application a fire marshall's certificate as to seating capacity of the dining facility, a food service permit from the health department, and an inspection and certification by the city fire chief that the premises of the applicant meets all fire, building and safety standards.

(d) All alcoholic beverages must be consumed on the premises.



(e) No licensee shall require a minimum cover charge or charge admission to the premises.

(f) All licensees shall conduct alcohol awareness training twice yearly and the certificate for same must be available to the alcohol beverage control enforcement officer.

(g) Each restaurant licensee shall file with the City Clerk/Administrator and the City's alcohol beverage control enforcement officer every three months a report setting out the total gross receipts from the sale of food and the total gross receipts from the sale of alcoholic beverages.

(3) (2) No license for the sale of alcoholic beverages at retail shall be used for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises under a written lease for a term of not less than the license period.

~~(3) No license of any kind shall be issued for any premises used as, or in connection with the operation of any business in which a substantial part of the commercial transaction consists of selling at retail staple groceries or gasoline and lubricating oil.~~

~~(4) No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises have an entrance to the premises are on the street level and located in a business center or on a main thoroughfare. A "BUSINESS CENTER" is hereby defined as the central business district as defined by zoning regulations applicable to the city, and a "MAIN THOROUGHFARE" is hereby defined as any state highway.~~

(4) (5) No city license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(5) (6) No city license for the sale of alcoholic beverages at retail shall be issued for any premises which are prohibited licenses under any of the provisions of state law.

(6) (7) A license that might be issued shall be refused for the same causes set forth in state law for the refusal of state licenses.

(7) (8) Licenses may be revoked or suspended for the same causes set forth in state law for the suspension or revocation of state license.



(8) ~~(9)~~ No applicant shall become a licensee who has been convicted of any felony or misdemeanor directly or indirectly attributable to the use of alcoholic beverages, within two years preceding the application; is under the age of 21 years; 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 application for a license is made; is a partnership or corporation unless each member of the partnership or each of the directors, principal officers, managers, and employees of the corporation has not been convicted or any misdemeanor or felony directly attributable to the use of alcoholic beverages, is 21 years of age or more and is a citizen of the United States; has had any license issued under state law 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 statute, until the expiration of two years from the date of the revocation or conviction; or is a partnership or corporation, if any member of the partnership or any director or principal officer of the corporation 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 two years from the date of the revocation of conviction. Prior to the issuance of any license, the Police Department shall investigate all applicants pertaining to the above requirements. (KRS 243.100)

(9) ~~(10)~~ The time when retail premises shall be closed shall be controlled by KRS 244.290 and KRS 244.480. The dining facilities of hotels, motels, inns and restaurants holding a special retail drink license may serve alcoholic beverages on Sundays between the hours of 1:00 p.m. and 12.00 midnight.

(10) ~~(11)~~ The number of licenses granted for the retail sale of package distilled spirits and wine shall be limited to the number allowed by the state according to the latest United States Census.

(11) ~~(12)~~ No licensee hereunder shall sell any intoxicant or alcoholic beverages behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide it or screen it from the public view.

(12) A licensee which holds a restaurant-wine license or special retail drink license for hotels, motels, inns and restaurants may not hold for the same premises a distilled spirits and wine retail package license.



(13) (~~14~~) No gaming device of any kind shall be permitted upon any licensed premises, nor shall any gambling of any kind be permitted upon such licensed premises.  
(Ord., passed 10-19-78) Penalty, see § 71.99

Statutory reference:

Persons who may not be licensed, see KRS 243.100

Premises that may not be licensed for sales at retail, see KRS 243.220

Premises for which retail package and drink licenses may be issued; exceptions, see KRS 243.230

§ 71.99 PENALTY.

Any person, firm, or corporation who shall violate any of the provisions of this chapter shall, upon conviction thereof, be punished as follows.

(A) If for a violation of any statutory provision relating to alcoholic beverage control, licensing, prohibition, restrictions, or regulations incorporated in this chapter, the penalty shall be the same as provided by the statute.

(B) If for a violation of any provision of this chapter by a fine of not less than \$10.00 nor more than \$100.00, or by imprisonment in jail for not more than 30 days, or both, in the discretion of the court.

(C) If a restaurant licensee holding a special retail drink license fails to file the quarterly report required under §71.04 (B) above, or files a false or fraudulent report concerning the licensee's gross receipts, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.

(D) If a restaurant licensee is deemed ineligible for a special retail drink license based upon the quarterly report required under § 71.04 (B) above, the licensee shall immediately forfeit the license and there shall be no abatement or refund of the yearly license fee.

GIVEN FIRST READING AND PASSED

August 3, 1988


GIVEN SECOND READING AND PASSED

August 18, 1988

DATE OF PUBLICATION

August 26, 1988

APPROVED:

  
NEIL S. HACKWORTH, MAYOR

ATTEST:

  
BOBBIE J. BRENNER  
CITY CLERK/ADMINISTRATOR

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