

**CITY OF SHIVELY  
ORDINANCE NO. 4, SERIES 2013**

**AN ORDINANCE AMENDING SECTION 1. (E) OF ORDINANCE  
NUMBER 6, SERIES 2010 [SHIVELY CODIFIED ORDINANCE 114.40 (E)]  
RELATING TO HOURS OF SALE OF ALCHOLIC BEVERAGES ON  
SUNDAY FOR HOTELS AND RESTAURANTS**

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

**SECTION 1.** Section 1 (E) of Ordinance Number 6, Series 2010 [Shively Codified Ordinance 114.40 (E)] is herewith amended to provide as follows:

(E) Hotels and restaurants. Notwithstanding the provisions of division (A) and (B), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and who have dining facilities with a minimum seating capacity of 100 people at tables and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food, may sell, permit to be sold, or permit consumption of liquor or wine on Sundays between the hours of ~~1:00 p.m.~~ 10:00 a.m. and 2:00 a.m. on Monday, the following day.

**SECTION 2.** This ordinance shall take effect from and after passage and approval and summary publication as required by law.

First reading May 20, 2013.

Second reading June 3, 2013, passed and approved.

**Introduced by: Ms. Burton**

*Sherry S. Conner*

Sherry S. Conner, Mayor

Attest:

*Mitzi R. Kasitz*

Mitzi R. Kasitz, City Clerk

Council	Yea	Nay
Ms. Burton		
Ms. Johnson		
Ms. Renn		
Mr. Vance		
Mr. Wathen		
Ms. Williams		

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**CITY OF SHIVELY**

**ORDINANCE NO. 6, SERIES 2010**

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

WHEREAS, the City Council of the City of Shively has determined that it is in the best interest of the City of Shively to regulate the hours of sale of distilled spirits and malt beverages, now therefore,

BE IT ORDAINED BY THE CITY OF SHIVELY:

SEC. 1. HOURS OF SALE

(A) Hours of Sale – Distilled Spirits and Wine by the Drink.

It shall be unlawful for any person, firm, or corporation licensed for the sale of distilled spirits and wine by the drink at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or Saturday or between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday or on election day when polls are open in the City.

(B) Hours of Sale – Distilled Spirits and Wine by the Package.

It shall be unlawful for any person, firm or corporation licensed for the sale of distilled spirits and wine by the package to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. any weekday or Saturday or between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday or on election day when polls are open in the City.

(C) Hours of Sale – Malt Beverages.

It shall be unlawful for any person, firm, or corporation licensed for the sale of malt beverages at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or Saturday or between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday or on election day when polls are open in the City.

(D) Extended Hours Licenses.

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CITY OF SHIVELY  
CITY CLERK

Notwithstanding the provisions of subsection (A) and (B), any extended hours retail licensee may permit the sale by the package or by the drink of distilled spirits or wine or malt beverages at any time between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, so long as the licensee holds a current, corresponding extended hours license, provided however, that an extended hours retail distilled spirits and wine by the package license specifically prohibits the sale of distilled spirits and wine by the package on each Monday between the hours of 2:00 a.m. and 6:00 a.m.

(E) Hotels and Restaurants.

Notwithstanding the provisions of subsections (A) and (B), all hotels, motels, and restaurants, which are retail drink and wine by the drink licensees and who have dining facilities with a minimum seating capacity of 100 people at tables and who receive at least 50% or more of their gross annual income from dining facilities by the sale of food, may sell, permit to be sold, or permit consumption of liquor or wine on Sundays between the hours of 1:00 p.m. and 2:00 a.m. on Monday, the following day.

SEC. 2. FIRST SATURDAY IN MAY

Notwithstanding the foregoing limitations on hours of sale, any malt beverage and distilled spirits and wine by the drink and by the package licensee may sell, permit to be sold, or permit the consumption of such products between 2:00 a.m. on the Sunday immediately following the first Saturday in May of each year and 6:00 a.m. on the Sunday immediately following the first Saturday in May of each year; and also at any time between 12:00 p.m. on the Sunday immediately following the first Saturday in May of each year and 12:00 p.m. on Monday, the following day.

SEC. 3. This ordinance shall take effect from and after passage, approval and summary publication as required by law.

SEC. 4. Passage and publication of this ordinance will have the effect of repealing any ordinance or section thereof which conflicts with the provisions of this ordinance.

First reading \_\_\_\_\_, 2010.

Second reading passed and approved \_\_\_\_\_, 2010.

\_\_\_\_\_  
MAYOR SHERRY S. CONNER

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REVENUE DEPARTMENT

Attest: \_\_\_\_\_  
Mitzi Kasitz, City Clerk

Introduced by: \_\_\_\_\_

<b>Council</b>	<b>Yea</b>	<b>Nay</b>
Ms. Burton	—	—
Mr. Dummitt	—	—
Ms. Mayes	—	—
Ms. Renn	—	—
Mr. Vance	—	—
Mr. Wathen	—	—

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COUNCIL  
EVERAGE COUNCIL

CHAPTER 114: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

(1) "BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

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- (2) "CITY." The City of Shively in Jefferson County, Kentucky.
- (3) "CITY ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administrator created and established by the city pursuant to KRS 241.160.
- (4) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.
- (5) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.
- (6) "KRS." Kentucky Revised Statutes.
- (7) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.
- (8) "PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.
- (9) "STATE." The Commonwealth of Kentucky.
- (10) "STATE LICENSE." A license authorized by KRS 243.030 to 243.680.
- (11) "TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

#### § 114.02 APPLICATION OF CHAPTER.

Irrespective of subchapter or section headings, each section of this chapter shall be construed to apply to both malt beverages and distilled spirits and wine, where the context permits such application. (Ord. 16-1968, passed 4-22-68)

#### § 114.03 STATE LAW ADOPTED.

The provisions of the State Alcoholic Beverage Control Law (KRS Title XX) are adopted as far as applicable as a portion of this chapter, except as otherwise lawfully provided therein. (Ord. 16-1968, passed 4-22-68)

### LICENSES

#### § 114.15 LICENSES REQUIRED.

It shall be a criminal offense for any person, firm, or

corporation to engage in trafficking in alcoholic beverages, as the term is defined in KRS 241.010 and 243.010, without first having paid to the city the license fees set forth in § 111.04, and without first having obtained the license required by this chapter. Any person, firm, or corporation who violates this section shall be punished as set out in § 114.99.

(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

#### § 114.16 LICENSE FEES.

(A) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by city and state licenses within the city without both a valid city license and a valid state license therefor, and without paying the license fees as set forth in § 111.04.

(B) The license fee for every license issued under this chapter shall be payable by the person making application for the license and to whom is issued such license, and no other person, firm, or corporation shall pay for any license issued under this chapter. In addition to all other penalties provided in this chapter, a violation of this section shall authorize and require the revocation of the illegally paid-for license, as well as the revocation of the license, if any, of the person, firm, or corporation so paying for the license of another.

(C) All fees payable under this chapter shall be paid in cash or by certified check.

(D) All money received by the Administrator shall be transferred to the General Fund of the city and be used as other general funds of the city are used.

(E) All license fees herein provided are in addition to ad valorem taxes and all other taxes provided for by law or by ordinance.

(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

#### § 114.17 APPLICATION; REVIEW AND APPROVAL.

(A) Licenses shall be issued upon a written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator; however, all information required by KRS 243.390 to be contained in the application for state licenses shall and must be included therein.

(B) No license permitting the sale of alcoholic beverages in the city shall hereafter be issued until the provisions of this division (B) have been met in full. Any application for the issuance of a license to sell alcoholic beverages shall, prior to final approval by the Administrator, be forwarded to the Mayor or

his designee to verify that the proposed application is in conformity with applicable statutes, ordinances, and regulations relative to the sale of alcoholic beverages. When such review has been completed and the Mayor is satisfied that the application is fully in order, such application shall be returned to the Administrator and thence be forwarded to the appropriate state authorities. (Ord. 15-1975, passed 8-11-75)

(C) All license fees from any license issued under this chapter shall be collected by the Administrator, who shall make a monthly report to the Mayor of all license fees collected. (Ord. 16-1968, passed 4-22-68)

§ 114.18 FORM, CONTENT OF CITY LICENSE.

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must comply with all of the provisions for state licenses required by KRS 243.440.

§ 114.19 DENIAL OF APPLICATION.

(A) As is similarly set forth in KRS 243.450, the City Administrator shall not approve any application for a city license if:

(1) The applicant, the application, or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages;

(2) The applicant or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(3) The applicant or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(4) Any statement or representation in the application is false; or

(5) In the exercise of sound discretion, the City Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City Administrator shall consider in the exercise of his discretion are:



public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

(B) No license to sell distilled spirits shall be granted to any person, firm, or corporation who or which is delinquent in payment of any taxes due 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, or rented and occupied by the licensee, upon which there are any delinquent taxes due to the city.

(C) The Administrator shall not authorize the issuance, nor issue any permit or licenses to dispense alcoholic beverages or liquors from any home or private residence.  
(Ord. 16-1968, passed 4-22-68)

§ 114.20 TRANSFER, ASSIGNMENT OF LICENSE.

(A) A city licensee shall not assign or transfer any city license to any other person or premises unless that person or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of ten (\$10) dollars, along with the payment of five (5%) percent of the original cost of the license, shall be paid to the city for the transfer of the city license.

(B) No assignment of any license issued under this chapter shall be made except by court order, and with the approval of the Alcoholic Beverage Administrator.  
(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

§ 114.21 DUPLICATE LICENSE.

When a license is 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 Administrator provided, the person applying for the duplicate license pays a fee of \$10 for issuing the duplicate.  
(Ord. 16-1968, passed 4-22-68)

SALE OF ALCOHOLIC BEVERAGES

§ 114.40 HOURS.

(A) Hours of Sale - Distilled Spirits and Wine. It shall be unlawful for any person, firm, or corporation licensed for the sale of distilled spirits or wine at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or Saturday or between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday or on election day when polls are open in the city.

(B) Hours of Sale - Malt Beverages. It shall be unlawful for any person, firm, or corporation licensed for the sale of malt beverages at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or Saturday or between the hours of 2:00 a.m. Sunday and 1:00 p.m. Sunday and 6:00 a.m. Monday, or on election day when polls are open in the city.

