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St. Matthews, KY Code of Ordinances

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

General Provisions

- 111.01 Short title, definitions
- 111.02 (Reserved)
- 111.03 (Reserved)
- 111.04 Revocation of licenses
- 111.05 License nontransferable
- 111.06 Licensee to purchase license
- 111.07 License not assignable
- 111.08 (Reserved)
- 111.09 License not issuable to a private residence
- 111.10 Presumptions of possession for sale when spirits outside after hours
- 111.11 Expiration
- 111.12 (Reserved)
- 111.13 Issuance of temporary license
- 111.14 Transfer of license
- 111.15 Conditions for grant of licenses
- 111.16 (Reserved)
- 111.17 Money received goes to general fund
- 111.18 Effect of delinquent taxes
- 111.19 Lost or destroyed licenses
- 111.20 Revocation or suspension of licenses
- 111.21 Adoption of state law
- 111.22 License fees in addition to other taxes
- 111.23 Licensing and sale of alcoholic beverages
- 111.24 Sunday sales
- 111.25 Special hours license

Sale to Minors

- 111.30 Minor not to enter premises
- 111.31 Minor not to purchase alcoholic beverages
- 111.32 Minor misrepresenting age
- 111.33 Parent or guardian not to allow violation
- 111.34 State law unaffected
- 111.35 Warning to be displayed

Hours of Operation

- 111.40 Hours of business
- 111.41 (Reserved)

- 111.99 Penalty

Cross-reference:

Alcoholic beverage control administrator, see § 31.17

GENERAL PROVISIONS**§ 111.01 SHORT TITLE, DEFINITIONS.**

(A) This chapter shall be known and may be cited and referred to as the St. Matthews ABC Ordinance.

(B) Word or words, phrases, or terms not specifically defined whenever used in this chapter, unless the context requires otherwise, shall have the same meaning as set out in the Kentucky Alcoholic Beverage Control Law, KRS, Chapter 243.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.02 (RESERVED).**§ 111.03 (RESERVED).****§ 111.04 REVOCATION OF LICENSES.**

Any license issued under this chapter may be revoked by the City ABC Administrator for violation of any provisions of the Kentucky Alcoholic Beverage Control Law and may be revoked for violation of the provisions of this chapter.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.05 LICENSE NONTRANSFERABLE.

No license to sell distilled spirits under this chapter shall be transferable either as to licensee or location except as provided in KRS Chapter 243.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.06 LICENSEE TO PURCHASE LICENSE.

The license tax for every license issued under this chapter shall be payable by the person making application for the license and to whom the license is issued, 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 license, the tax of which was paid by another, and also the revocation of the license, if any, of the person, firm, or corporation paying for the license of another.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.07 LICENSE NOT ASSIGNABLE.

No assignment of any license issued under this chapter shall be made except by order of any court of competent jurisdiction and with the approval of the city council.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.08 (RESERVED).**§ 111.09 LICENSE NOT ISSUABLE TO A PRIVATE RESIDENCE.**

No license or permit shall be issued to dispense alcoholic beverages from any home or private residence.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.10 PRESUMPTION OF POSSESSION FOR SALE WHEN SPIRITS OUTSIDE AFTER HOURS.

If any distilled spirits are found on the outside of a locked or closed off department of any premises licensed to sell distilled spirits at retail during any hours when the licensee is prohibited by state law from selling distilled spirits, a prima facie presumption shall arise that the distilled spirits were kept on the outside of the locked or closed off department for the purpose of sale in violation of this chapter and state law. This violation shall be grounds for revocation or suspension of the license and in addition to other penalties provided for the violation of this section a city police officer or Alcoholic Beverage Control Administrator shall be authorized to confiscate and destroy any and all distilled spirits.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.11 EXPIRATION.

(A) All city licenses, except special temporary licenses, shall begin on November 1 of any year and shall be valid for a period of no more than one year expiring on October 31 of the following year, and shall begin and end on the dates specified by the Department of Alcoholic Beverage Control Administrative Regulations for the city. Any licenses issued after December 31 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than 1/2 the amount of the full fee for an annual license of that type. When any person applies for a new license authorized by KRS Chapters 241 to 244 and he or she shall be charged, if the license is issued, the full fee for the respective license if 6 months or more remain before the license is due to be renewed and 1/2 the fee if less than 6 months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

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

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.12 (RESERVED).

§ 111.13 ISSUANCE OF TEMPORARY LICENSE.

(A) The City ABC Administrator may, in his or her discretion, grant a temporary license for the sale of malt beverages by the drink, the fee for which shall be \$12.50.

(B) Special temporary licenses. A special temporary distilled spirits and wine license or a special temporary wine license may be issued only as set out in KRS 243.260. This license shall authorize the licensee to exercise the privileges of a quota retail drink license and an NQ4 retail malt beverage license at designated premises for a specified and limited time, not to exceed 30 days and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink license or an NQ4 retail malt beverage drink license shall apply to a special temporary license.

(C) A nonprofit organization holding a retail malt beverage license, such organization may be issued a distilled spirits and wine special temporary license or a special temporary wine license to sell distilled spirits and wine by the drink on the licensed premises, in conjunction with any public or private event, for a specified and limited time, not to exceed 10 days. A malt beverage temporary license may be issued only as set out in KRS 243.290 and is subject to all conditions and regulations provided at the issuance of the license.

(D) Private club license. A special private club license may be issued only as authorized in KRS 243.270 to a nonprofit social, fraternal, military, or political organization or club, which for more than 1 year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. The privileges of the license shall be exercised only on premises where the general public is excluded.

(E) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed 10 days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, receptions, reunions, or similar occasions.

(F) Special license required for Sunday sales. No licensee shall offer alcoholic beverages for sale at any time between 12:00 midnight on Sunday and 6:00 a.m. on Monday unless the licensee shall have obtained a special license for Sunday sales.

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

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.14 TRANSFER OF LICENSE.

The unexpired term of the license of any retail dealer in malt beverages may be transferred with the assent and permission of the City Alcoholic Beverage Control Administrator which permission shall be endorsed upon the license. A payment of \$10 shall be made by the applicant to the city.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.15 CONDITIONS FOR GRANT OF LICENSES.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of other applicable ordinances and regulations of the City.

(A) Every applicant procuring a license consents to the entry by the Chief of Police, the Mayor, or Alcoholic Beverage Control (ABC) Administrator or any city Police Officer at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles which are had in violation of the ordinances of the city and state or federal law and consents to the introduction of these things and articles in any hearing or prosecution that may be brought for the offense.

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

(C) Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance, or alarm, or create a risk through:

- (1) Engaging in fighting or in violent, tumultuous, or threatening behavior;
- (2) Making unreasonable noise;
- (3) Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency;
- (4) Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;
- (5) Creating a public nuisance which is further defined by KRS 241.010(43);
- (6) Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or
- (7) Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or local government, or by state administrative regulations for the licensed premises.

(Ord. 6, passed 5-11-54; amend. Ord. 2, passed 2-14-78; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 04-05, passed 10-12-04; amend. Ord. 13-05, passed 10-22-13; Am. Ord. 16-06, passed 7-26-16) Penalty, see § 111.99

§ 111.16 (RESERVED).

§ 111.17 MONEY RECEIVED GOES TO GENERAL FUND.

All money received by the City Alcoholic Beverage Control Administrator shall be deposited to the general fund of the city.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.18 EFFECT OF DELINQUENT TAXES.

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 or license fees due the city at the time of issuing the license. No license shall 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 the city.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.19 LOST OR DESTROYED LICENSES.

When a license is lost or destroyed without fault on the part of the holder of the license or his or her agent or employee a duplicate in lieu of the original license shall be issued by the City Alcoholic Beverage Control Administrator after the Alcoholic Beverage Control Administrator is satisfied as to the facts. The person applying for the duplicate license shall pay a fee of \$10 for the duplicate.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.20 REVOCATION OR SUSPENSION OF LICENSE.

A violation of any of the provisions of this chapter or any supplementary or amendatory ordinance, by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. Whenever any licensee violates any provisions of any statute or ordinance relating to alcoholic control, a proceeding for the revocation of the licenses may be instituted in the manner and under the procedure established by state law and the city council is empowered to revoke or suspend any license issued under this chapter upon the conviction of the licensee of any violation of this chapter, or any law, rule, or regulation set out in KRS Chapter 243.

(Ord. 6, passed 5-11-54; amend. Ord. 13-05, passed 10-22-13)

§ 111.21 ADOPTING OF STATE LAW.

The provisions of the Alcoholic Beverage Control Law KRS Chapter 243, are adopted as far as applicable as a portion of this chapter, except as otherwise lawfully provided.

(Ord. 6, passed 5-11-54; Am. Ord. 13-05, passed 10-22-13)

§ 111.22 LICENSE FEES IN ADDITION TO OTHER TAXES.

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

(Ord. 6, passed 5-11-54; Am. Ord. 13-05, passed 10-22-13)

§ 111.23 LICENSING AND SALE OF ALCOHOLIC BEVERAGES.

(A) No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale purchase, transporting, or other traffic in alcoholic beverages in the city unless he/she/it holds the kind of license that authorizes such act issued by the City Alcoholic Beverage Control (ABC) Administrator or in his or her unavailability, the designee of the Mayor. Only those licenses set out in this section shall be issued by the city, the fees for which shall be as set forth herein, and subject to the limitations set out in KRS 243.070.

(B) Distilled spirit licenses as set forth in KRS 243.030 and KRS 243.070:

- | | | |
|--|---------|---------|
| (1) Distiller's license, per annum | \$500 | |
| (2) Rectifier's license, per annum | \$1,500 | |
| (3) Wholesaler's distilled spirits and wine license, per annum | | \$1,500 |
| (4) Quota retail package license, per annum | \$1,100 | |

(C) Quota retail drink license per annum \$1,000

(D) Special temporary license, per event \$175

(E) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum \$1,200

(F) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum \$1,200

(G) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum \$300

(H) Distilled spirits and wine special temporary auction license, per event \$200

(I) Special Sunday retail license, per annum \$250

(J) Special hours supplemental license, per annum \$100

(K) Caterer's license, per annum \$800

(L) Bottling house or bottling house storage license, per annum \$1,000

(M) Malt beverage licenses as follows:

- | | | |
|---|-------|-------|
| (1) Brewer's license, per annum | \$500 | |
| (2) Microbrewery license, per annum | \$500 | |
| (3) Malt beverage distributor's license, per annum | \$200 | |
| (4) Nonquota retail malt beverage package license, per annum | | \$200 |
| (5) Nonquota type 4 retail malt beverage drink license, per annum | | \$200 |
| (6) Malt beverage brew-on-premises license, per annum | | \$100 |

(N) Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum \$1,200

(O) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum \$1,200

(P) The fee for the following license types may not be increased by more than 5% above the January 1, 2013, fee for the current license or the former license type listed beside it during any 5-year period. The fees for the licenses described in this subsection are still subject to the maximum amounts listed for those licenses in subsections (2) to (15) of this section:

- (1) Quota retail package license: retail package liquor licenses;
- (2) Quota retail drink license: retail drink license;
- (3) Nonquota type 1 retail drink license: convention center or convention hotel complex license;
- (4) Nonquota type 2 retail drink license: restaurant drink licenses;
- (5) Nonquota retail malt beverage package license: retail malt beverage license;
- (6) Nonquota type 4 retail malt beverage drink license: retail malt beverage license;
- (7) Limited restaurant; and
- (8) Limited golf course license.

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

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

(Ord. 7, passed 4-14-81; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 13-05, passed 10-22-13; Am. Ord. 16-06, passed 7-26-16) Penalty, see § 111.99

§ 111.24 SUNDAY SALES.

(A) In addition to those licenses authorized by § 111.23, the Alcoholic Beverage Control Administrator shall issue a special Sunday retail license to any person who holds a license to sell at retail, liquor and wine and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, on payment in advance to the Alcoholic Beverage Control Administrator.

(B) Sales of alcoholic beverages on Sunday pursuant to the license granted under division (A) hereof shall permit the sale of distilled spirits and wine by hotels, motels, and restaurants which are 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 in accordance with KRS 244.290.

(Ord. 6, passed 7-27-82; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 13-05, passed 10-22-13; Am. Ord. 16-06, passed 7-26-16) Penalty, see § 111.99

§ 111.25 SPECIAL HOURS LICENSE.

(A) The City 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 as prescribed in § 111.23.

(B) The City 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 of the sum of \$50.

(Ord. 3-1984, passed 2-14-84; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 13-05, passed 10-22-13)

SALE TO MINORS

§ 111.30 MINOR NOT TO ENTER PREMISES.

It shall be unlawful for any minor who is between 18 and 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her any alcoholic beverages.

(Ord. 3, passed 1-22-57; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.31 MINOR NOT TO PURCHASE ALCOHOLIC BEVERAGES.

It shall be unlawful for a minor who is between 18 and 21 years of age to purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages at any premises licensed for the sale of alcoholic beverages.

(Ord. 3, passed 1-22-57; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.32 MINOR MISREPRESENTING AGE.

It shall be unlawful for any minor who is between 18 and 21 years of age to misrepresent his or her age for the purpose of inducing any retail licensee, or any employee of any retail licensee, to sell or serve any alcoholic beverages to him or her.

(Ord. 3, passed 1-22-57; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.33 PARENT OR GUARDIAN NOT TO ALLOW VIOLATION.

It shall be unlawful for any parent or guardian intentionally to permit any child who is between 18 and 21 years of age, of whom he or she may be the parent or guardian, to violate any provision or provisions of this chapter.

(Ord. 3, passed 1-22-57; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.34 STATE LAW UNAFFECTED.

Nothing in this chapter shall excuse or relieve the owner, proprietor, employee, or person in charge of any licensed premises in the city where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of state law relating to violations pertaining to alcoholic beverages.

(Ord. 3, passed 1-22-57; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

§ 111.35 WARNING TO BE DISPLAYED.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card which shall read substantially as follows: "WARNING TO MINORS: You are subject to a fine up to \$200 under the ordinances of the City of St. Matthews, if you purchase alcoholic beverages or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages."

(Ord. 3, passed 1-22-57; amend. Ord. 13-05, passed 10-22-13) Penalty, see § 111.99

HOURS OF OPERATION**§ 111.40 HOURS OF BUSINESS.****(A) Spirits; hours of sale.**

(1) Retail package distilled spirits and wine. The lawful operating hours for a license to sell, permit to be sold, or deliver distilled spirits or wine are as follows:

(a) Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. the following day; and

(b) Between the hours of 1:00 p.m. and 11:59 p.m. on Sunday, if the licensee obtains a special Sunday retail license; and

(c) Between the hours of 2:00 a.m. and 4:00 a.m. Tuesday through Sunday if the licensee obtains a special hours license.

(2) Retail drink distilled spirits and wine. The lawful operating hours for a licensee to sell, serve, or permit the consumption of distilled spirits or wine are as follows:

(a) Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. the following day; and

(b) Between the hours of 1:00 p.m. and 11:59 p.m. on Sunday, if the licensee obtains a special Sunday retail license. The licensee can also be eligible to begin Sunday sales at 10:00 a.m., but only if the licensee additionally obtains a special hour license; and

(c) Between the hours of 2:00 a.m. and 4:00 a.m. Tuesday through Sunday if the licensee obtains a special hours license.

(B) Beer; hours of sale.

(1) Retail malt beverage package. The lawful operating hours for a licensee to sell, permit to be sold, or deliver malt beverages are as follows:

(a) Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. the following day; and

(b) Between the hours of 1:00 p.m. and 11:59 p.m. on Sunday, if the licensee obtains a special Sunday retail license; and

(c) Between the hours of 2:00 a.m. and 4:00 a.m. Tuesday through Sunday if the licensee obtains a special hours license.

(2) Retail malt beverage drink. The lawful operating hours for a licensee to sell, serve or permit the consumption of malt beverages are as follows:

(a) Monday through Saturday between the hours of 6:00 a.m. and 2:00 a.m. the following day; and

(b) Between the hours of 1:00 p.m. and 11:59 p.m. on Sunday, if the licensee obtains a special Sunday retail license. The licensee can also be eligible to begin Sunday sales at 10:00 a.m., but only if the licensee additionally obtains a special hours license; and

(c) Between the hours of 2:00 a.m. and 4:00 a.m. Tuesday through Sunday if the licensee obtains a special hours license.

(Ord. 24, passed 10-14-75; amend. Ord. 3-1984, passed 2-14-84; amend. Ord. 05-03, passed 8-23-05; amend. Ord. 13-05, passed 10-22-13; Am. Ord. 16-06, passed 7-26-16) Penalty, see § 111.99

§ 111.41 (RESERVED).

§ 111.99 PENALTY.

(A) It shall be a criminal offense for any person, firm, or corporation to engage in the trafficking in alcoholic beverages as that term is defined in KRS Chapter 243, without first paying to the city the license taxes required by §§ 111.01 through 111.22 and 111.24, and without first obtaining the license required by these sections. A violator shall be punished as follows:

(1) For a violation of any of the provisions enacted by reference, penalties shall be the same as provided by KRS Chapter 243.

(2) If any person, firm, or corporation shall sell alcoholic liquor or beverages within the city limits without first procuring the necessary licenses, he or she shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$100 and costs, or in lieu of such fine be imprisoned in the county jail for not more than 6 months. Each sale without a license shall constitute a separate offense. In case of punishment by fine, unless the costs and fine be paid forthwith, the person convicted under these sections shall be committed to the county jail until the fines and costs shall be paid or until the fines and costs have been discharged by due course of law. In case of a second or subsequent conviction during any license year, the punishment shall be both fine and imprisonment.

(B) Any person who shall be adjudged guilty of the violation of §§ 111.30 through 111.35, shall be guilty of a violation and shall be fined not less than \$10 or more than \$200 for each and every offense.

(C) Any person, firm, or corporation who violates the provisions of § 111.41 shall, upon conviction, be subjected to the penalties prescribed by KRS Chapter 243 and 244.

(D) Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of § 111.23 for which no other penalty is provided, shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned in the county jail for not more than 6 months, or both; and for the second and each subsequent violation, he or she shall be guilty of a misdemeanor and shall be fined not less than \$200 nor more than \$500, or be imprisoned in the county jail for not more than 6 months, or both. Each sale in violation of § 111.23 shall constitute a separate offense. Penalties provided for herein shall be in addition to the revocation or suspension of the offender's license.

(E) Any person violating any provision of § 111.40 shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned not more than 6 months, or both; and for the second and each subsequent violation, shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than 6 months, or both.

(F) Each day upon which a violation of the requirements of this chapter occurs or exists shall be deemed a separate offense for which a separate fine or penalty may be imposed.

(Ord. 7, passed 4-14-81; amend. Ord. 3-1984, passed 2-14-84; amend. Ord. 13-05, passed 10-22-13)

CITY OF ST. MATTHEWS ALCOHOL BEVERAGE ORDINANCE

Section 2:

CHAPTER 111

Section

- 111.01 Short title, definitions
- 111.02 Permit for liquor wholesalers **REPEALED**
- 111.03 Permit for liquor retailers **REPEALED**
- 111.04 Revocation of licenses
- 111.05 License nontransferable
- 111.06 Licensee to purchase license
- 111.07 License not assignable
- 111.08 (Reserved)
- 111.09 License not issuable to a private residence
- 111.10 Presumptions of possession for sale when spirits outside after hours
- 111.11 Expiration
- 111.12 License fees for the sale of malt beverages **REPEALED**
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- 111.14 Transfer of license
- 111.15 Conditions for grant of licenses
- 111.16 Licenses issued only upon approval of board of trustees **REPEALED**
- 111.17 Money received goes to general fund
- 111.18 Effect of delinquent taxes
- 111.19 Lost or destroyed licenses
- 111.20 Revocation or suspension of licenses
- 111.21 Adoption of state law
- 111.22 License fees in addition to other taxes
- 111.23 Licensing and sale of alcoholic beverages
- 111.24 Sunday sales
- 111.25 Special hours license

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- 111.30 Minor not to enter premises
- 111.31 Minor not to purchase alcoholic beverages
- 111.32 Minor misrepresenting age
- 111.33 Parent or guardian not to allow violation
- 111.34 State law unaffected
- 111.35 Warning to be displayed

Hours of Operation

- 111.40 Hours of business
- 111.41 No sale of liquor on election days **REPEALED**

MISCELLANEOUS

111.45 Effective date
111.50 Severability

111.99 Penalty

§ 111.01 SHORT TITLE, DEFINITIONS.

(A) This chapter shall be known and may be cited and referred to as the St. Matthews ABC Ordinance.

(B) Word or words, phrases or terms not specifically defined whenever used in this chapter, unless the context requires otherwise, shall have the same meaning as set out in the Kentucky Alcoholic Beverage Control Law, KRS, Chapter 243.
(Ord. 6, passed 5-11-54)

§ 111.02 PERMIT FOR LIQUOR WHOLESALERS. REPEALED

§ 111.03 PERMIT FOR LIQUOR RETAILERS. REPEALED

§ 111.04 REVOCATION OF LICENSES.