(C) Notwithstanding the provisions of division (A) and (B), any extended hours retail licensee may permit the sale by the package or by the drink the sale of distilled spirits or wine or malt beverages at any time between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, so long as the licensee holds a current, corresponding extended hours license.  
(Ord. 5-1994, passed 4-18-94; Am. Ord. 17-2005, passed 8-15-05)

(D) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in paragraphs (A) and (B) above, shall be the hours of 4:00 a.m. and 6:00 a.m. for January 1 of each year; except when December 31 and January 1 fall on Sunday and Monday respectively, in which case the rules from paragraphs (A) and (B) of this section apply.

(E) The sale of distilled spirits or wine at retail may be permitted, on premises licensed for such purposes, between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, except for the hours of 4:00 a.m. Sunday through 6:00 a.m. Monday, upon issuance of a special hours license as set forth in subsection (G).

(F) The sale of malt beverages at retail may be permitted on premises licensed for such purposes between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, except for the hours of 4:00 a.m. Sunday through 1:00 p.m. Sunday, upon issuance of a special hours license as set forth in subsection (G).

(G) (1) The Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell distilled spirits and wine at retail upon payment in advance to the city Alcoholic Beverage Control Administrator of an annual license fee of three hundred fifty dollars (\$350.00).

(2) The Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell malt beverages at retail upon the payment in advance to the city Alcoholic Beverage Control Administrator of the sum of one hundred fifty dollars (\$150.00).

(H) Upon obtaining a special Sunday sales license, as authorized by KRS 244.290, the fee for which shall be three hundred

(\$300.00) dollars per annum, hotels, motels and restaurants which are otherwise licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty (50%) percent or more of their gross annual income from their dining facilities by the sale of food may permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until the following Monday at 2:00 a.m.

(Ord. 5-1994, passed 4-18-94; Am. Ord. 10-1995, passed 5-15-95)

§ 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.  
Penalty, see § 114.99

§ 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.  
Penalty, see § 114.99

§ 114.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to five hundred (\$500.00) dollars if they:

a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or

b. Possess, purchase or attempt to purchase any alcoholic beverages; or

c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) As required by KRS 243.620, all valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto. Penalty, see § 114.99

§ 114.44 ILLEGAL OR DISORDERLY CONDUCT ON PREMISES PROHIBITED.

(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 permitting patrons to cause public inconvenience, annoyance, or alarm, or wantonly creating 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; or

(4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.  
(KRS 244.120) (Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

§ 114.45 CONDUCTING BUSINESS WITH MINOR.

(A) It shall be unlawful for any person under the age of 21 years to purchase, accept, or consume alcoholic beverages within the city limits.

(B) It shall be unlawful for any person to procure from any dispenser of alcoholic beverages within the city limits any alcoholic beverages for delivery to or consumption by any person under the age of 21 years.  
(Ord. 15-1968, passed 4-8-68)

(C) No person shall cause, permit, encourage, or engage in the misrepresentation of the name, address, age, or other identification

of any person under 21 years of age for the purpose of obtaining alcoholic beverages.  
Penalty, see § 114.99

Statutory reference:

Minors, see KRS 244.085

§ 114.46 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

(1) The nipple of the female breast.

(2) The female breast below the nipple.

(3) The genitalia.

(4) The pubic hair.

(5) The anus.

Penalty, see § 114.99

§ 114.47 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City Administrator a written statement signed by the city licensee and verified by the city administrator's affirmation thereof indicating the discontinuance of

business at the licensed premises for any of the causes or reasons described herein.

§ 114.48 ADJUNCT BUSINESSES LICENSED TO SELL ALCOHOLIC BEVERAGES.

(A) It shall be unlawful for any person, firm, corporation, or entity to operate a business like or similar to the business activity patronized by individuals under age 21 and/or regulated by KRS 244-085(6) between the hours of 12:00 a.m. and 6:00 a.m., a copy of the statutory subsection is attached to Ordinance 13-2004 and incorporated herein by reference.

(B) It shall be unlawful for any person, firm, corporation, or entity to operate a business like or similar to the business activity regulated by KRS 244-085(6) without first having obtained a license required by this section.

(C) The requirements of and regulations for applicants for a license as provided for herein shall be the same as the requirements and regulations for applicants for alcoholic beverage licenses as set out in §§ 114.16 *et seq.*, and 110.01 *et seq.* and applicable Kentucky Revised Statutes.

(D) The amount of the license fee for the license required by this section for the remainder of the fiscal year 2004-2005 shall be fifty dollars (\$50.00) and the amount of the fee shall not be pro-rated during the fiscal year 2004-2005. Following the fiscal year 2004-2005 the amount of the license fee for the business required by this section shall be determined based on the requirements of § 111.04. All license fees herein provided for are in addition to ad valorem taxes, alcoholic beverage license fees and all other taxes imposed by law or ordinance.

(E) Applications for licenses required by this section shall be filed with the city Alcoholic Beverage Control Administrator. Within fifteen (15) days after the effective date of this section, all persons, firms, corporations, or entities currently conducting businesses as defined herein shall make application for a license. All other person, firms, corporations or entities are herewith prohibited from conducting business as defined herein without first having obtained a license therefore. Licenses required by this section shall be renewed annually not later than the date required by law for the renewal of alcoholic beverage licenses in the city.  
(Ord. 13-2004, passed 10-4-04)

Cross-reference:

Business license fees, see Chapter 111

ADMINISTRATION AND ENFORCEMENT

§ 114.60 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

§ 114.61 SEIZURE, DESTRUCTION OF CONTRABAND.

(A) The following property shall be considered to be contraband:

(1) Any apparatus commonly used or intended to be used in the manufacture of alcoholic beverages and not registered in the office of a collector of internal revenue for the United States. The burden of proof that the apparatus is so registered shall be on the defendant.

(2) Any and all material, equipment, implements, devices, firearms, and other property used or intended for use directly and immediately in connection with the unlawful traffic in alcoholic beverages.

(3) Any alcoholic beverages in the possession of anyone not entitled by law to possess them.

(4) Any alcoholic beverages to which the revenue stamps or tax crowns have not been affixed as required by KRS 243.720 to 243.850.

(5) Any alcoholic beverages in a container of a size prohibited by law or prohibited to the particular party in whose possession they are found.

(6) Any vehicle, watercraft, or aircraft in which any person is illegally possessing or transporting alcoholic beverages. "ILLEGALLY POSSESSING" means and includes the holding of any alcoholic liquors unless lawfully acquired and intended for lawful uses. (KRS 244.180)

(B) Any peace officer may, upon probable cause and without warrant, seize contraband and hold it subject to the order of the court before which the owner or one in possession of the contraband has been charged with violation of § 114.15 of this chapter or of KRS Chapter 242 or KRS 243.020. Upon conviction of the defendant, the court shall enter an order for the destruction of all contraband property, except firearms or ammunition, included in KRS 244.180(1) - (5). Contraband firearms and ammunition shall be transferred to the Kentucky State Police for disposition as provided in KRS 500.090. (KRS 244.190) (Ord. 16-1968, passed 4-22-68)

§ 114.62 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.



(B) However, city licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, vintners, brewers, and blenders: \$1000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$100 per day; retail drink liquor licensees: \$25 per day; retail package liquor licensees: \$25 per day; retail beer licensees: \$10 per day; and all remaining licensees: \$10 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

§ 114.99 PENALTY.

(A) Any person who, by himself or acting through another, directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided shall be guilty of a misdemeanor and, for the first offense, shall be fined not less than \$100 nor more than \$200, or be imprisoned for not more than six months, or both. For a second and each subsequent violation, he shall be fined not less than \$200 nor more than \$500 or be imprisoned for not more than six months, or both. The penalties provided for in this division (A) shall be in addition to the revocation of the offender's license. If the offender is a corporation, joint stock company, association, or fiduciary, the principal officer or officers responsible for the violation may be imprisoned. (KRS 243.990(1), 244.990(1))

(B) Whoever violates division (A) of § 114.43 or any provision of § 114.45 shall, for the first offense, be fined not less than \$10 nor more than \$100 and each violation shall constitute a separate offense. (KRS 244.990(4))

(C) Any person violating any provision of § 114.40 shall be guilty of a misdemeanor and shall be for the first offense fined not less than one hundred (\$100.00) dollars nor more than two hundred (\$200.00) dollars, or be imprisoned not more than six (6) months, or

both, and for the second and each subsequent offense shall be fined not less than two hundred (\$200.00) dollars nor more than five hundred (\$500.00) dollars, or be imprisoned not more than six (6) months, or both.

(D) Any person, firm, corporation or entity who, directly or indirectly, violates any of the provisions of § 114.48 shall be guilty of a misdemeanor and, for the first offense, shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or be imprisoned for not more than six (6) months, or both. For a second and each subsequent violation, he shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or be imprisoned for not more than six (6) months, or both. The penalties provided for in this section shall be in addition to the suspensions or revocations of the offender's license. If the offender is a corporation, joint stock company, association, or fiduciary, the principal officer or officers responsible for the violations may be imprisoned.

(Ord. 5-1994, passed 4-18-94; Am. Ord. 10-1995, passed 5-15-95; Am. Ord. 13-2004, passed 10-4-04)

**CITY OF SHIVELY  
ORDINANCE NO. 17, SERIES 2005**

**AN ORDINANCE AMENDING SHIVELY CODIFIED ORDINANCE 114.40  
RELATING TO THE HOURS OF SALE OF ALCOHOLIC BEVERAGES**

**Whereas** the City Council of the City of Shively has determined that it is in the best interest of the City of Shively to authorize the sale of distilled spirits and malt beverages on Sunday, now therefore,

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

**SECTION 1.** Shively Codified Ordinance No. 114.40 be and it is hereby amended as follows:

**(A) Hours of Sale-Distilled Spirits and Wine.**

It shall be unlawful for any person, firm, or corporation licensed for the sale of distilled spirits or wine by the package or by the drink at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or Saturday or between the hours of 2:00 a.m. Sunday and ~~6:00 a.m.~~ 1:00 p.m. Monday Sunday or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday or on election day when polls are open in the City.