Any license issued under this chapter may be revoked by the City ABC Administrator for violation of any provisions of the Kentucky Alcoholic Beverage Control Law and may be revoked for violation of the provisions of this chapter. (Ord. 6, passed 5-11-54)

§ 111.05 LICENSE NONTRANSFERABLE.

No license to sell distilled spirits under this chapter shall be transferable either as to licensee or location except as provided in KRS Chapter 243.

§ 111.06 LICENSEE TO PURCHASE LICENSE.

The license tax for every license issued under this chapter shall be payable by the person making application for the license and to whom the license is issued, 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 license, the tax of which was paid by another, and also the revocation of the license, if any, of the person, firm, or corporation paying for the license of another.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.07 LICENSE NOT ASSIGNABLE.

No assignment of any license issued under this chapter shall be made except by order of any court of competent jurisdiction and with the approval of the City Council.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.08 RESERVED

§ 111.09 No license or permit shall be issued to dispense alcoholic beverages from any home or private residence.

§ 111.10 PRESUMPTION OF POSSESSION FOR SALE WHEN SPIRITS OUTSIDE AFTER HOURS.

If any distilled spirits are found on the outside of a locked or closed off department of any premises licensed to sell distilled spirits at retail during any hours when the licensee is prohibited by state law from selling distilled spirits, a prima facie presumption shall arise that the distilled spirits were kept on the outside of the locked or closed off department for the purpose of sale in violation of this chapter and state law. This violation shall be grounds for revocation or suspension of the license and in addition to other penalties provided for the violation of this section a City police officer or Alcoholic Beverage Control Administrator shall be authorized to confiscate and destroy any and all distilled spirits. (Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.11 EXPIRATION.

- (a) All City licenses, except special temporary licenses, shall begin on November 1 of any year and shall be valid for a period of no more than one year expiring on October 31 of the following year, and shall begin and end on the dates specified by the Department of Alcoholic Beverage Control Administrative Regulations for the City of St. Matthews. Any licenses issued after December 31 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half (1/2) the amount of the full fee for an annual license of that type. When any person applies for a new license authorized by KRS Chapter 241 to 244 and he or she shall be charged, if the license is issued, the full fee for the respective license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remain before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.
- (b) The renewal by the City of St. Matthews of the certificate or permit of any alcoholic beverage license shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

§ 111.12 LICENSE FEES FOR THE SALE OF MALT BEVERAGES. **REPEALED**

§ 111.13 ISSUANCE OF TEMPORARY LICENSE.

- (a) The City ABC Administrator may, in his/her discretion, grant a temporary license for the sale of malt beverages by the drink, the fee for which shall be \$12.50.
- (b) Special Temporary licenses. A special temporary distilled spirits and wine license or a special temporary wine license may be issued only as set out in KRS. 243.260. This license shall authorize the licensee to exercise the privileges of a quota retail drink license and an NQ4 retail malt beverage license at designated premises for a specified and limited time, not to exceed thirty (30) days and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink license or an NQ4 retail

malt beverage drink license shall apply to a special temporary license.

- (c) A nonprofit organization holding a retail malt beverage license, such organization may be issued a distilled spirits and wine special temporary license or a special temporary wine license to sell distilled spirits and wine by the drink on the licensed premises, in conjunction with any public or private event, for a specified and limited time, not to exceed ten (10) days. A malt beverage temporary license maybe issued only as set out in KRS 243.290 and is subject to all conditions and regulations provided at the issuance of the license.
- (d) Private club license. A special private club license may be issued only as authorized in KRS 243.270 to a nonprofit social, fraternal, military, or political organization or club, which for more than one (1) year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. The privileges of the license shall be exercised only on premises where the general public is excluded.
- (e) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, receptions, reunions, or similar occasions.
- (f) Special license required for Sunday sales. No licensee shall offer alcoholic beverages for sale at any time between 12:00 midnight on Sunday and 6:00 a.m. on Monday unless the licensee shall have obtained a special license for Sunday sales.
- (g) All restrictions and prohibitions applying to regular retail drink distilled spirits and wine licenses and retail malt beverage licenses shall apply to the special licenses, unless otherwise provided by law.

§ 111.14 TRANSFER OF LICENSE.

The unexpired term of the license of any retail dealer in malt beverages may be transferred with the assent and permission of the City Alcoholic Beverage Control Administrator which permission shall be endorsed upon the license. A payment of \$10.00 shall be made by the applicant to the City.

§ 111.15 CONDITIONS FOR GRANT OF LICENSES.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other *conditions of other applicable ordinances and regulations of the City.*

- (A) Every applicant procuring a license consents to the entry by the Chief of Police , the Mayor, or Alcoholic Beverage Control (ABC) Administrator or any City of St. Matthews Police Officer at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles which are had in violation of the ordinances of the City and state or federal law and consents to the introduction of these things and articles in any hearing or prosecution that may be brought for the offense.
- (B) A retail licensee, a patron, or the licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed premises to be disorderly.

(C) Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance, or alarm, or create a risk through:

- a. Engaging in fighting or in violent, tumultuous, or threatening behavior;
- b. Making unreasonable noise;
- c. Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire, hazard, or other emergency;
- d. Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;
- e. Creating a public nuisance which is further defined by KRS 241.010 (39);
- f. Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor; or
- g. Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or local government, or by state administrative regulations for the licensed premises.

(D) No retail package license shall be granted or issued to any licensee who proposes to sell *distilled spirits and wine by the package* at a location within seven hundred (700) feet of the location of any similar establishment.

(E) The distance between locations of similar establishments as prescribed by this section shall be measured by following the shortest route of ordinary pedestrian travel along public thoroughfares from the nearest point of any present location of any similar place of business to the nearest point of any proposed location of any such place of business. The measurement shall be taken from the entrance of the existing licensed premises to the entrance of any proposed location (front door to front door).

(F) The location of all establishments licensed to sell at retail distilled spirits by the package or by the drink, or both, on June 17, 1954, shall not be affected by the terms of this section and this section shall not apply to existing licensed locations or to the renewal of licenses therefor, or to transfers thereof. The distance limitation prescribed by this section shall not affect any existing licensed location, nor the right of the owner thereof to renew or transfer the license for such location. The location of any such existing license shall not be transferred to a new location in violation of this section, except that the location of any presently existing license or renewal thereof in case of destruction of property or loss of lease through failure of the landlord to renew such lease may be transferred to a location which is not closer than half the distance between the existing licensed premises and the nearest similar licensed premises.

§ 111.16 LICENSES ISSUED ONLY UPON APPROVAL OF BOARD OF TRUSTEES.
REPEALED

§ 111.17 MONEY RECEIVED GOES TO GENERAL FUND.

All money received by the City Alcoholic Beverage Control Administrator shall be deposited to the general fund of the City. (Ord. 6, passed 5-11-54)

§ 111.18 EFFECT OF DELINQUENT TAXES.

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 or license fees due the City at the time of issuing the license.

No license shall 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 the City.
(Ord. 6, passed 5-11-54)

§ 111.19 LOST OR DESTROYED LICENSES.

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 City Alcoholic Beverage Control Administrator after the Alcoholic Beverage Control Administrator is satisfied as to the facts. The person applying for the duplicate license shall pay a fee of \$10.00 for the duplicate.
(Ord. 6, passed 5-11-54)

§ 111.20 REVOCATION OR SUSPENSION OF LICENSE.

A violation of any of the provisions of this chapter or any supplementary or amendatory ordinance, by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. Whenever any licensee violates any provisions of any statute or ordinance relating to alcoholic control, a proceeding for the revocation of the licenses may be instituted in the manner and under the procedure established by state law and the City Council is empowered to revoke or suspend any license issued under this chapter upon the conviction of the licensee of any violation of this chapter, or any law, rule, or regulation set out in KRS Chapter 243.
(Ord. 6, passed 5-11-54)

§ 111.21 ADOPTING OF STATE LAW.

The provisions of the Alcoholic Beverage Control Law KRS Chapter 243, are adopted as far as applicable as a portion of this chapter, except as otherwise lawfully provided.
(Ord. 6, passed 5-11-54)

§ 111.22 LICENSE FEES IN ADDITION TO OTHER TAXES.

All license fees herein provided are in addition to ad valorem taxes and all other taxes provided for by law or by ordinance.
(Ord. 6, passed 5-11-54)

§ 111.23 LICENSING AND SALE OF ALCOHOLIC BEVERAGES

(1) No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale purchase, transporting, or other traffic in alcoholic beverages in the City unless he/she/it holds the kind of license that authorizes such act issued by the City Alcoholic Beverage Control (ABC) Administrator or in his or her unavailability, the designee of the Mayor. Only those licenses set out in this section shall be issued by the City, the fees for which shall be as set forth herein, and subject to the limitations set out in KRS 243.070.

(2) Distilled spirit licenses as set forth in KRS 243.030 and KRS 243.070:

- a. Distiller's license, per annum \$ 500.00
 - b. Rectifier's license, per annum \$1,500.00
 - c. Wholesaler's distilled spirits and wine license, per annum..... \$1,500.00
 - d. Quota retail package license, per annum..... \$1,100.00
- (3) Quota retail drink license per annum..... \$1,000.00
- (4) Special temporary license, per event..... \$ 175.00
- (5) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum..... \$1,000.00
- (6) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum..... \$1,000.00
- 7) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum.....\$300.00
- (8) Distilled spirits and wine special temporary auction license, per event.....\$200.00
- (9) Special Sunday retail drink license, per annum.....\$ 250.00
- (10) Extended hours supplemental license, per annum..... \$ 100.00
- (11) Caterer's license, per annum.....\$ 800.00
- (12) Bottling house or bottling house storage license, per annum... \$1,000.00
- (13) 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..... \$200.00
 - d. Nonquota retail malt beverage package license, per annum.....\$200.00
 - e. Nonquota type 4 retail malt beverage drink license, per annum..... \$200.00
 - f. Malt beverage brew-on-premises license, per annum..... \$100.00
- (14) Limited restaurant license (includes distilled spirits, wine, and malt beverages, Per annum..... \$1,200.00
- (15) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum..... \$1,200.00
- (16) The fee for the following license types may not be increased by more than five percent (5%) above the January 1, 2013, fee for the current license or the former license type listed beside it during any five (5) year period. The fees for the licenses described in this subsection are still subject to the maximum amounts listed for those licenses in subsections (2) to (15) of this section:
- a. Quota retail package license: retail package liquor licenses;
 - b. Quota retail drink license: retail drink License;
 - c. Nonquota type 1 retail drink license: convention center or convention hotel

- complex license;
 - d. Nonquota type 2 retail drink license: restaurant drink licenses;
 - e. Nonquota retail malt beverage package license: retail malt beverage license;
 - f. Nonquota type 4 retail malt beverage drink license: retail malt beverage license;
 - g. Limited restaurant; and
 - h. Limited golf course license.
- (17) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.
- (18) The holder of a nonquota retail malt beverage package license may obtain a nonquota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of fifty dollars (\$50).