**(B) Hours of Sale-Malt Beverages.**

It shall be unlawful for any person, firm, or corporation licensed for the sale of malt beverages at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or Saturday or between the hours of 2:00 a.m. Sunday and ~~6:00 a.m.~~ 1:00 p.m. Monday Sunday or the hours of 9:00 p.m. Sunday and 6:00 a.m. Monday or on election day when polls are open in the City.

**(C) Notwithstanding the provisions of subsection (A) and (B), any extended hours retail licensee may permit the sale by the package or by the drink the sale of distilled spirits or wine or malt beverages at any time between the hours of 2:00 a.m. and 4:00 a.m. on each day of the week, so long as the licensee holds a current, corresponding extended hours license.**

**SECTION 2.** This ordinance shall take effect from and after passage, approval and summary, publication as required by law.

First reading August, 1, 2005

Second reading passed and approved August 15, 2005

CITY OF SHIVELY  
ORDINANCE NO. 8, SERIES 2003

AN ORDINANCE AMENDING SHIVELY CODIFIED  
ORDINANCE 111.04 (D) (1) RELATING TO ALCOHOLIC BEVERAGE  
LICENSES

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

**ALCOHOLIC BEVERAGES (See also Chapter 114 Alcoholic Beverages)**

**Section 1.** Each person, firm, organization, or corporation that desires to sell, distribute, or dispense alcoholic beverages must obtain a license to do so. This license is in addition to the license which is required in order to own, operate, or conduct a business. However, this license exempts the sales of alcoholic beverages from the computation of gross receipts as provided in divisions (A) and (B) above. This license period shall be from July 1 to June 30 in accordance with time periods prescribed by regulations of the Kentucky Department of Alcoholic Beverage Control as authorized by KRS 243.090. The cost of these licenses shall be as follows:

- (a) ~~Beer Distributor. Whose place of business is within the corporate limits of the city, \$ 200.00~~
  - (b) ~~Beer Retailer. For selling beer at retail for consumption off the premises, \$ 150.00~~
  - (c) ~~Beer Retailer. For selling beer at retail for consumption on or off the premises, \$ 150.00~~
  - (d) ~~Beer Retailer. For selling beer at retail for consumption on the premises only of a private club or nonprofit organization, \$ 1.00~~
  - (e) ~~Distilled Spirits and Wine Retailer. For consumption off the premises, \$ 700.00~~
  - (f) ~~Distilled Spirits and Wine Wholesaler. Whose Place of business is within the corporate limits of the city \$ 1500.00~~
  - (g) ~~Distilled Spirits and Wine Retailer. For consumption on the premises only of a private club or nonprofit organization, \$ 150.00~~
  - (h) ~~Distilled Spirits and Wine Retailer. For Consumption on the premises \$ 800.00~~
  - (i) ~~Restaurant Wine License. For an original license, \$ 300.00. For an annual renewal license, \$ 300.00~~
- (2) ~~Each person, firm, organization, or corporation that conducts the business of manufacturing distilled spirits or wine shall obtain a license. This license shall be in lieu of the license required in division (A) and (B) of this section. Licensees under this section shall not be subject to a net profit tax. The cost of this license shall be \$ 170.00.~~

- (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.....\$500.00
  - (c) Blender's license, per annum.....\$400.00
  - (d) Wholesaler's distilled spirits and wine license, per annum.....\$2000.00
  - (e) Distilled spirits and wine retail package license, per annum.....\$1100.00
- (2) Distilled Spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, per annum.....\$1200.00
- (3) Distilled Spirits and wine retail drink license, motel drink license, airport drink license, restaurant drink license, or supplemental bar license, extended to 4 o'clock a.m. per annum.....\$100.00
- (4) Distilled spirits and wine special temporary liquor license, per event...\$167.00
- (5) Special temporary wine license, per event.....\$25.00
- (6) Distilled spirits and wine special temporary auction license, per event.\$200.00
- (7) Special private club license, per annum.....\$300.00
- (8) Distilled spirits and wine special Sunday retail drink license, per annum.....\$300.00
- (9) Extended hours supplemental license, per annum.....\$2000.00
- (10) Restaurant wine license, per annum.....\$300.00
- (11) Convention center or convention hotel complex, per annum.....\$2000.00
- (12) Bottling house distilled spirits license or wine storage license, per annum.....\$1000.00
- (13) Souvenir retail liquor license, per annum.....\$1000.00
- (14) 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.....\$300.00
  - (d) Retail malt beverage license, per annum.....\$200.00
  - (e) Special temporary retail malt beverage license, per event.....\$25.00
  - (f) Malt beverage brew-on-premises license, per annum.....\$100.00
  - (g) Malt beverage extended hours to 4 a.m., per annum.....\$25.00

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**Page 3**  
**Ordinance No. 8, Series 2003**

**Section 2.** This amendment shall take effect from and after passage, approval and publication as required by law.

First reading November 3, 2003  
Second reading, passed and approved, November 17, 2003

*James P. Jenkins*  
James P. Jenkins, Mayor

Attest: *Maxine L. Jeffries*  
Maxine Jeffries, City Clerk

Introduced by: *S. Conner*

Council Members	yea	nay
Conner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Smith	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wathen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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ALCOHOLIC  
BEVERAGE CONTROL

§ 114.46

SHIVELY - ALCOHOLIC BEVERAGES

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of any person under 21 years of age for the purpose of obtaining alcoholic beverages.  
Penalty, see § 114.99

Statutory reference:

Minors, see KRS 244.085

§ 114.46 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

- (1) The nipple of the female breast.
- (2) The female breast below the nipple.
- (3) The genitalia.
- (4) The pubic hair.
- (5) The anus.

Penalty, see § 114.99

§ 114.47 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of

b. Possess, purchase or attempt to purchase any alcoholic beverages; or

c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) As required by KRS 243.620, all valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto.  
Penalty, see § 114.99

§ 114.44 ILLEGAL OR DISORDERLY CONDUCT ON PREMISES PROHIBITED.

(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 permitting patrons to cause public inconvenience, annoyance, or alarm, or wantonly creating 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; or

(4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(KRS 244.120) (Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

§ 114.45 CONDUCTING BUSINESS WITH MINOR.

(A) It shall be unlawful for any person under the age of 21 years to purchase, accept, or consume alcoholic beverages within the city limits.

(B) It shall be unlawful for any person to procure from any dispenser of alcoholic beverages within the city limits any alcoholic beverages for delivery to or consumption by any person under the age of 21 years.

(Ord. 15-1968, passed 4-8-68)

(C) No person shall cause, permit, encourage, or engage in the misrepresentation of the name, address, age, or other identification



CHAPTER 114: ALCOHOLIC BEVERAGES

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ALCOHOLIC BEVERAGE CONTROL BOARD  
LOUISVILLE, KY

Section

General Provisions

- 114.01 Definitions
- 114.02 Application of chapter
- 114.03 State law adopted

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- 114.16 License fees
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- 114.18 Form, content of city license
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- 114.43 Display of required licenses and certain signs
- 114.44 Illegal or disorderly conduct on premises prohibited
- 114.45 Conducting business with minor
- 114.46 Illegal sexual conduct, exposure of human body
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Administration and Enforcement

- 114.60 Right of entry; search and seizure
- 114.61 Seizure, destruction of contraband
- 114.62 Suspension, revocation of license
- 114.99 Penalty

GENERAL PROVISIONS

§ 114.01 DEFINITIONS.

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

(A) As used herein the words and phrases defined in KRS 241.010 and 243.010 have the meanings indicated therein.

(B) The following words and phrases have the meanings indicated:

(1) "BOARD." The State Alcoholic Beverage Control Board established pursuant to KRS 241.030.

*Procedures - Hours - Definitions - fines*

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SHIVELY - ALCOHOLIC BEVERAGES

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(2) "CITY." The City of Shively in Jefferson County, Kentucky.

(3) "CITY ADMINISTRATOR." The person appointed to the office of Alcoholic Beverage Control Administrator created and established by the city pursuant to KRS 241.160.

(4) "CITY LICENSE." A license established and authorized pursuant to the terms hereof.

(5) "CITY LICENSEE." A person who has been issued a city license pursuant to the terms hereof.

(6) "KRS." Kentucky Revised Statutes.

(7) "PERSON." Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

(8) "PREMISES." The premises described in the city license issued pursuant to the terms hereof and the application therefor.

(9) "STATE." The Commonwealth of Kentucky.

(10) "STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

(11) "TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

§ 114.02 APPLICATION OF CHAPTER.

Irrespective of subchapter or section headings, each section of this chapter shall be construed to apply to both malt beverages and distilled spirits and wine, where the context permits such application.

(Ord. 16-1968, passed 4-22-68)

§ 114.03 STATE LAW ADOPTED.

The provisions of the State Alcoholic Beverage Control Law (KRS Title XX) are adopted as far as applicable as a portion of this chapter, except as otherwise lawfully provided therein.

(Ord. 16-1968, passed 4-22-68)

## LICENSES

§ 114.15 LICENSES REQUIRED.

It shall be a criminal offense for any person, firm, or

corporation to engage in trafficking in alcoholic beverages, as the term is defined in KRS 241.010 and 243.010, without first having paid to the city the license fees set forth in § 111.04, and without first having obtained the license required by this chapter. Any person, firm, or corporation who violates this section shall be punished as set out in § 114.99.

(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

#### § 114.16 LICENSE FEES.

(A) No person shall cause, permit, or engage in any of the actions, business, or transactions authorized by city and state licenses within the city without both a valid city license and a valid state license therefor, and without paying the license fees as set forth in § 111.04.

(B) The license fee for every license issued under this chapter shall be payable by the person making application for the license and to whom is issued such license, and no other person, firm, or corporation shall pay for any license issued under this chapter. In addition to all other penalties provided in this chapter, a violation of this section shall authorize and require the revocation of the illegally paid-for license, as well as the revocation of the license, if any, of the person, firm, or corporation so paying for the license of another.

(C) All fees payable under this chapter shall be paid in cash or by certified check.

(D) All money received by the Administrator shall be transferred to the General Fund of the city and be used as other general funds of the city are used.

(E) All license fees herein provided are in addition to ad valorem taxes and all other taxes provided for by law or by ordinance.