§ 111.24 SUNDAY SALES.

- (A) In addition to those licenses authorized by § 111.23, the Alcoholic Beverage Control Administrator shall issue a special Sunday retail drink license to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, on payment in advance to the Alcoholic Beverage Control Administrator.
- (B) Sales of alcoholic beverages on Sunday pursuant to the license granted under division (A) hereof shall permit the sale of distilled spirits and wine by hotels, motels, and restaurants which are 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 in accordance with KRS 244.290.

§ 111.25 SPECIAL HOURS LICENSE.

- (A) The City 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 as prescribed in 111.23.
- (B) The City 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 of the sum of \$50.00 .

SALE TO MINORS

§ 111.30 MINOR NOT TO ENTER PREMISES.

It shall be unlawful for any minor who is between 18 and 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her any alcoholic beverages.

§ 111.31 MINOR NOT TO PURCHASE ALCOHOLIC BEVERAGES.

It shall be unlawful for a minor who is between 18 and 21 years of age to purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages at any premises licensed for the sale of alcoholic beverages.

§ 111.32 MINOR MISREPRESENTING AGE.

It shall be unlawful for any minor who is between 18 and 21 years of age to misrepresent his or her age for the purpose of inducing any retail licensee, or any employee of any retail licensee, to sell or serve any alcoholic beverages to him or her.

§ 111.33 PARENT OR GUARDIAN NOT TO ALLOW VIOLATION.

It shall be unlawful for any parent or guardian intentionally to permit any child who is between 18 and 21 years of age, of whom he or she may be the parent or guardian, to violate any provision or provisions of this chapter.

§ 111.34 STATE LAW UNAFFECTED.

Nothing in this chapter shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises in the City where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of state law relating to violations pertaining to alcoholic beverages.

§ 111.35 WARNING TO BE DISPLAYED.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card which shall read substantially as follows: "WARNING TO MINORS: You are subject to a fine up to \$200 under the ordinances of the City of St. Matthews, if you purchase alcoholic beverages or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages."

HOURS OF OPERATION

§ 111.40 HOURS OF BUSINESS.

- (A) 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 these 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 1:00 p.m. on Sunday or the hours of 9:00 p.m. on Sunday and 6:00 a.m. Monday.
- (B) 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 these 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 1:00 p.m. Sunday.
- (C) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of malt beverages indicated in divisions (A) and (B) above, shall be the hours of 4:00 a.m. and 6:00 a.m. for the Monday before the first Saturday in May of each year, through 4:00 a.m. of the following Sunday.
- (D) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of malt beverages indicated in divisions (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 divisions (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 1:00 p.m. Sunday, upon issuance of a special hours license as set forth in § 111.25.
- (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 § 111.25.

§ 111.41 NO SALE OF LIQUOR ON ELECTION DAYS. REPEALED.

MISCELLANEOUS

§ 111.45 EFFECTIVE DATE

This ordinance is effective upon its adoption by the City Council and publication as required by law.

§ 111.50 SEVERABILITY.

If any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance is declared illegal or unconstitutional or otherwise invalid, or unenforceable, such declaration shall not affect the remaining portions hereof.

§ 111.99 PENALTY.

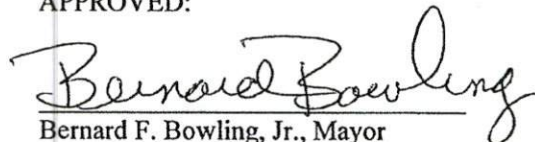
- (A) It shall be a criminal offense for any person, firm, or corporation to engage in the trafficking in alcoholic beverages as that term is defined in KRS Chapter 243 without first paying to the City the license taxes required by §§111.01 through 111.22 and 111.24, and without first obtaining the license required by these sections shall be punished as follows:
 - (1) For a violation of any of the provisions enacted by reference, penalties shall be the same as provided by KRS Chapter 243.
 - (2) If any person, firm, or corporation shall sell alcoholic liquor or beverages within the City limits without first procuring the necessary licenses, he shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$100 and costs, or in lieu of such fine be imprisoned in the county jail for not more than 6 months. Each sale without a license shall constitute a separate offense. In case of punishment by fine, unless the costs and fine be paid forthwith, the person convicted under these sections shall be committed to the county jail until the fines and costs shall be paid or until the fines and costs have been

discharged by due course of law. In case of a second or subsequent conviction during any license year, the punishment shall be both fine and imprisonment.

- (B) Any person who shall be adjudged guilty of the violation of §§ 111.30 through 111.35, shall be guilty of a violation and shall be fined not less than \$10 or more than \$200 for each and every offense.
- (C) Any person, firm, or corporation who violates the provisions of § 111.41 shall, upon conviction, be subjected to the penalties prescribed by KRS Chapter 243 and 244.
- (D) Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of § 111.23 for which no other penalty is provided, shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned in the county jail for not more than six months, or both; and for the second and each subsequent violation, he or she shall be guilty of a misdemeanor and shall be fined not less than \$200 nor more than \$500, or be imprisoned in the county jail for not more than six months, or both. Each sale in violation of this ordinance shall constitute a separate offense. Penalties provided for herein shall be in addition to the revocation or suspension of the offender's license.
- (E) Any person violating any provision of § 111.40 shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than six months, or both.
- (F) Each day upon which a violation of the requirements of this Chapter occurs or exists shall be deemed a separate offense for which a separate fine or penalty may be imposed.

Introduced and given first reading on October 8, 2013; Passed and approved October 22, 2013

APPROVED:


Bernard F. Bowling, Jr., Mayor

ATTREST:



Susan Clark, City Clerk

TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: ALCOHOLIC BEVERAGES

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

Liquor and Beer Licenses

- 111.01 Short title, definitions
- 111.02 Permit for liquor wholesalers
- 111.03 Permit for liquor retailers
- 111.04 Revocation of licenses
- 111.05 License nontransferable
- 111.06 Licensee to purchase license
- 111.07 License not assignable
- 111.08 (Reserved)
- 111.09 License not issuable to a private residence
- 111.10 Presumptions of possession for sale when spirits outside after hours
- 111.11 Expiration
- 111.12 License fees for the sale of malt beverages
- 111.13 Issuance of temporary license
- 111.14 Transfer of license
- 111.15 Conditions for grant of licenses
- 111.16 Licenses issued only upon approval of board of trustees
- 111.17 Money received goes to general fund
- 111.18 Effect of delinquent taxes
- 111.19 Lost or destroyed licenses
- 111.20 Revocation or suspension of licenses
- 111.21 Adoption of state law
- 111.22 License fees in addition to other taxes
- 111.23 Licensing and sale of alcoholic beverages
- 111.24 Sunday sales
- 111.25 Special hours license

Sale to Minors

- 111.30 Minor not to enter premises
- 111.31 Minor not to purchase alcoholic beverages
- 111.32 Minor misrepresenting age

111.33 Parent or guardian not to allow violation

111.34 State law unaffected

111.35 Warning to be displayed

Hours of Operation

111.40 Hours of business

111.41 No sale of liquor on election days

111.99 Penalty

LIQUOR AND BEER LICENSES

§ 111.01 SHORT TITLE, DEFINITIONS.

(A) This chapter shall be known and may be cited and referred to as the liquor and beer ordinance of the city.

(B) Word or words, phrases or terms not specifically defined whenever used in this chapter, unless the context requires otherwise, shall have the same meaning as set out in the Kentucky Alcoholic Beverage Control Law, KRS, Chapter 243.

(Ord. 6, passed 5-11-54)

§ 111.02 PERMIT FOR LIQUOR WHOLESALERS.

Every person, firm, or corporation, other than a distiller, manufacturer, or rectifier, who other penalties set out in this chapter for the violation of this section the City Council shall also have the authority to revoke the license issued to the premises.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.03 PERMIT FOR LIQUOR RETAILERS.

(A) Every person, firm, or corporation who sells distilled spirits or wine at retail by the package for consumption off the licensed premises shall pay in advance to the city an annual license fee of \$450.

(B) Every person, firm, or corporation who sells distilled spirits or wine at retail by the drink for consumption on the licensed premises shall pay in advance to the city an annual license fee of \$500.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.04 REVOCATION OF LICENSES.

Any license issued under this chapter may be revoked by the city council for violation of any provisions of the Kentucky Alcoholic Beverage Control Law and may be revoked for violation of the provisions of this chapter.

(Ord. 6, passed 5-11-54)

§ 111.05 LICENSE NONTRANSFERABLE.

No license to sell distilled spirits under this chapter shall be transferable either as to licensee or location except as provided in KRS Chapter 243 and not then until a payment of \$1 shall be made by the applicant to the city as a fee for the transfer.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.06 LICENSEE TO PURCHASE LICENSE.

The license tax for every license issued under this chapter shall be payable by the person making application for the license and to whom the license is issued, 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 license, the tax of which was paid by another, and also the revocation of the license, if any, of the person, firm, or corporation paying for the license of another.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.07 LICENSE NOT ASSIGNABLE.

No assignment of any license issued under this chapter shall be made except by order of any court of competent jurisdiction and with the approval of the city council.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.08 (RESERVED).**§ 111.09 LICENSE NOT ISSUABLE TO A PRIVATE RESIDENCE.**

The city council shall not authorize the issuance, and the city clerk shall not issue any permit or licenses to dispense alcoholic beverages or liquors from any home or private residence.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.10 PRESUMPTION OF POSSESSION FOR SALE WHEN SPIRITS OUTSIDE AFTER HOURS.

If any distilled spirits are found on the outside of a locked or closed off department of any premises licensed to sell distilled spirits at retail during any hours when the licensee is prohibited by state law from selling distilled spirits, a prima facie presumption shall arise that the distilled spirits were kept on the outside of the locked or closed off department for the purpose of sale in violation of this chapter and state law. This violation shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for the violation of this section the chief of police or the city council shall be authorized to confiscate and destroy any and all distilled spirits.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.11 EXPIRATION.