(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

#### § 114.17 APPLICATION; REVIEW AND APPROVAL.

(A) Licenses shall be issued upon a written application therefor with the truth of the information, statements, and representations therein attested by the signature and the oath or affirmation of the applicant. The form and content of such application shall be prescribed by regulation of the City Administrator; however, all information required by KRS 243.390 to be contained in the application for state licenses shall and must be included therein.

(B) No license permitting the sale of alcoholic beverages in the city shall hereafter be issued until the provisions of this division (B) have been met in full. Any application for the issuance of a license to sell alcoholic beverages shall, prior to final approval by the Administrator, be forwarded to the Mayor or

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his designee to verify that the proposed application is in conformity with applicable statutes, ordinances, and regulations relative to the sale of alcoholic beverages. When such review has been completed and the Mayor is satisfied that the application is fully in order, such application shall be returned to the Administrator and thence be forwarded to the appropriate state authorities. (Ord. 15-1975, passed 8-11-75)

(C) All license fees from any license issued under this chapter shall be collected by the Administrator, who shall make a monthly report to the Mayor of all license fees collected. (Ord. 16-1968, passed 4-22-68)

§ 114.18 FORM, CONTENT OF CITY LICENSE.

The city licenses authorized and established hereby shall each be evidenced by a document, the form and content of which shall be prescribed by regulation of the City Administrator. However, the documents must be of the same color and designation as those of the state licenses to which the city licenses correspond and must comply with all of the provisions for state licenses required by KRS 243.440.

§ 114.19 DENIAL OF APPLICATION.

(A) As is similarly set forth in KRS 243.450, the City Administrator shall not approve any application for a city license if:

(1) The applicant, the application, or the premises described therein do not fully comply with the provisions of this chapter and all laws in regard to alcoholic beverages;

(2) The applicant or any shareholder, officer, agent, servant, or employee thereof has caused, permitted, or engaged in any act for which the revocation of a state or city license is authorized;

(3) The applicant or any shareholder, officer, agent, servant, or employee thereof had a state license or city license which was revoked within two years of the date of the application, or the premises described therein were the premises or any portion thereof described in a state license or city license revoked during such time;

(4) Any statement or representation in the application is false; or

(5) In the exercise of sound discretion, the City Administrator determines any cause or reason for refusing to approve an application reasonably related to the purpose and objective of this chapter and the state laws and regulations of the State Alcoholic Beverage Control Board. Among those factors that the City Administrator shall consider in the exercise of his discretion are:

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§ 114.40

public sentiment in the area; number of licensed outlets in the area; potential for future growth; type of area involved; type of transportation available; and financial potential of the area.

(B) No license to sell distilled spirits shall be granted to any person, firm, or corporation who or which is delinquent in payment of any taxes due 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, or rented and occupied by the licensee, upon which there are any delinquent taxes due to the city.

(C) The Administrator shall not authorize the issuance, nor issue any permit or licenses to dispense alcoholic beverages or liquors from any home or private residence.  
(Ord. 16-1968, passed 4-22-68)

§ 114.20 TRANSFER, ASSIGNMENT OF LICENSE.

(A) A city licensee shall not assign or transfer any city license to any other person or premises unless that person or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10, along with the payment of 5% of the original cost of the license, shall be paid to the city for the transfer of the city license.

(B) No assignment of any license issued under this chapter shall be made except by court order, and with the approval of the Alcoholic Beverage Administrator.  
(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

§ 114.21 DUPLICATE LICENSE.

When a license is 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 Administrator provided, the person applying for the duplicate license pays a fee of \$10 for issuing the duplicate.  
(Ord. 16-1968, passed 4-22-68)

## SALE OF ALCOHOLIC BEVERAGES

§ 114.40 HOURS.

(A) Pursuant to the provisions of KRS 244.290(1), premises licensed to sell distilled spirits and wine by the drink in the city shall be allowed to remain open for such purposes from 8:00 a.m. on Monday through Saturday until 4:00 a.m. on the succeeding day.

(B) Pursuant to KRS 244.290(4), upon obtaining a special Sunday sales license the fee for which shall be \$300 per annum, those

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hotels, motels, and restaurants which are otherwise licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of 100 people at tables and which receive at least 50% or more of their gross annual income from their dining facilities by the sale of food may permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until the following Monday at 2:00 a.m.  
(Ord. 12-1982, passed 7-19-82) Penalty, see § 114.99

§ 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.  
Penalty, see § 114.99

§ 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto.  
Penalty, see § 114.99

§ 114.43 DISPLAY OF REQUIRED LICENSES AND CERTAIN SIGNS.

As required by KRS 244.083, a city licensee who has a valid city retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to Five Hundred (\$500.00) Dollars if they:

a. Enter licensed premises to buy or have served or delivered to them any alcoholic beverages; or

by KRS 244.290, the fee for which shall be three hundred dollars (\$300.00) per annum, hotels, motels and restaurants which are otherwise licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty (50%) percent or more of their gross annual income from their dining facilities by the sale of food may permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 p.m. until the following Monday at 2:00 a.m.

(Ord. 5-1994, passed 4-18-94; Am. Ord. 10-1995, passed 5-15-95)

§ 114.41 COMPLIANCE WITH REGULATIONS AND PROHIBITIONS.

(A) At all times during which any person has a valid city license issued pursuant to the provisions hereof, that person shall fully comply with all of the rules, regulations, requirements, and prohibitions set forth in this chapter.

(B) A city licensee shall comply fully with all of the provisions hereof and all of the rules and regulations of the City Administrator in regard thereto; all provisions of the state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in regard to the licensed premises and the actions, business, and transactions conducted thereon subsequent to the issuance of a state license therefor and prior to the expiration, revocation, or suspension thereof which are hereby incorporated herein and made applicable to all city licenses corresponding thereto, the premises described therein, and the actions, business, and transactions conducted thereon; and the city licensee shall comply fully therewith.

Penalty, see § 114.99

§ 114.42 MAINTENANCE OF STATE LICENSE.

A city licensee shall maintain the state license to which the city license corresponds and fully comply with all state statutes and the rules and regulations of the State Alcoholic Beverage Control Board in

Penalty, see § 114.99

As required by KRS 244.083, a city licensee who has a valid city

retail distilled spirits, wine, or malt beverage license shall cause to be displayed in a conspicuous and prominent place on the licensed premises each of the following documents so that they may be seen and observed by all persons entering the licensed premises:

(A) A sign or placard at least eight inches by 11 inches in size with the following message printed or displayed thereon in 30 point or larger type:

"Persons under the age of twenty-one (21) years are subject to a fine up to five hundred (\$500.00) dollars if they:

public sentiment; potential in the area; number of licensed outlets in the area; transportation available; and financial potential of the area.

(B) No license to sell distilled spirits shall be granted to any person, firm, or corporation who or which is delinquent in payment of any taxes due 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, or rented and occupied by the licensee, upon which there are any delinquent taxes due to the city.

(C) The Administrator shall not authorize the issuance, nor issue any permit or licenses to dispense alcoholic beverages or liquors from any home or private residence.

(Ord. 16-1968, passed 4-22-68)

#### § 114.20 TRANSFER, ASSIGNMENT OF LICENSE.

(A) A city licensee shall not assign or transfer any city license to any other person or premises unless that person or premises complies with all of the provisions of this chapter; the transfer of the license is approved by the City Administrator; and the transfer of the state license to which the city license corresponds is approved by the state. A transfer fee of \$10, along with the payment of 5% of the original cost of the license, shall be paid to the city for the transfer of the city license.

(B) No assignment of any license issued under this chapter shall be made except by court order, and with the approval of the Alcoholic Beverage Administrator.

(Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

#### § 114.21 DUPLICATE LICENSE.

When a license is 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 Administrator provided, the person applying for the duplicate license pays a fee of \$10 for issuing the duplicate.  
(Ord. 16-1968, passed 4-22-68)

### SALE OF ALCOHOLIC BEVERAGES

#### § 114.40 HOURS.

(A) Hours of Sale - Distilled Spirits and Wine. It shall be unlawful for any person, firm, or corporation licensed for the sale of distilled spirits or wine at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday and Saturday or between the hours of 2:00 a.m. Sunday and 6:00 a.m. Monday, or on election day when polls are open in the city.



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SHIVELY - ALCOHOLIC BEVERAGES

§ 114.45

b. Possess, purchase or attempt to purchase any alcoholic beverages; or

c. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(B) As required by KRS 243.620, all valid city licenses issued therefor and the state licenses to which they correspond. The failure to so display such licenses shall be prima facie evidence that no such valid licenses have been issued or exist and all actions, business, and transactions authorized thereby conducted on such premises are illegal and in violation of the provisions hereof and the state statutes and regulations of the State Alcoholic Beverage Control Board in regard thereto. Penalty, see § 114.99

§ 114.44 ILLEGAL OR DISORDERLY CONDUCT ON PREMISES PROHIBITED.

(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 permitting patrons to cause public inconvenience, annoyance, or alarm, or wantonly creating 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; or

(4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose.

(KRS 244.120) (Ord. 16-1968, passed 4-22-68) Penalty, see § 114.99

§ 114.45 CONDUCTING BUSINESS WITH MINOR.

(A) It shall be unlawful for any person under the age of 21 years to purchase, accept, or consume alcoholic beverages within the city limits.

(B) It shall be unlawful for any person to procure from any dispenser of alcoholic beverages within the city limits any alcoholic beverages for delivery to or consumption by any person under the age of 21 years.

(Ord. 15-1968, passed 4-8-68)

(C) No person shall cause, permit, encourage, or engage in the misrepresentation of the name, address, age, or other identification

## § 114.46

SHIVELY - ALCOHOLIC BEVERAGES

of any person under 21 years of age for the purpose of obtaining alcoholic beverages.

Penalty, see § 114.99

Statutory reference:

Minors, see KRS 244.085

§ 114.46 ILLEGAL SEXUAL CONDUCT, EXPOSURE OF HUMAN BODY.

No person shall cause, permit, encourage, or engage in any of the following activities or display still or motion pictures thereof on licensed premises:

(A) Sexual conduct as defined in KRS 531.010(4).

(B) The appearance of any human being, clothed or unclothed, in such a manner that any portion of the following body members are exposed to view:

- (1) The nipple of the female breast.
- (2) The female breast below the nipple.
- (3) The genitalia.
- (4) The pubic hair.
- (5) The anus.

Penalty, see § 114.99

§ 114.47 BUSINESS TO BE CONDUCTED CONTINUOUSLY; EXCEPTIONS.

(A) A city licensee who has a valid city wholesale or retail distilled spirits, wine, or malt beverage license must conduct the actions, business, and transactions authorized thereby upon the licensed premises.

(B) When no such actions, business, or transactions are conducted thereon for a period of 90 consecutive calendar days, the city license therefor shall become null and void and revoked by the City Administrator unless:

(1) The city licensee is unable to continue in business at the premises for which a license is issued due to an act of God; casualty; the acquisition of the premises by any federal, state, city, or other governmental agency under power of eminent domain; acquisition of any private corporation through its power of eminent domain granted to it, whether such acquisition is voluntary or involuntary; or loss of lease through failure of the landlord to renew the existing lease; and

(2) Prior to the discontinuance of business at the licensed premises or immediately thereupon if such is due to an act of God, the city licensee delivers to the City Administrator a written statement signed by the city licensee and verified by the oath or affirmation thereof indicating the discontinuance of

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SHIVELY - ALCOHOLIC BEVERAGES

§ 114.61

business at the licensed premises for any of the causes or reasons described herein.

## ADMINISTRATION AND ENFORCEMENT

§ 114.60 RIGHT OF ENTRY; SEARCH AND SEIZURE.

A city licensee shall permit the entry and search of the licensed premises by any peace officer at any time for any purpose, and the seizure and removal therefrom of any evidence of any crime or other violation of law and the use thereof in any trial or hearing in regard thereto.

§ 114.61 SEIZURE, DESTRUCTION OF CONTRABAND.

(A) The following property shall be considered to be contraband:

(1) Any apparatus commonly used or intended to be used in the manufacture of alcoholic beverages and not registered in the office of a collector of internal revenue for the United States. The burden of proof that the apparatus is so registered shall be on the defendant.

(2) Any and all material, equipment, implements, devices, firearms, and other property used or intended for use directly and immediately in connection with the unlawful traffic in alcoholic beverages.

(3) Any alcoholic beverages in the possession of anyone not entitled by law to possess them.

(4) Any alcoholic beverages to which the revenue stamps or tax crowns have not been affixed as required by KRS 243.720 to 243.850.

(5) Any alcoholic beverages in a container of a size prohibited by law or prohibited to the particular party in whose possession they are found.

(6) Any vehicle, watercraft, or aircraft in which any person is illegally possessing or transporting alcoholic beverages. "ILLEGALLY POSSESSING" means and includes the holding of any alcoholic liquors unless lawfully acquired and intended for lawful uses.

(KRS 244.180)

(B) Any peace officer may, upon probable cause and without warrant, seize contraband and hold it subject to the order of the court before which the owner or one in possession of the contraband has been charged with violation of § 114.15 of this chapter or of KRS Chapter 242 or KRS 243.020. Upon conviction of the defendant, the court shall enter an order for the destruction of all contraband property included in KRS 244.180(1) - (5). (KRS 244.190)  
(Ord. 16-1968, passed 4-22-68)

§ 114.62

SHIVELY - ALCOHOLIC BEVERAGES

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§ 114.62 SUSPENSION, REVOCATION OF LICENSE.

(A) Pursuant to the procedure set forth in KRS 243.480 through 243.590, city licenses may be either revoked or suspended by the City Administrator upon the occurrence of:

(1) Any violation of the provisions of this chapter or any other ordinance of the city;

(2) Any violation of any provision of state law in regard to alcoholic beverages or the rules and regulations of the State Alcoholic Beverage Control Board in regard thereto; or

(3) Any other cause, reason, or circumstance for which a state license may be revoked or suspended by the Board.

(B) However, city licenses must be revoked by the City Administrator upon the occurrence of any cause or circumstance which requires revocation of state licenses pursuant to KRS 243.500 or the revocation of a state license to which a city license corresponds. Further, with the approval of the City Administrator, a licensee may, as an alternative and in lieu of part or all of the days of any suspension period, pay the following sums to the city as set forth in KRS 243.480: distillers, rectifiers, vintners, brewers, and blenders: \$1000 per day; wholesale liquor licensees: \$400 per day; wholesale beer licensees: \$100 per day; retail drink liquor licensees: \$25 per day; retail package liquor licensees: \$25 per day; retail beer licensees: \$10 per day; and all remaining licensees: \$10 per day.

(C) The procedure for the revocation or suspension of a city license shall consist of a written notice signed by the City Administrator and mailed to the licensee at the address of the licensed premises by certified mail, describing the cause, circumstance, or occurrence and the time and date thereof for which the city license may be revoked and indicating the time and place of a hearing in regard thereto at least five days thereafter at which the licensee and the representatives thereof shall be heard thereon. The hearing thereon shall be conducted by the City Administrator in the city and according to the procedure prescribed by the State Alcoholic Beverage Control Board for hearings by the Board as supplemented by the regulations of the City Administrator. The City Administrator shall control and make all decisions in regard to the introduction of evidence and shall hear all arguments in regard thereto. At the conclusion of the hearing, the City Administrator shall issue a written decision in regard thereto and mail a certified copy thereof to the licensee at the address of the licensed premises by certified or registered mail.

§ 114.99 PENALTY.

(A) Any person who, by himself or acting through another,

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SHIVELY - ALCOHOLIC BEVERAGES

§ 114.99

directly or indirectly, violates any of the provisions of this chapter for which no other penalty is provided shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned for not more than six months, or both. For a second and each subsequent violation, he shall be fined not less than \$200 nor more than \$500 or be imprisoned for not more than six months, or both. The penalties provided for in this division (A) shall be in addition to the revocation of the offender's license. If the offender is a corporation, joint stock company, association, or fiduciary, the principal officer or officers responsible for the violation may be imprisoned. (KRS 243.990(1), 244.990(1))

(B) Whoever violates division (A) of § 114.43 or any provision of § 114.45 shall, for the first offense, be fined not less than \$10 nor more than \$100 and each violation shall constitute a separate offense. (KRS 244.990(4))

RECEIVED

MAY 16 11 07 AM '95

CITY OF SHIVELY

ORDINANCE NO. 10, SERIES 1995

ALCOHOLIC BEVERAGE  
CONTROL  
LOUISVILLE, KY

AN ORDINANCE RELATING TO THE HOURS AND TIMES  
DURING WHICH DISTILLED SPIRITS, WINE AND MALT  
BEVERAGES MAY BE SOLD

BE IT ORDAINED BY THE CITY OF SHIVELY:

Section 1.

(1) Hours of Sale - Distilled Spirits and Wine.

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

(2) Hours of Sale - Malt Beverages.

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

(3) Ordinance No. 5, Series 1994 relative to times in which distilled spirits, wine and beer may be sold during Derby Week is reaffirmed and incorporated herein by reference.

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

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

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

Section 2. (1) The Shively Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell distilled spirits and wine at retail upon payment in advance to the Shively Alcoholic Beverage Control Administrator of an annual license fee of

~~\_\_\_\_\_~~ \$350.<sup>00</sup>

(2) The Shively Alcoholic Beverage Control Administrator may issue a special hours license to any person, firm or corporation holding a license to sell malt beverages at retail upon the payment in advance to the Shively Alcoholic Beverage Control Administrator of the sum of ~~FOURTY~~ \$150.<sup>00</sup>.

Section 3. Upon obtaining a special Sunday sales license, as authorized by KRS 244.290, the fee for which shall be \$300.00 per annum, hotels, motels and restaurants which are otherwise licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty (50%) per cent or more of their gross annual income from their dining facilities by the sale of food may permit the sale of distilled spirits and wine by the drink on Sunday from one o'clock p.m. until the following Monday at two o'clock a.m.

Section 4. The sections of this ordinance shall be severable and any provision herein found to be unenforceable shall not affect the validity of the remaining provisions hereof.

Section 5. All ordinances in conflict herewith, including, but not limited to Ordinance No. 12, Series 1982, are hereby repealed.

Section 6.

Any person violating any provision of this ordinance shall, for the first offense, be fined not less than One Hundred



Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or be imprisoned not more than six months, or both, and for the second and each subsequent violation, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) or be imprisoned not more than six months, or both.


Section 7. This ordinance shall take effect from and after passage, approval and summary publication as required by law.

First reading May 1, 1995

Second reading May 15, 1995

Passed and approved May 15, 1995

  
JAMES P. JENKINS  
MAYOR

ATTEST:   
MAXINE JEFFRIES  
(CITY CLERK)

INTRODUCED BY   
Richard Smith

CITY COUNCIL MEMBERS:

Sherry Conner

Dennis Horlander

Patsy Mayes

Richard McDonald

Paul O'Daniel

Richard Smith

YEA

NAY

X

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X

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X

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X

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X

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X

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CITY OF SHIVELY  
ORDINANCE NO. 5, SERIES 1994

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

RECEIVED  
MAY 2 1 24 PM '94  
ALCOHOLIC BEVERAGE  
CONTROL  
LOUISVILLE, KY

BE IT ORDAINED BY THE CITY OF SHIVELY:

Section 1.

With regard to the sale of distilled spirits, wine and malt beverages, Derby week shall be defined as that period beginning at six o'clock a.m. on the Monday before the first Saturday in May and continuing until four o'clock a.m. on Sunday following the first Saturday in May.

Section 2.

It shall be unlawful for any person, firm or corporation licensed for the sale of distilled spirits, wine or malt beverages at retail, to sell, give away, permit to be sold or given away or permit on the licensed premises the consumption of such products between the hours of four o'clock a.m. and six o'clock a.m. during the period defined as Derby Week.

Section 3.

Any ordinance in conflict with Section 2 of this ordinance is hereby amended only so far as it concerns the period defined as Derby week. Any ordinance, or any part of any ordinance, governing the sale of distilled spirits, wine or malt beverages during times other than the period defined as Derby week shall remain in full effect.

Section 4.

Any person violating any provision of this ordinance shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00), or be imprisoned not more than six (6) months, or both; and for the second and each subsequent offense, shall be fined not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00), or be imprisoned for not more than six (6) months, or both.