All licenses issued under this chapter shall expire on June 30 of each year and fees shall be due and payable on July 1 annually.

(Ord. 6, passed 5-11-54)

§ 111.12 LICENSE FEES FOR THE SALE OF MALT BEVERAGES.

(A) Every person, firm, or corporation, except those which are exempt from wholesalers license by KRS Chapter 243, who sells at wholesale any malt beverage within the city limits shall pay in advance to the city an annual license fee of \$200.

(B) Every person, firm, or corporation who sells at retail any malt beverage within the city limits for consumption off the licensed premises shall pay to the city an annual license fee of \$50.

(C) Every person, firm, or corporation who sells at retail any malt beverages within the city limits for consumption on the licensed premises shall pay to the city an annual license fee of \$50.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.13 ISSUANCE OF TEMPORARY LICENSE.

The city council may in their discretion grant a temporary license for the sale of malt beverages the fee for which shall be 1/6 of the taxes for a full year's license for each month or part of month for which the temporary license is issued.

(Ord. 6, passed 5-11-54)

§ 111.14 TRANSFER OF LICENSE.

The unexpired term of the license of any retail dealer in malt beverages may be transferred with the assent and permission of the city council which permission shall be endorsed upon the license by the mayor. A payment of 5% of the original cost of the license shall be made by the applicant to the city plus a \$.50 permit fee, as a fee for the transfer.

(Ord. 6, passed 5-11-54)

§ 111.15 CONDITIONS FOR GRANT OF LICENSES.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of

other applicable ordinances and regulations of the city.

(A) Every applicant procuring a license consents to the entry of the chief of police or any member of the city council at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles which are had in violation of the ordinances of the city and state or federal law and consents to the introduction of these things and articles in any hearing or prosecution that may be brought for the offense.

(B) Each licensed premises shall at all times be conducted in orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted, or maintained.

(C) No gambling or game of chance shall be permitted in any form upon the licensed premises. Dice, slot machines, or any devices of chance are prohibited and shall not be kept on the premises.

(D) It shall be unlawful for any licensee under this chapter to sell, to smoke or keep or permit to be sold, smoked, or kept upon a licensed premises any "muggles" or marijuana. Irrespective of other penalties set out in this chapter for the violation of this section the City Council shall also have the authority to revoke the license issued to the premises.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

(E) No retail by the package liquor license shall be granted or issued to any licensee for any location within 700 feet of any existing premises licensed for these sales.

(1) All distances shall be measured along the right-of-way of existing public vehicular roadways from a point on any right-of-way line nearest the entrance of any existing premises licensed for these sales to a point on any right-of-way line nearest the entrance of the proposed licensed premises. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way, the measurement shall be made at right angles. In determining distances, the assessor's maps of Jefferson County shall be used and shall be presumed to be accurate by the city sign and zoning officer. Applicants may, at their own expense, furnish a certified survey by any registered professional engineer or surveyor licensed in Jefferson County, and that survey shall be given full consideration by the city sign and zoning officer. For purposes of this section "PUBLIC VEHICULAR ROADWAYS" shall mean any road open to general public travel and actually and substantially used for automotive travel; unpaved rights-of-way and dead-end roadways shall not be considered in making measurements.

(2) The distance limitation prescribed shall not affect any existing license location nor the right of the owner to renew or transfer the license for that location. The location of any existing license shall not be transferred to a new location in violation of this section, except the location of any presently existing license or renewal, in case of destruction of property or loss of lease through failure of the landlord to renew the lease, may be transferred to a location which is not closer than 1/2 the distance between an existing licensed premises and the nearest similar licensed premises.

(Ord. 6, passed 5-11-54; amend. Ord. 2, passed 2-14-78; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 04-05, passed 10-12-04) Penalty, see § 111.99 (A)

§ 111.16 LICENSES ISSUED ONLY UPON APPROVAL OF BOARD OF TRUSTEES.

All licenses granted under this chapter shall be approved by the city council and issued by the city clerk. All license fees from any license issued under this chapter shall be collected by the clerk who shall make a monthly report to the City Council of all license fees collected.

(Ord. 6, passed 5-11-54)

§ 111.17 MONEY RECEIVED GOES TO GENERAL FUND.

All money received by the clerk shall be transferred to the general fund of the city and be used as other general funds of the city are used.

(Ord. 6, passed 5-11-54)

§ 111.18 EFFECT OF DELINQUENT TAXES.

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. No license shall 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 the city.

(Ord. 6, passed 5-11-54)

§ 111.19 LOST OR DESTROYED LICENSES.

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 city clerk after the city council is satisfied as to the facts. The person applying for the duplicate license shall pay a fee of \$.50 for the duplicate.

(Ord. 6, passed 5-11-54)

§ 111.20 REVOCATION OR SUSPENSION OF LICENSE.

A violation of any of the provisions of this chapter or any supplementary or amendatory ordinance, by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. Whenever any licensee violates any provisions of any statute or ordinance relating to alcoholic control, a proceeding for the revocation of the licenses may be instituted in the manner and under the procedure established by state law and the city council is empowered to revoke or suspend any license issued under this chapter upon the conviction of the licensee of any violation of this chapter, or any law, rule, or regulation set out in KRS Chapter 243.

(Ord. 6, passed 5-11-54)

§ 111.21 ADOPTING OF STATE LAW.

The provisions of the Alcoholic Beverage Control Law KRS Chapter 243, are adopted as far as applicable as a portion of this chapter, except as otherwise lawfully provided.

(Ord. 6, passed 5-11-54)

§ 111.22 LICENSE FEES IN ADDITION TO OTHER TAXES.

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

(Ord. 6, passed 5-11-54)

§ 111.23 LICENSING AND SALE OF ALCOHOLIC BEVERAGES.

(A) No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages in the city unless he holds the kind of license that authorizes such act issued by the city sign and zoning officer or the city clerk.

(B) The following kinds of distilled spirits and wine licenses may be issued by the city, the fees for which shall be:

(1) Distiller's license, per annum	\$ 500
(2) Rectifier's license, per annum	1500
(3) Blender's license, per annum	500
(4) Wholesaler's license, per annum	1500
(5) Retail package license, per annum	700
(6) Retail drink license, per annum	800
(7) Special temporary license, per month or part of month, one-sixth of fee enumerated in division (B)(6)	
(8) Special private club license, per annum	300
(9) Nonresident, special agent or solicitor's license, per annum	20
(10) Restaurant wine license, per annum:	
(a) New applicants	600
(b) Renewals	400

(C) The following kinds of malt beverage licenses may be issued by the city, the fees for which shall be:

(1) Brewer's license, per annum	\$ 500.00
(2) Distributor's license, per annum	200.00
(3) Retailer's license, per annum	200.00
(4) Special temporary license, per month or part thereof	12.50

(D) The business authorized by the licenses provided for herein shall correspond to the business authorized by the corresponding licenses authorized by KRS Chapters 243 and 446 and specifically including the definitions contained in KRS 446.010.

(Ord. 7, passed 4-14-81; amend. Ord. 93-09, passed 11-27-93) Penalty, see § 111.99 (D)

§ 111.24 SUNDAY SALES.

(A) In addition to those licenses authorized by § 111.23, the City Sign and Zoning Officer or the City Clerk shall issue a special Sunday retail drink license to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, on payment in advance to the City Clerk or City Sign and Zoning Officer of the sum of \$300.

(B) Sales of alcoholic beverages on Sunday pursuant to the license granted under division (A) hereof shall permit the sale of distilled spirits and wine by hotels, motels, and restaurants which are 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 in accordance with KRS 244.290.

(C) Fees for all licenses issued hereunder shall be due and payable on July 1 of each year. All licenses shall expire on June 30 next following date of issuance. The license fee may, in the reasonable discretion of the City Sign and Zoning Officer or the City Clerk, be prorated for periods less than one year.

(Ord. 6, passed 7-27-82; amend. Ord. 93-09, passed 11-27-93) Penalty, see § 111.99(A)

§ 111.25 SPECIAL HOURS LICENSE.

(A) The St. Matthews City Clerk or City Alcoholic Beverage 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 of an annual license fee of \$250.

(B) The St. Matthews City Clerk or City Alcoholic Beverage 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 of the sum of \$50.

(Ord. 3-1984, passed 2-14-84; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 05-03, passed 8-23-05)

SALE TO MINORS

§ 111.30 MINOR NOT TO ENTER PREMISES.

It shall be unlawful for any minor who is between 18 and 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her any alcoholic beverages.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.31 MINOR NOT TO PURCHASE ALCOHOLIC BEVERAGES.

It shall be unlawful for a minor who is between 18 and 21 years of age to purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages at any premises licensed for the sale of alcoholic beverages.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.32 MINOR MISREPRESENTING AGE.

It shall be unlawful for any minor who is between 18 and 21 years of age to misrepresent his or her age for the purpose of inducing any retail licensee, or and employee of any retail licensee, to sell or serve any alcoholic beverages to him or her.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.33 PARENT OR GUARDIAN NOT TO ALLOW VIOLATION.

It shall be unlawful for any parent or guardian intentionally to permit any minor child who is between 18 and 21 years of age, of whom he or she may be the parent or guardian, to violate any provision or provisions of this chapter.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.34 STATE LAW UNAFFECTED.

Nothing in this chapter shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed

premises in the city where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of state law relating to violations pertaining to alcoholic beverages.

(Ord. 3, passed 1-22-57)

§ 111.35 WARNING TO BE DISPLAYED.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card which shall read substantially as follows:

“WARNING TO MINORS: You are subject to a fine up to \$200 under the ordinances of the City of St. Matthews, if you purchase alcoholic beverages or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages.”

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

HOURS OF OPERATION

§ 111.40 HOURS OF BUSINESS.

(A) 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 these 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 1:00 p.m. on Sunday or the hours of 9:00 p.m. on Sunday and 6:00 a.m. Monday, or on election days when polls are open in the city.

(B) 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 these 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 1:00 p.m. Sunday, or on any election day when the polls are open.

(C) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (A) and (B) above, shall be the hours of 4:00 a.m. and 6:00 a.m. for the Monday before the first Saturday in May of each year, through 4:00 a.m. of the following Sunday.

(D) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (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 divisions (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 1:00 p.m. Sunday, upon issuance of a special hours license as set forth in § 111.25.

(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 § 111.25.

(Ord. 24, passed 10-14-75; amend. Ord. 3-1984, passed 2-14-84; amend. Ord. 05-03, passed 8-23-05) Penalty, see § 111.99(E)

§ 111.41 NO SALE OF LIQUOR ON ELECTION DAYS.

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 these products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or between the hours of 2:00 a.m. Sunday and one p.m. Sunday, or on election days when polls are open.

(Ord. 24, passed 10-14-75) Penalty, see § 111.99 (C)

§ 111.99 PENALTY.

(A) It shall be a criminal offense for any person, firm, or corporation to engage in the trafficking in alcoholic beverages as that term is defined in KRS Chapter 243 without first paying to the city the license taxes required by §§ 111.01 through 111.22 and 111.24, and without first obtaining the license required by these sections shall be punished as follows.

(1) For a violation of any of the provisions enacted by reference, penalties shall be the same as provided by KRS Chapter 243.

(2) If any person, firm, or corporation shall sell alcoholic liquor or beverages within the city limits without first procuring the necessary licenses, he shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$100 and costs, or in lieu of such fine be imprisoned in the county jail for not more than 6 months. Each sale without a license shall constitute a separate offense. In case of punishment by fine, unless the costs and fine be paid forthwith, the person convicted under these sections shall be committed to the county jail until the fines and costs shall be paid or until the fines and costs have been discharged by due course of law. In case of a second or subsequent conviction during any license year, the punishment shall be both fine and imprisonment.

(B) Any person who shall be adjudged guilty of the violation of §§ 111.30 through 111.35, shall be guilty of a violation and shall be fined not less than \$10 or more than \$200 for each and every offense.

(C) Any person, firm, or corporation who violates the provisions of § 111.41 shall, upon conviction, be subjected to the penalties prescribed by KRS Chapter 243 and 244.

(D) Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of § 111.23 for which no other penalty is provided, shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned in the county jail for not more than six months, or both; and for the second and each subsequent violation, he or she shall be guilty of a misdemeanor and shall be fined not less than \$200 nor more than \$500, or be imprisoned in the county jail for not more than six months, or both. Each sale in violation of this ordinance shall constitute a separate offense. Penalties provided for herein shall be in addition to the revocation or suspension of the offender's license.

(Ord. 7, passed 4-14-81)

(E) Any person violating any provision of § 111.40 shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than six months, or both.

(Ord. 3-1984, passed 2-14-84; amend. Ord. 05-03, passed 8-23-05)

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TITLE XI: BUSINESS REGULATIONS

CHAPTER 111: ALCOHOLIC BEVERAGE

CHAPTER 111: ALCOHOLIC BEVERAGES

Section

Liquor and Beer Licenses

- 111.01 Short title, definitions
- 111.02 Permit for liquor wholesalers
- 111.03 Permit for liquor retailers
- 111.04 Revocation of licenses
- 111.05 License nontransferable
- 111.06 Licensee to purchase license
- 111.07 License not assignable
- 111.08 (Reserved)
- 111.09 License not issuable to a private residence
- 111.10 Presumptions of possession for sale when spirits outside after hours
- 111.11 Expiration
- 111.12 License fees for the sale of malt beverages
- 111.13 Issuance of temporary license
- 111.14 Transfer of license
- 111.15 Conditions for grant of licenses
- 111.16 Licenses issued only upon approval of board of trustees
- 111.17 Money received goes to general fund
- 111.18 Effect of delinquent taxes
- 111.19 Lost or destroyed licenses

- 111.20 Revocation or suspension of licenses
- 111.21 Adoption of state law
- 111.22 License fees in addition to other taxes
- 111.23 Licensing and sale of alcoholic beverages
- 111.24 Sunday sales
- 111.25 Special hours license

Sale to Minors

- 111.30 Minor not to enter premises
- 111.31 Minor not to purchase alcoholic beverages
- 111.32 Minor misrepresenting age
- 111.33 Parent or guardian not to allow violation
- 111.34 State law unaffected
- 111.35 Warning to be displayed

Hours of Operation

- 111.40 Hours of business
- 111.41 No sale of liquor on election days
- 111.99 Penalty

LIQUOR AND BEER LICENSES

§ 111.01 SHORT TITLE, DEFINITIONS.

(A) This chapter shall be known and may be cited and referred to as the liquor and beer ordinance of the city.

(B) Word or words, phrases or terms not specifically defined whenever used in this chapter, unless the context requires otherwise, shall have the same meaning as set out in the Kentucky Alcoholic Beverage Control Law, KRS, Chapter 243.

(Ord. 6, passed 5-11-54)

§ 111.02 PERMIT FOR LIQUOR WHOLESALERS.

Every person, firm, or corporation, other than a distiller, manufacturer, or rectifier, who other penalties set out in this chapter for the violation of this section the City Council shall also have the authority to revoke the license issued to the premises.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.03 PERMIT FOR LIQUOR RETAILERS.

(A) Every person, firm, or corporation who sells distilled spirits or wine at retail by the package for consumption off the licensed premises shall pay in advance to the city an annual license fee of \$450.

(B) Every person, firm, or corporation who sells distilled spirits or wine at retail by the drink for consumption on the licensed premises shall pay in advance to the city an annual license fee of \$500.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.04 REVOCATION OF LICENSES.

Any license issued under this chapter may be revoked by the city council for violation of any provisions of the Kentucky Alcoholic Beverage Control Law and may be revoked for violation of the provisions of this chapter.

(Ord. 6, passed 5-11-54)

§ 111.05 LICENSE NONTRANSFERABLE.

No license to sell distilled spirits under this chapter shall be transferable either as to licensee or location except as provided in KRS Chapter 243 and not then until a payment of \$1 shall be made by the applicant to the city as a fee for the transfer.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.06 LICENSEE TO PURCHASE LICENSE.

The license tax for every license issued under this chapter shall be payable by the person making application for the license and to whom the license is issued, 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 license, the tax of which was paid by another, and also the revocation of the license, if any, of the person, firm, or corporation paying for the license of another.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.07 LICENSE NOT ASSIGNABLE.

No assignment of any license issued under this chapter shall be made except by order of any court of competent jurisdiction and with the approval of the city council.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.08 (RESERVED).**§ 111.09 LICENSE NOT ISSUABLE TO A PRIVATE RESIDENCE.**

The city council shall not authorize the issuance, and the city clerk shall not issue any permit or licenses to dispense alcoholic beverages or liquors from any home or private residence.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.10 PRESUMPTION OF POSSESSION FOR SALE WHEN SPIRITS OUTSIDE AFTER HOURS.

If any distilled spirits are found on the outside of a locked or closed off department of any premises licensed to sell distilled spirits at retail during any hours when the licensee is prohibited by state law from selling distilled spirits, a prima facie presumption shall arise that the distilled spirits were kept on the outside of the locked or closed off department for the purpose of sale in violation of this chapter and state law. This violation shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for the violation of this section the chief of police or the city council shall be authorized to confiscate and destroy any and all distilled spirits.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.11 EXPIRATION.

All licenses issued under this chapter shall expire on June 30 of each year and fees shall be due and payable on July 1 annually.

(Ord. 6, passed 5-11-54)

§ 111.12 LICENSE FEES FOR THE SALE OF MALT BEVERAGES.

(A) Every person, firm, or corporation, except those which are exempt from wholesalers license by KRS Chapter 243, who sells at wholesale any malt beverage within the city limits shall pay in advance to the city an annual license fee of \$200.

(B) Every person, firm, or corporation who sells at retail any malt beverage within the city limits for consumption off the licensed premises shall pay to the city an annual license fee of \$50.

(C) Every person, firm, or corporation who sells at retail any malt beverages within the city limits for consumption on the licensed premises shall pay to the city an annual license fee of \$50.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

§ 111.13 ISSUANCE OF TEMPORARY LICENSE.

The city council may in their discretion grant a temporary license for the sale of malt beverages the fee for which shall be 1/6 of the taxes for a full year's license for each month or part of month for which the temporary license is issued.

(Ord. 6, passed 5-11-54)

§ 111.14 TRANSFER OF LICENSE.

The unexpired term of the license of any retail dealer in malt beverages may be transferred with the assent and permission of the city council which permission shall be endorsed upon the license by the mayor. A payment of 5% of the original cost of the license shall be made by the applicant to the city plus a \$.50 permit fee, as a fee for the transfer.

(Ord. 6, passed 5-11-54)

§ 111.15 CONDITIONS FOR GRANT OF LICENSES.

All licenses granted under this chapter shall be granted subject to the following conditions, and all other conditions of other applicable ordinances and regulations of the city.

(A) Every applicant procuring a license consents to the entry of the chief of police or any member of the city council at all reasonable hours for the purpose of inspection and search and consents to the removal from the premises of all things and articles which are had in violation of the ordinances of the city and state or federal law and consents to the introduction of these things and articles in any hearing or prosecution that may be brought for the offense.

(B) Each licensed premises shall at all times be conducted in orderly manner and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises and no nuisance suffered, permitted, or maintained.

(C) No gambling or game of chance shall be permitted in any form upon the licensed premises. Dice, slot machines, or any devices of chance are prohibited and shall not be kept on the premises.

(D) It shall be unlawful for any licensee under this chapter to sell, to smoke or keep or permit to be sold, smoked, or kept upon a licensed premises any "muggles" or marijuana. Irrespective of other penalties set out in this chapter for the violation of this section the City Council shall also have the authority to revoke the license issued to the premises.

(Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

(E) No retail by the package liquor license shall be granted or issued to any licensee for any location within 700 feet of any existing premises licensed for these sales.

(1) All distances shall be measured along the right-of-way of existing public vehicular roadways from a point on any right-of-way line nearest the entrance of any existing premises licensed for these sales to a point on any right-of-way line nearest the entrance of the proposed licensed premises. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way, the measurement shall be made at right angles. In determining distances, the assessor's maps of Jefferson County shall be used and shall be presumed to be accurate by the city sign and zoning officer. Applicants may, at their own expense, furnish a certified survey by any registered professional engineer or surveyor licensed in Jefferson County, and that survey shall be given full consideration by the city sign and zoning officer. For purposes of this section "PUBLIC VEHICULAR ROADWAYS" shall mean any road open to general public travel and actually and substantially used for automotive travel; unpaved rights-of-way and dead-end roadways shall not be

considered in making measurements.

(2) The distance limitation prescribed shall not affect any existing license location nor the right of the owner to renew or transfer the license for that location. The location of any existing license shall not be transferred to a new location in violation of this section, except the location of any presently existing license or renewal, in case of destruction of property or loss of lease through failure of the landlord to renew the lease, may be transferred to a location which is not closer than 1/2 the distance between an existing licensed premises and the nearest similar licensed premises.