Section 5.

This ordinance shall take effect immediately from and after approval as required by law.

First reading April 11, 1994  
Second reading April 18, 1994  
Passed and approved April 18, 1994

CITY OF SHIVELY, KENTUCKY

ORDINANCE NO. 14, SERIES ~~1986~~  
9, 1990

AN AMENDED ORDINANCE IMPOSING A LICENSE FEE UPON  
BUSINESSES, OCCUPATIONS, TRADES AND PROFESSIONS  
CARRIED ON, CONDUCTED OR PRACTICED WITHIN THE  
LIMITS OF THE CITY OF SHIVELY, KENTUCKY

BE IT ORDAINED BY THE CITY OF SHIVELY:

SECTION 1. DEFINITIONS:

Words and phrases used in this ordinance shall have the ordinary and accepted meaning ascribed to them and the special meaning ascribed to them below:

(a) "License fee" shall mean a tax imposed for the privilege of exercising the right to engage in trade, occupation or profession for compensation paid by others for oneself, for profit or gain, within the City of Shively, Kentucky.

(b) "Person" shall mean and include all natural persons, partnerships, firms, associations, governmental bodies and agencies, and corporations, and whenever used in any portions of this ordinance prescribing a penalty in the form of fine or imprisonment, shall mean and include the individual members of a firm, partnership or association and the officers of any governmental body or agency, or any corporation.

(c) "Trade, occupation or profession" shall include any and all activities and the rendering of any and all services of all kinds or other remuneration, or net profit or gain of any kind when applied to persons so engaged for themselves whether the person be a resident of the City of Shively, or not.

(d) "City" means the City of Shively, Kentucky.

(e) "Gross Receipts" shall mean the gross amount of money or payments of any kind or other considerations having a monetary value which a person receives or becomes entitled to or incidental to the conduct of a business within the City of Shively.

"Net Profit" as used herein shall mean gross receipts less ordinary business deductions, recognized as such, and allowed by the law of the United States of America or the Commonwealth of Kentucky in computing income tax liability whichever may be the lesser, but without deductions for taxes based on income.

"Receipts" shall consist of money or other property of value. Receipts shall be considered as received at the office or place of business of the taxpayer where the services or the

transactions giving rise to the receipts are chiefly performed, negotiated or take place. If the receipts result from orders received by telephone or mail, the receipts shall be allocated to the place of business where such orders are processed. The gross commission of manufacturer's agent or an insurance agent shall constitute his gross receipts.

#### SECTION 2.

Within the corporate limits of the City of Shively, Kentucky, it shall be unlawful for any person, firm, organization, or corporation to engage in any business, occupation, trade or profession, or to sell or offer for sale any article of goods, wares or merchandise without first having procured a license so to do and paid the required license tax therefor.

#### SECTION 3.

Each person, firm, organization, or corporation, other than a charitable or non-profit organization, owning, operating, conducting or engaging in any business, occupation, trade or profession, whether such be operated or conducted separately or in connection with another business, occupation, trade or profession shall pay a tax to be measured by the greater of:

a. ~~85 of one (1%) per cent. of net profit or gain realized~~ from the conduct of said business, occupation, trade or profession, or

b. The following fees based on gross receipts or specified fees relating to particular business, occupation, trade or profession.

#### SECTION 4. LICENSE FEES BASED ON GROSS RECEIPTS:

(a) Subject to the requirements in Section 3, each person, firm, organization, or corporation owning, operating, conducting or engaging in any business, whether such be operated or conducted separately or in connection with another business, occupation, trade or profession, the gross receipts of which have been less than Twenty Five Thousand (\$25,000.00) Dollars for the taxpayer's preceding business year (fiscal or calendar) shall pay, ~~except as hereinafter provided the amount of Forty-Two Dollars and Fifty Cents (\$42.50)~~ Fifty (\$50.00) Dollars.

(b) Subject to the requirements of Section 3, each person, firm, organization, or corporation owning, operating, conducting or engaging in any business, whether such business be operated or conducted separately or in connection with another business, occupation, trade or profession, the gross receipts of which have been Twenty Five Thousand (\$25,000.00) Dollars or more for the taxpayer's preceding business year (fiscal or calendar) shall pay, except as hereinafter provided, according to the following scale:

1. Where gross receipts have been between Twenty Five Thousand ~~(\$25,000.00) Dollars and One Hundred Thousand (\$100,000.00) Dollars~~, at the rate of ~~\$1.70~~ \$2.00 per \$1,000.00 or fraction thereof.

2. On gross receipts ranging from One Hundred Thousand (\$100,000.00) Dollars to Two Hundred Thousand (\$200,000.00) Dollars, at the rate of a minimum of ~~-\$198.00 \$170.00~~ plus ~~\$1.275~~ \$1.434 per \$1,000 or fraction thereof.

3. On gross receipts ranging above Two Hundred Thousand (\$200,000.00) Dollars, at the rate of a minimum of ~~\$297.50~~ \$340.00 plus \$.85 \$1.00 per \$1,000.00 or fraction thereof.

4. The maximum tax due under this section shall be ~~Five Hundred and Ten (\$510.00) Dollars.~~ Five Hundred and Ninety Dollars (\$490.00).

(c) Each year, the taxpayer shall take an annual report to the City, showing the taxpayer's gross receipts within Shively during the taxpayer's preceding business year (fiscal or calendar). The taxpayer shall state on said form the amount of gross receipts in Shively which he reported to the Federal government on his income tax return for that year. The report on said form shall be signed by the taxpayer, or his agent, subject to penalties for perjury if the statements contained therein are not true and correct. The amount of the license tax for the current year shall be based on the gross receipts for the preceding year.

If the gross receipts reported by the taxpayer are for only a portion of a year then the license tax for the current year shall be based on the amount which will be produced by multiplying the average monthly gross receipts for such portion of a year by twelve; subject, however, to the requirement of the minimum tax payment.

If the taxpayer starts in business and becomes subject to the tax after the beginning of the tax year, he shall, as a tentative tax, pay the minimum annual tax at that time; however, when his first annual report to the City is due he shall report his gross receipts for the part of the preceding year during which he was in business. His tax for such period will be computed and paid on the basis of the gross receipts reported, subject to a credit for the tentative tax previously paid for that period. He shall also then pay his license tax for the current year computed as provided for in the preceding paragraph.

(d) Each person conducting or engaging in any occupation, trade, or profession, including a real estate broker licensed by the State, shall pay, except as hereinafter provided, the amount of Eighty Five (\$85.00) Dollars. This license fee shall be in lieu of the fees levied by Section 4, (a) and (b) hereof. A person licensed by the State as a real estate salesman shall pay the amount of ~~Forty Two Dollars and Fifty Cents (\$42.50)~~ Fifty (\$50.00) Dollars.

(e) Each person, firm, organization, or corporation that desires to sell, distribute or dispense alcoholic beverages must obtain a license to do so. This license is in addition to the license which is required in order to own, operate, or conduct a business. However, this license exempts the sales of alcoholic

beverages from the computation of gross receipts as provided in Section 4, (a) and (b) hereof. This license period shall be from July 1 to July 30. The cost of these licenses shall be as follows:

BEER DISTRIBUTOR, whose place of business is within the corporate limits of the City of Shively - Two Hundred (\$200.00) Dollars.

BEER RETAILER, for selling beer at retail for consumption off the premises - One Hundred Fifty (\$150.00) Dollars.

BEER RETAILER, for selling beer at retail for consumption on or off the premises - One Hundred Fifty (\$150.00) Dollars.

BEER RETAILER, for selling beer at retail for consumption on the premises only of a private club or non-profit organization - One (\$1.00) Dollar.

DISTILLED SPIRITS AND WINE RETAILER, for consumption off the premises - Seven Hundred (\$700.00) Dollars.

DISTILLED SPIRITS AND WINE WHOLESALER, whose place of business is within the corporate limits of the City of Shively - Fifteen Hundred (\$1500.00) Dollars.

DISTILLED SPIRITS AND WINE RETAILER, for consumption on the premises only of a private club or non-profit organization - One Hundred Fifty (\$150.00) Dollars.

DISTILLED- D SPIRITS AND WINE RETAILER, for consumption on the premises - Eight Hundred (\$800.00) Dollars.

(f) Each person, firm, organization or corporation that engages in the business of waste or garbage collection shall obtain a license. This license shall be in addition to the license required in Section 4, (a) and (b) hereof, and the cost of said license shall be One Hundred Seventy (\$170.00) Dollars.

(g) Each person, firm, organization or corporation, other than banks, that engages in or conducts a loan business or that engages in or conducts the business of lending money on the deferred payment or installment plan to persons, firms, organizations, or corporations shall obtain a license. This license shall be in lieu of the license required in Section 4, (a) and (b) hereof. The cost of this license shall be Three Hundred Forty (\$340.00) Dollars.

(h) Each person, firm, organization or corporation, that installs or maintains an advertising device or billboard larger than five square feet or greater than five cubic feet, and which is not an advertisement for a licensed business located on the premises or its products shall obtain a license for each device or billboard. This license shall be required in addition to the license required in Section 4, (a) and (b) hereof. The cost of this license shall be ~~Forty Two Dollars and Fifty Cents (\$42.50)~~ (\$50.00) Dollars for each device or billboard.

(i) Each person, firm, organization, or corporation which conducts or engages in the business of a taxicab company shall obtain a license. This license shall be in lieu of the license required in Section 4, (a) and (b) hereof. The cost of this license shall be Seventeen (\$17.00) Dollars per cab to a maximum of One Hundred Seventy (\$170.00) Dollars.

(j) Each person, firm, organization, or corporation, conducting or engaging in business within the corporate limits of Shively shall obtain a license, except as hereinafter provided, for each motor driven vehicle operated as a public dray, or for public hire, or for the commercial purpose of hauling in or out of the corporate limits of the City of Shively, or for other commercial purposes. The cost of this license shall be as follows:

½ ton or less	\$ 8.50
Up to 1 ton	17.00
Up to 2 ton	25.50-
Larger	59.50

The license tax herein provided shall also be required on delivery trucks owned and used by merchants, wholesalers and others whose businesses are located outside the city limits for the delivery of goods within the city.