(Ord. 6, passed 5-11-54; amend. Ord. 2, passed 2-14-78; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 04-05, passed 10-12-04) Penalty, see § 111.99 (A)

§ 111.16 LICENSES ISSUED ONLY UPON APPROVAL OF BOARD OF TRUSTEES.

All licenses granted under this chapter shall be approved by the city council and issued by the city clerk. All license fees from any license issued under this chapter shall be collected by the clerk who shall make a monthly report to the City Council of all license fees collected.

(Ord. 6, passed 5-11-54)

§ 111.17 MONEY RECEIVED GOES TO GENERAL FUND.

All money received by the clerk shall be transferred to the general fund of the city and be used as other general funds of the city are used.

(Ord. 6, passed 5-11-54)

§ 111.18 EFFECT OF DELINQUENT TAXES.

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. No license shall 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 the city.

(Ord. 6, passed 5-11-54)

§ 111.19 LOST OR DESTROYED LICENSES.

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 city clerk after the city council is satisfied as to the facts. The person applying for the duplicate license shall pay a fee of \$.50 for the duplicate.

(Ord. 6, passed 5-11-54)

§ 111.20 REVOCATION OR SUSPENSION OF LICENSE.

A violation of any of the provisions of this chapter or any supplementary or amendatory ordinance,

by a duly authorized agent or employee of a licensee shall constitute a violation by the licensee. Whenever any licensee violates any provisions of any statute or ordinance relating to alcoholic control, a proceeding for the revocation of the licenses may be instituted in the manner and under the procedure established by state law and the city council is empowered to revoke or suspend any license issued under this chapter upon the conviction of the licensee of any violation of this chapter, or any law, rule, or regulation set out in KRS Chapter 243.

(Ord. 6, passed 5-11-54)

§ 111.21 ADOPTING OF STATE LAW.

The provisions of the Alcoholic Beverage Control Law KRS Chapter 243, are adopted as far as applicable as a portion of this chapter, except as otherwise lawfully provided.

(Ord. 6, passed 5-11-54)

§ 111.22 LICENSE FEES IN ADDITION TO OTHER TAXES.

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

(Ord. 6, passed 5-11-54)

§ 111.23 LICENSING AND SALE OF ALCOHOLIC BEVERAGES.

(A) No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or other traffic in alcoholic beverages in the city unless he holds the kind of license that authorizes such act issued by the city sign and zoning officer or the city clerk.

(B) The following kinds of distilled spirits and wine licenses may be issued by the city, the fees for which shall be:

(1) Distiller's license, per annum	\$:
(2) Rectifier's license, per annum	150
(3) Blender's license, per annum	500
(4) Wholesaler's license, per annum	150
(5) Retail package license, per annum	700
(6) Retail drink license, per annum	800
(7) Special temporary license, per month or part of month, one-sixth of fee enumerated in division (B)(6)	
(8) Special private club license, per annum	300
(9) Nonresident, special agent or solicitor's license, per annum	20
(10) Restaurant wine license, per annum:	
(a) New applicants	600

- (b) Renewals 400
- (C) The following kinds of malt beverage licenses may be issued by the city, the fees for which shall be:
- | | |
|--|------|
| (1) Brewer's license, per annum | \$ 5 |
| (2) Distributor's license, per annum | 200 |
| (3) Retailer's license, per annum | 200 |
| (4) Special temporary license, per month or part thereof | 12. |

(D) The business authorized by the licenses provided for herein shall correspond to the business authorized by the corresponding licenses authorized by KRS Chapters 243 and 446 and specifically including the definitions contained in KRS 446.010.

(Ord. 7, passed 4-14-81; amend. Ord. 93-09, passed 11-27-93) Penalty, see § 111.99 (D)

§ 111.24 SUNDAY SALES.

(A) In addition to those licenses authorized by § 111.23, the City Sign and Zoning Officer or the City Clerk shall issue a special Sunday retail drink license to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, on payment in advance to the City Clerk or City Sign and Zoning Officer of the sum of \$300.

(B) Sales of alcoholic beverages on Sunday pursuant to the license granted under division (A) hereof shall permit the sale of distilled spirits and wine by hotels, motels, and restaurants which are 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 in accordance with KRS 244.290.

(C) Fees for all licenses issued hereunder shall be due and payable on July 1 of each year. All licenses shall expire on June 30 next following date of issuance. The license fee may, in the reasonable discretion of the City Sign and Zoning Officer or the City Clerk, be prorated for periods less than one year.

(Ord. 6, passed 7-27-82; amend. Ord. 93-09, passed 11-27-93) Penalty, see § 111.99(A)

§ 111.25 SPECIAL HOURS LICENSE.

(A) The St. Matthews City Clerk or City Alcoholic Beverage 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 of an annual license fee of \$250.

(B) The St. Matthews City Clerk or City Alcoholic Beverage 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 of the sum of \$50.

(Ord. 3-1984, passed 2-14-84; amend. Ord. 93-09, passed 11-27-93; amend. Ord. 05-03, passed 8-23-05)

SALE TO MINORS

§ 111.30 MINOR NOT TO ENTER PREMISES.

It shall be unlawful for any minor who is between 18 and 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her any alcoholic beverages.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.31 MINOR NOT TO PURCHASE ALCOHOLIC BEVERAGES.

It shall be unlawful for a minor who is between 18 and 21 years of age to purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages at any premises licensed for the sale of alcoholic beverages.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.32 MINOR MISREPRESENTING AGE.

It shall be unlawful for any minor who is between 18 and 21 years of age to misrepresent his or her age for the purpose of inducing any retail licensee, or and employee of any retail licensee, to sell or serve any alcoholic beverages to him or her.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.33 PARENT OR GUARDIAN NOT TO ALLOW VIOLATION.

It shall be unlawful for any parent or guardian intentionally to permit any minor child who is between 18 and 21 years of age, of whom he or she may be the parent or guardian, to violate any provision or provisions of this chapter.

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

§ 111.34 STATE LAW UNAFFECTED.

Nothing in this chapter shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises in the city where alcoholic beverages are sold, from the restrictions, requirements and penalties of any other ordinance or ordinances of the city or of state law relating to violations pertaining to alcoholic beverages.

(Ord. 3, passed 1-22-57)

§ 111.35 WARNING TO BE DISPLAYED.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card which shall read substantially as follows:

“WARNING TO MINORS: You are subject to a fine up to \$200 under the ordinances of the City of St. Matthews, if you purchase alcoholic beverages or misrepresent your age for the purpose of purchasing or obtaining alcoholic beverages.”

(Ord. 3, passed 1-22-57) Penalty, see § 111.99 (B)

HOURS OF OPERATION

§ 111.40 HOURS OF BUSINESS.

(A) 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 these 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 1:00 p.m. on Sunday or the hours of 9:00 p.m. on Sunday and 6:00 a.m. Monday, or on election days when polls are open in the city.

(B) 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 these 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 1:00 p.m. Sunday, or on any election day when the polls are open.

(C) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (A) and (B) above, shall be the hours of 4:00 a.m. and 6:00 a.m. for the Monday before the first Saturday in May of each year, through 4:00 a.m. of the following Sunday.

(D) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in divisions (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 divisions (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 1:00 p.m. Sunday, upon issuance of a special hours license as set forth in § 111.25.

(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 § 111.25.

(Ord. 24, passed 10-14-75; amend. Ord. 3-1984, passed 2-14-84; amend. Ord. 05-03, passed 8-23-05)
Penalty, see § 111.99(E)

§ 111.41 NO SALE OF LIQUOR ON ELECTION DAYS.

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 these products between the hours of 2:00 a.m. and 6:00 a.m. on any weekday or between the hours of 2:00 a.m. Sunday and one p.m. Sunday, or on election days when polls are open.

(Ord. 24, passed 10-14-75) Penalty, see § 111.99 (C)

§ 111.99 PENALTY.

(A) It shall be a criminal offense for any person, firm, or corporation to engage in the trafficking in alcoholic beverages as that term is defined in KRS Chapter 243 without first paying to the city the license taxes required by §§ 111.01 through 111.22 and 111.24, and without first obtaining the license required by these sections shall be punished as follows.

(1) For a violation of any of the provisions enacted by reference, penalties shall be the same as provided by KRS Chapter 243.

(2) If any person, firm, or corporation shall sell alcoholic liquor or beverages within the city limits without first procuring the necessary licenses, he shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$100 and costs, or in lieu of such fine be imprisoned in the county jail for not more than 6 months. Each sale without a license shall constitute a separate offense. In case of punishment by fine, unless the costs and fine be paid forthwith, the person convicted under these sections shall be committed to the county jail until the fines and costs shall be paid or until the fines and costs have been discharged by due course of law. In case of a second or subsequent conviction during any license year, the punishment shall be both fine and imprisonment.

(B) Any person who shall be adjudged guilty of the violation of §§ 111.30 through 111.35, shall be guilty of a violation and shall be fined not less than \$10 or more than \$200 for each and every offense.

(C) Any person, firm, or corporation who violates the provisions of § 111.41 shall, upon conviction, be subjected to the penalties prescribed by KRS Chapter 243 and 244.

(D) Any person who, by himself or herself or acting through another, directly or indirectly, violates any of the provisions of § 111.23 for which no other penalty is provided, shall be guilty of a misdemeanor and shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned in the county jail for not more than six months, or both; and for the second and each subsequent violation, he or she shall be guilty of a misdemeanor and shall be fined not less than \$200 nor more than \$500, or be imprisoned in the county jail for not more than six months, or both. Each sale in violation of this ordinance shall constitute a separate offense. Penalties provided for herein shall be in addition to the revocation or suspension of the offender's license.

(Ord. 7, passed 4-14-81)

(E) Any person violating any provision of § 111.40 shall, for the first offense, be fined not less than \$100 nor more than \$200, or be imprisoned not more than six months, or both; and for the second and each subsequent violation, shall be fined not less than \$200 nor more than \$500, or be imprisoned not more than six months, or both.

(Ord. 3-1984, passed 2-14-84; amend. Ord. 05-03, passed 8-23-05)

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1.800.445.5588.