Provided, however, that nothing herein shall apply to (1) any truck or vehicle exempted by statute from the payment of city license taxes or (2) any vehicle operated by any farmer exclusively for the transportation of the products of his own production, or (3) any vehicle used exclusively by any person, firm, or corporation licensed by the city to engage in business or occupation for calling on or making deliveries to his or its customers (of such licensed business) or (4) for hauling freight to or from railroad and other depots and warehouses, and his or its respective place, or place of business (5) vehicles owned, operated or making deliveries by or for Shively or any other governmental unit or agency.

(k) Each person, firm, organization, or corporation which engages in house to house soliciting, selling or peddling other than on regularly established routes, within the City of Shively shall first obtain a license therefor, the cost of which shall be Eighty Five (\$85.00) Dollars per day.

(1) Each person, firm, organization, or corporation that conducts or engages in the business of owning or operating a trailer park or mobile home park shall obtain a license. This license shall be in lieu of the license required in Section 4, (a) and (b) hereof, and licensees under this section shall not be subject to a net profit tax. The cost of this license shall be Fifty One (\$51.00) Dollars for each trailer or mobile home site located in such park. a minimum of \$50.00, subject to the provisions of Section 3 and 4 hereof.

(m) Each person, firm, organization, or corporation that owns or operates a hotel or motel shall obtain a license. This license is in addition to the license which is required in order to own, operate, or conduct a business. However, this license exempts the receipts from room rentals from the computation of gross receipts as provided in Section 4, (a) and (b) hereof, and licensees under this section shall not be subject to a net profit tax. The cost of this license shall be Five Dollars and Ten Cents (\$5.10) per rental unit.

(n) Each person, firm, organization, or corporation whose business is to take or receive by way of pledge, pawn, or exchange any personal property as security for the payment of money lent thereon, other than banks and trust companies, shall obtain a license. This license shall be in lieu of the license required in Section 4, (a) and (b) hereof, and licensees under this section shall not be subject to a net profit tax. The cost of this license shall be Four Hundred Sixty (\$460.00) Dollars.

(o) Each person, firm, organization, or corporation which conducts the business of buying or selling of junk shall obtain a license. This license shall be in lieu of the license required in Section 4, (a) and (b) hereof, and licensees under this section shall not be subject to a net profit tax. The cost of this license shall be Three Hundred Ninety Five (\$395.00) Dollars.

(p) Each person, firm, organization, or corporation that conducts or engages in the business of owning or operating an auto wrecking service, shall obtain a license. This license shall be in lieu of the license required in Section 4, (a) and (b) hereof, and licensees under this section shall not be subject to a net profit tax. The cost of this license shall be Two Hundred Fifty Five (\$255.00) Dollars.

(q) Each person, firm, organization, or corporation that conducts the business of manufacturing distilled alcoholic beverages shall obtain a license. This license shall be in lieu of the license required in Section 4, (a) and (b) hereof, and licensees under this section shall not be subject to a net profit tax. The cost of this license shall be One Hundred Seventy (\$170.00) Dollars.

(r) Any person, firm or corporation who conducts a carnival or circus within Shively, and any person doing business within



Shively as a person who professes to be a fortune teller, spiritualist, or medium, or any person who pretends to know of lost or stolen articles, or who pretends or assumes to foretell future or past events by cards, mesmerism, clairvoyance, telepathy, or by the claim or exercise of any other occult powers, or by any other means of like character, for fee, reward, or compensation, shall pay a license fee of Thirteen Thousand (\$13,000.00) Dollars.

**SECTION 5. LICENSE FEE BASED ON NET PROFIT:**

All persons engaged in any business, occupation, trade, or profession in the City for themselves for profit or gain shall pay a license fee subject to requirements in Section 2, measured by and equal to .85-hundreds-of-one (1%) per cent of net profit realized from such activity.

**SECTION 6.**

Wherever the net profit or gain from any trade, occupation or profession is derived from activity or business done both within and without the City, the license fee required under this ordinance shall be computed and paid upon the proportion of net profit or gain derived from activity within the City, according to the sworn statement of the licensee.

In all cases of license fees computed upon the basis of apportionment of net profit or gain as herein provided, the apportionment shown by the sworn statement of the licensee or employer or both shall not be binding upon the City but shall be subject to verification by the administrator or his agents or employees through examination and audit of the books and records of the licensee or his employer, or both if required by the administrator.

**SECTION 7. DETERMINATION OF PAYMENT OF TAX:**

On or before 105 day(s) from the end of the business(es)' fiscal year, the licensee shall compute on forms furnished by the administrator, the amount of tax due based on .25-of one (1%) per cent of net profit for said fiscal year and shall compute on forms furnished by the administrator the amount of tax due based on the gross receipts fees specified herein and thereafter and within the foregoing time limit shall pay to the administrator the greater of the two computed amounts.

**SECTION 8. RECORDS TO BE MADE AVAILABLE: PENALTIES:**

Every person required to pay any license fee provided by this ordinance shall be required to make all books, records, and accounts upon which information required by this ordinance is based, available to the administrator, his agents or employees for the purpose of examination, audit or verification, provided however that if any licensee or employer subject to the provisions of this ordinance shall voluntarily submit copies of his current income tax returns made to either the State or Federal Governments, for examination, then in such case no further examination or audit will be required until and unless there is re-examination or audit made by the taxing authority to whom the

return was made, and provided further, the administrator may dispense with examination of the books, records, accounts, or tax returns of the licensee in any case where the administrator is furnished with a certificate of a qualified Certified Public Accountant, or the sworn statement of any other reputable accountant or bookkeeper of the licensee stating that the amount of tax reported conforms to the State or Federal Income Tax return filed by the Licensee for the applicable period.

Nothing herein shall prevent or preclude the administrator from demanding an examination and audit of the books, records, and accounts as herein provided at any time he may have reasonable grounds to believe that the licensee has not correctly reported and paid the license fees due under the provisions of this ordinance.

All information obtained by the Administrator or any of his agents or employees, or any other official or employee of the City, from any reports, examination or audit of books, records, accounts, income tax returns, or any other source, in the administration of this ordinance, shall be treated and considered as confidential and privileged except for official purposes, unless otherwise treated by judicial decree or specific provision of law, and shall not be open to inspection by the public.

Any official, agent or employee of the City who divulges any information obtained under the provisions of this ordinance except for the purposes of administering this ordinance as herein provided, shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50.00 nor more than \$500.00 or punished by confinement for not more than thirty days, or both so fined and imprisoned.

It is further provided that the Administrator or any City official or employee shall have the right to disclose to the Commissioner of Revenue of the State of Kentucky or his duly authorized agent or employee any of the information protected by this ordinance, provided reciprocal right to information concerning any person liable for license fees under the provisions of this ordinance is made available to the City by such State authorities, and provided further that the City may publish statistics based upon information obtained in the administration of this ordinance so long as such published statistics do not reveal the identify of any licensee.

#### SECTION 9. DENIAL OF APPLICATIONS:

The Mayor/City Council or designated City officer shall have the power to deny the issuance of any license described herein to any person, firm, organization, or corporation, when it is determined that the granting of such a license would not be in the best interest of the City of Shively.

**SECTION 10**

All licenses issued under this ordinance shall expire one year from date of issuance, ~~accept~~ except as provided by other ordinances. No business license tax shall be pro-rated.

**SECTION 11**

Any licenses, fees, or taxes due and not paid within thirty (30) days from the date due shall be assessed a penalty of ten Per centum (10%) of the fee or tax required for that particular business, occupation or profession, which penalty, together with the regular fee or tax shall be paid before the license is renewed.

**SECTION 12**

Every person desiring to obtain or renew a city license for any of the businesses herein enumerated, shall apply therefor to the City Clerk. No license certificate shall be valid without the signature of the City Clerk.

Every person holding a license for any of the purposes mentioned herein shall keep the license posted in his place of business, if any, in a conspicuous place, or if he has no particular place of business, shall keep the license on his person, so that it may be inspected upon request by the proper authorities, and every person holding a city license shall produce such license for inspection whenever required to do so by the City Attorney, City Clerk, City Treasurer, Occupational Tax Administrator, or other proper agent or officer of the City.

No license provided for herein shall be assigned or transferred to any person ~~for-reason~~ at any time, except by authority of the City Council.

**SECTION 13**

The license tax herein provided shall apply to each member of a firm where two or more persons are engaged in the practice of the profession; it shall also be required where an individual, firm, or corporation may have separate locations for conducting business and each separate location shall require the license tax according to the business conducted there.

**SECTION 14**

Except as otherwise specifically provided herein, any person, firm, or corporation, violating the provisions of this ordinance, shall upon conviction, be fined Fifty (\$50.00) Dollars to Five Hundred (\$500.00) Dollars for each offense; and each day said person, firm, or corporation continues such violation shall constitute a separate offense.

**SECTION 15**

All revenue received from the payment of license taxes and penalties required by this ordinance shall be paid into and become part of the general fund of the City to be used for the general operating expenses of the City.

SECTION 16

The different sections and items of this ordinance are hereby declared to be severable and it is the intention of the City Council that if any portion of this ordinance be invalid then the remaining portions are to be and to remain in full force and effect.

SECTION 17

Effective ~~July 1, 1986~~, January 1, 1991, all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict, including Ordinance No. 12, Series 1972, Ordinance No. 9, Series 1982 and Ordinance No. 10, Series 1982, provided however that the rates provided for in Ordinance No. 13, Series 1986, shall remain in effect through December 31, 1990, and the rates provided for in this amended ordinance shall take effect on January 1, 1991.

~~SECTION 18~~

~~This ordinance shall take effect on July 1, 1986, following its passage and publication as required by law.~~

First reading October 1, 1990

Second reading October 8, 1990

Introduced by: Mary Carol Axman

Passed and approved this 8th day of October, 1990.

  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

INTRODUCED BY: Mary Carol Axman

CITY OF SHIVELY, KENTUCKY

ORDINANCE NO. 11

SERIES 1984

AN ORDINANCE AMENDING SECTION TWO, PARAGRAPH 4 OF CODIFIED CITY ORDINANCE NUMBER 220.4

BE IT ORDAINED by the City Council of the City of Shively, Kentucky that Section Two, Paragraph 4 of Codified City Ordinance Number 220.4 is amended as follows:

BEER RETAILER, for selling beer at retail for consumption off the premises ~~Seventy-five (\$75.00)-Dollars~~ One Hundred Fifty (\$150.00) Dollars.

John W. Bump  
MAYOR

June 11, 1984  
DATE

Rosemary Jacobs  
CITY CLERK  
INTRODUCED BY:

Daniel T. Clemens  
First reading June 4, 1984  
Second reading June 11, 1984

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old Bu SB-293

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100 S. ... KY

CITY OF SHIVELY KENTUCKY

ORDINANCE NO. 1.3

SERIES OF 1982

AN ORDINANCE ESTABLISHING OPERATING HOURS FOR PREMISES SELLING DISTILLED SPIRITS AND WINE BY THE DRINK AND ESTABLISHING A LICENSE FEE FOR A SUNDAY SALES LICENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHIVELY, KENTUCKY, AS FOLLOWS:

SECTION 1. Pursuant to the provisions of KRS 244.290(1), premises licensed to sell distilled spirits and wine by the drink in the City of Shively, Kentucky, shall be allowed to remain open for such purposes from 8:00 A.M. on Monday through Saturday until 4:00 A.M. on the succeeding day.

SECTION 2. Upon obtaining a special Sunday sales license, the fee for which shall be \$300.00 per annum, hotels, motels and restaurants which are otherwise licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities by the sale of food may permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 P.M. until the following Monday at 2:00 A.M.

SECTION 3. This ordinance shall be effective upon its passage and publication.

INTRODUCED BY:

Fred J. Obermeyer  
First Reading July 13, 1982  
Second Reading July 19, 1982

ADOPTED AND APPROVED:

John W. Burk  
MAYOR

John S. Haywood Jr.  
CITY CLERK

I certify that this is a signed copy  
of Ordinance #12 signed by the  
Mayor.

James H. Cook

Shively

AN ACT relating to alcoholic beverage control.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1           Section 1. KRS 243.450 is amended to read as fol-  
2           lows:

3           (1) A license that might be issued under KRS 243.020  
4           to 243.670 shall be refused:

5           (a) If the applicant or the premises for which the  
6           license is sought do not comply fully with all alcoholic  
7           beverage control statutes, the regulations of the board,  
8           all ordinances relative to the regulation of the manufac-  
9           ture, sale and transportation of alcoholic beverages, and  
10          all regulations of a city administrator or county admin-  
11          istrator;

12          (b) If the applicant has done any act for which a  
13          revocation of license would be authorized; or

14          (c) If the applicant has made any false material  
15          statement in his application.

16          (2) A license that might be issued under KRS  
17          243.020 to 243.670 may be refused by a state administra-  
18          tor for any reason which he, in the exercise of his sound  
19          discretion, may deem sufficient. Among those factors

20          that the administrator shall consider in the exercise of  
21          his discretion are: public sentiment in the area; number

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ALCOHOLIC BEVERAGE CONTROL



1 of licensed outlets in the area; potential for future  
2 growth; type of area involved; type of transportation  
3 available; and financial potential of the area.

4 Section 2. KRS 244.290 is amended to read as fol-  
5 lows:

6 (1) No premises for which there has been granted a  
7 license for the sale of distilled spirits or wine at  
8 retail shall be permitted to remain open for any purpose  
9 between midnight and 8 a.m., or at any time during the  
10 twenty-four hours of a Sunday, or during the hours the  
11 polls are open on any regular, primary, school or special  
12 election day, provided, that if a licensee provides a  
13 separate department within his licensed premises capable  
14 of being locked and closed off, within which is kept all  
15 stocks of distilled spirits and wine, and all fixtures  
16 and apparatus connected with his business as a licensee,  
17 and said department is kept locked during the times men-  
18 tioned above, he shall be deemed to have complied with  
19 this section; except that the city council, board of  
20 aldermen or other municipal legislative body of cities of  
21 the first, second, [~~or~~] third or fourth class in which  
22 traffic in distilled spirits and wine is permitted under  
23 KRS chapter 242 shall have the exclusive right and power,  
24 by ordinance duly enacted, to establish the hours and  
25 times in which distilled spirits and wine may be sold  
26 within its jurisdictional boundaries, and except further

1 that the fiscal court of each county in which cities of  
2 the first, second, [~~or~~] third or fourth class are located  
3 shall have the exclusive right and power to establish the  
4 hours and times in which distilled spirits and wine may  
5 be sold over that portion of the county which lies with-  
6 out the corporate limits of such cities, except any por-  
7 tion in which distilled spirits and wine are prohibited  
8 from being sold. Provided, however, that no distilled  
9 spirits or wine may be sold in any portion of the coun-  
10 ties containing cities of the first, second, [~~or~~] third  
11 or fourth class during the twenty-four hours between 6  
12 a.m. Sunday and 6 a.m. Monday, except as provided in sub-  
13 section (2) of this section, and that no distilled  
14 spirits or wine may be sold on any election day while the  
15 polls are still open; and provided, also, that all stocks  
16 of distilled spirits and wine must be kept locked during  
17 the hours which the licensee is prohibited from selling  
18 same.

19 (2) In any county containing a city of the first or  
20 second class in which the sale of distilled spirits and  
21 wine is permitted under KRS chapter 242, an election on  
22 the question of permitting the sale of distilled spirits  
23 and wine by the drink on Sunday may be held as provided  
24 in KRS 242.020 to 242.040 and 242.060 to 242.120. In any  
25 election, the form of the proposition shall be, "Are you  
26 in favor of the sale of distilled spirits and wine by the

1 drink between the hours of one p.m. and midnight on  
2 Sunday in (name of county)?"

3 (3) In any county containing a city of the first or  
4 second class in which the sale of distilled spirits and  
5 wine by the drink is permitted on Sunday as provided in  
6 subsection (2) of this section, holders of distilled  
7 spirits and wine retail drink licenses may apply to the  
8 administrator of the distilled spirits unit for a special  
9 Sunday sale retail drink license. Upon receipt of an  
10 application and payment of the prescribed fee, the admin-  
11 istrator shall issue a license.

12 Section 3. KRS 244.480 is amended to read as fol-  
13 lows:

14 (1) Except as provided in subsection (2), no brewer  
15 or distributor shall deliver any malt beverages on Sunday  
16 or between the hours of 7 p.m. and 6 a.m. on any week day  
17 except Saturday, when the hours of deliveries shall be  
18 between 6 a.m. and midnight. No retailer shall sell, give  
19 away or deliver any malt beverages between midnight and 6  
20 a.m. or at any time during the twenty-four (24) hours of  
21 a Sunday or during the hours the polls are open on an  
22 election day.

23 (2) The legislative body of a city of the first,  
24 second, [~~e~~] third or fourth class in which traffic in  
25 malt beverages is permitted by KRS chapter 242, shall  
26 have the exclusive power, subject to subsection (3), by

1 ordinance, to establish the times in which malt beverages  
2 may be sold within its jurisdictional boundaries. The  
3 fiscal court of each county in which a city of the first,  
4 second, [~~e~~] third or fourth class is located shall have  
5 the exclusive power, subject to subsection (3), to estab-  
6 lish the times in which malt beverages may be sold in  
7 that portion of the county which lies without the corpo-  
8 rate limits of such a city, except any portion in which  
9 malt beverages are prohibited by KRS chapter 242 from  
10 being sold.

11 (3) Notwithstanding subsections (1) and (2):

12 (a) The hours so fixed by the legislative body of a  
13 city of the first, second or third class, and by fiscal  
14 courts, shall not prohibit the sale, gift or delivery of  
15 any malt beverages between 6 a.m. and midnight during  
16 week days; and

17 (b) No malt beverages shall be sold on any election  
18 day while the polls are still open.

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BEVERAGE CONTROL

CITY OF SHIVELY KENTUCKY

ORDINANCE NO. 12

SERIES OF 1982

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ALCOHOLIC  
BEVERAGE CONTROL  
LOUISVILLE, KY.  
JUL 21 1 14 PM '82

AN ORDINANCE ESTABLISHING OPERATING HOURS FOR PREMISES SELLING DISTILLED SPIRITS AND WINE BY THE DRINK AND ESTABLISHING A LICENSE FEE FOR A SUNDAY SALES LICENSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SHIVELY, KENTUCKY, AS FOLLOWS:

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ALCOHOLIC  
BEVERAGE CONTROL  
LOUISVILLE, KY.  
JUL 26 10 24 PM '82

SECTION 1. Pursuant to the provisions of KRS 244.290, premises licensed to sell distilled spirits and wine by the drink in the City of Shively, Kentucky, shall be allowed to remain open for such purposes from 8:00 A.M. on Monday through Saturday until 4:00 A.M. on the succeeding day.

SECTION 2. Upon obtaining a special Sunday sales license, the fee for which shall be \$300.00 per annum, hotels, motels and restaurants which are otherwise licensed for the retail sale of distilled spirits and wine by the drink and which have dining facilities with a minimum seating capacity of one hundred (100) people at tables and which receive at least fifty percent (50%) or more of their gross annual income from their dining facilities by the sale of food may permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 P.M. until the following Monday at 2:00 A.M.

SECTION 3. This ordinance shall be effective upon its passage and publication.

INTRODUCED BY:

Fred J. Obermair

First Reading July 12, 1982

Second Reading July 19, 1982

ADOPTED AND APPROVED:

John W. Burks  
MAYOR

John H. Haywood Jr.  
CITY CLERK

I certify that this is a signed copy  
of Ordinance #12 signed by the  
Mayor.

James H. Oak

FREE CONFERENCE COMMITTEE REPORT

SENATE BILL 348

HOUSE BILL \_\_\_\_\_

The free conference committee has met as provided in the rules of the House and the Senate and hereby reports the following to be adopted:

*Met and agreed unanimously on the attached*

Direct the clerk, on enrollment, to make appropriate section number changes to conform with this report.

SENATE MEMBERS

*William L. Dawson*  
*Henry M. Powers*  
*Danny Meyer*

HOUSE MEMBERS

*Charles O. Petter*  
*Terry L. Mann*  
*Frank Smith*

The above-named members, in separate votes by house, all concur in the provisions of this report.

*1 p.m.*  
(time)

*March 31, 1982*  
(date)