CITY OF ST. MATTHEWS

Ordinance No. 05-03

**AN ORDINANCE RELATING TO THE HOURS AND TIMES IN WHICH
DISTILLED SPIRITS, WINE AND BEER MAY BE SOLD AND AMENDING
ORDINANCE 84-03.**

RECEIVED

2005 DEC 29 A 10:10

ALCOHOLIC
BEVERAGE CONTROL

BE IT ORDAINED BY THE CITY OF ST. MATTHEWS:

Section 1. Section 111.40 of the City of St. Matthews City Code, and Ordinance No. 84-03 are hereby amended to read as follows:

(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 two o'clock a.m. Sunday and 1:00 p.m. on Sunday or the hours of 9:00 p.m. on Sunday and six o'clock a.m. Monday, or on election day when polls are open in the City of St. Matthews.

(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 any election day when the polls are open in the City of St. Matthews.

(3) 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 the Monday before the first Saturday in May of each year, through four o'clock A.M. of the following Sunday.

(4) The unlawful hours of sale of distilled spirits and wine and the unlawful hours of sale of beer indicated in paragraph (1) and (2) above, shall be the hours of four o'clock a.m. and six o'clock a.m. for January 1 or each year; except when December 31 and January 1 fall on Sunday and Monday respectively, in which case the rules from paragraph (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 1:00 p.m. Sunday, ~~six o'clock a.m. Monday,~~ upon issuance of a special hours license as set forth in Section 2.

(6) The sale of malt beverages a 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 St. Matthews City Clerk or City Alcoholic Beverage 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 of St. Matthews of an annual license fee of Two Hundred Fifty Dollars (\$250.00).

(2) The St. Matthews City Clerk or City Alcoholic Beverage 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 of St. Matthews of the sum of Fifty Dollars (\$50.00).

Section 3.

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 (4500.00) or be imprisoned not more than six months, or both.

Section 4.

Pursuant to KRS Chapter 244, this ordinance shall apply only to those geographic areas of the City of St. Matthews, Kentucky.

Section 5.

This ordinance shall take effect immediately upon adoption and publication, which publication may be by summary.

FIRST READING held on August 9, 2005; PASSED AND APPROVED August 23, 2005.

ATTEST:


James King, City Clerk


Arthur K. Draut, Mayor

RECEIVED
2005 DEC 29 A 10:10
ALCOHOLIC
BEVERAGE CONTROL

RECEIVED

CITY OF ST. MATTHEWS

2005 DEC 29 A 10: 08

ORDINANCE NO. 04-06

ALCOHOLIC BEVERAGE CONTROL

AN ORDINANCE RELATING TO AMENDING CITY LICENSE FEES FOR DISTILLED SPIRITS AND WINE LICENSES AND FOR MALT BEVERAGE LICENSES AS CONTAINED IN ST. MATTHEWS CODE SECTION 111.23

BE IT ORDAINED BY THE CITY OF ST. MATTHEWS:

read as follows: Section 1. St. Matthews Code Section 111.23 is hereby amended so that as amended it shall

§ 111.23 LICENSING AND SALE OF ALCOHOLIC BEVERAGES

(A) No person shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting, or the traffic in alcoholic beverages in the city unless he holds the kind of license that authorizes such act issued by the city sign and zoning officer or the city clerk.

(B) The following kinds of distilled spirits and wine licenses may be issued by the city, the fees for which shall be:

(1)	Distiller's license, per annum	500
(2)	Rectifier's license, per annum	1500
(3)	Blender's license, per annum	500
(4)	Wholesaler's license, per annum	1500
(5)	Retail package license, per annum	1100 ✓
(6)	Retail drink license, per annum	1000 ✓
(7)	Special temporary license, per event or part thereof, one-sixth of fee enumerated in division (B)(6)	166.67 ✓
(8)	Special private club license, per annum	300 ✓
(9)	Nonresident, special agent or solicitor's license, per annum	20
• (10)	Restaurant wine license, per annum	
	(a) New applicants	600 ✓
	(b) Renewals	400 ✓
• (11)	Distilled spirits and wine special Sunday retail drink license, per annum	250 ✓
(12)	Distilled spirits and wine special temporary auction license, per event	200 ✓
13)	Caterer's license, per annum	800 ✓
(14)	Bottling House, distilled spirits or wine storage license, per annum	1000
(15)	Souvenir retail liquor license, per annum	1000
(16)	Special temporary wine license, per event	12.50 ✓
(17)	Extended hours supplemental license, per annum	50

(C) The following kinds of malt beverage licenses may be issued by the city, for the fees for which shall be:

- | | |
|--|--------|
| (1) Brewer's license, per annum | 500 |
| (2) Microbrewery license, per annum | 500 - |
| (3) Malt Beverage Distributor's license, per annum | 200 |
| (4) Retail malt beverage license, per annum | 200 ✓ |
| (5) Special temporary malt beverage license, per event | 12.5 ✓ |
| (6) Malt beverage brew-on-premises license, per annum | 100 |

(D) The business authorized by the licenses provided for herein shall correspond to the business authorized by the corresponding licenses authorized by KRS Chapters 243 and ~~446~~ 241 and specifically including the definitions contained in KRS 446.010.

Section 2. In the event any ordinance or any part thereof is in conflict with this ordinance, this ordinance shall control.

Section 3. This Ordinance shall take effect upon its passage, approval and publication as required by law, and shall apply to all alcoholic beverage licenses issued for a period beginning on or after July 1, 2005.

First reading and introduction, September 28, 2004, Adopted October 26, 2004.

A. H. Draut

Arthur Draut, Mayor

ATTEST:

James King
James King, City Clerk

2005 DEC 29 A 10: 10
ALCOHOLIC
BEVERAGE CONTROL

RECEIVED

CITY OF ST. MATTHEWS

ORDINANCE NO. 04-05

AN ORDINANCE RELATING TO AMENDING DISTANCE REQUIREMENTS FOR THE ISSUANCE OF RETAIL PACKAGE LIQUOR LICENSES AS CONTAINED IN ST. MATTHEWS CODE SECTION 111.15(E)

WHEREAS, the City Council has determined that the distance requirement contained in St. Matthews Code Section 111.15(E) is unduly restrictive; and

WHEREAS, the minimum distance between retail package outlets in Louisville Metro Louisville is a maximum of 700 feet, and

WHEREAS, reducing the distance from 2000 feet to 700 feet will bring City requirements more in line with Louisville Metro requirements, now, therefore

BE IT ORDAINED BY THE CITY OF ST. MATTHEWS:

Section 1. St. Matthews Code Section 111.15(E) is hereby amended so that as amended it shall read as follows:

(E) No retail by the package liquor license shall be granted or issued to any licensee for any location within ~~2000~~ 700 feet of any existing premises licensed for these sales.

Section 2. This Ordinance shall take effect upon its passage, approval and publication as required by law.

First reading and introduction, September 28, 2004, Adopted October 12, 2004.

Arthur Draut

Arthur Draut, Mayor

ATTEST:

James King

James King, City Clerk

ST. MATTHEWS - ALCOHOLIC BEVERAGES

§ 111.17

Other penalties set out in this chapter for the violation of this section the city council shall also have the authority to revoke the license issued to the premises. (Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

(E) No retail by the package liquor license shall be granted or issued to any licensee for any location within 2,000 feet of any existing premises licensed for these sales.

(1) All distances shall be measured along the right-of-way of existing public vehicular roadways from a point on any right-of-way line nearest the entrance of any existing premises licensed for these sales to a point on any right-of-way line nearest the entrance of the proposed licensed premises. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way, the measurement shall be made at right angles. In determining distances, the assessor's maps of Jefferson County shall be used and shall be presumed to be accurate by the city sign and zoning officer. Applicants may, at their own expense, furnish a certified survey by any registered professional engineer or surveyor licensed in Jefferson County, and that survey shall be given full consideration by the city sign and zoning officer. For purposes of this section "PUBLIC VEHICULAR ROADWAYS" shall mean any road open to general public travel and actually and substantially used for automotive travel; unpaved rights-of-way and dead-end roadways shall not be considered in making measurements.

(2) The distance limitation prescribed shall not affect any existing license location nor the right of the owner to renew or transfer the license for that location. The location of any existing license shall not be transferred to a new location in violation of this section, except the location of any presently existing license or renewal, in case of destruction of property or loss of lease through failure of the landlord to renew the lease, may be transferred to a location which is not closer than 1/2 the distance between an existing licensed premises and the nearest similar licensed premises. (Ord. 6, passed 5-11-54; amend. Ord. 2, passed 2-14-78; amend. Ord. 93-09, passed 11-27-93) Penalty, see § 111.99 (A)

§ 111.16 LICENSES ISSUED ONLY UPON APPROVAL OF BOARD OF TRUSTEES.

All licenses granted under this chapter shall be approved by the city council and issued by the city clerk. All license fees from any license issued under this chapter shall be collected by the clerk who shall make a monthly report to the city council of all license fees

ST. MATTHEWS - ALCOHOLIC BEVERAGES

§ 111.17

Other penalties set out in this chapter for the violation of this section the city council shall also have the authority to revoke the license issued to the premises. (Ord. 6, passed 5-11-54) Penalty, see § 111.99 (A)

(E) No retail by the package liquor license shall be granted or issued to any licensee for any location within 2,000 feet of any existing premises licensed for these sales.

(1) All distances shall be measured along the right-of-way of existing public vehicular roadways from a point on any right-of-way line nearest the entrance of any existing premises licensed for these sales to a point on any right-of-way line nearest the entrance of the proposed licensed premises. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way, the measurement shall be made at right angles. In determining distances, the assessor's maps of Jefferson County shall be used and shall be presumed to be accurate by the city sign and zoning officer. Applicants may, at their own expense, furnish a certified survey by any registered professional engineer or surveyor licensed in Jefferson County, and that survey shall be given full consideration by the city sign and zoning officer. For purposes of this section "PUBLIC VEHICULAR ROADWAYS" shall mean any road open to general public travel and actually and substantially used for automotive travel; unpaved rights-of-way and dead-end roadways shall not be considered in making measurements.

(2) The distance limitation prescribed shall not affect any existing license location nor the right of the owner to renew or transfer the license for that location. The location of any existing license shall not be transferred to a new location in violation of this section, except the location of any presently existing license or renewal, in case of destruction of property or loss of lease through failure of the landlord to renew the lease, may be transferred to a location which is not closer than 1/2 the distance between an existing licensed premises and the nearest similar licensed premises. (Ord. 6, passed 5-11-54; amend. Ord. 2, passed 2-14-78; amend. Ord. 93-09, passed 11-27-93) Penalty, see § 111.99 (A)

§ 111.16 LICENSES ISSUED ONLY UPON APPROVAL OF BOARD OF TRUSTEES.

All licenses granted under this chapter shall be approved by the city council and issued by the city clerk. All license fees from any license issued under this chapter shall be collected by the clerk who shall make a monthly report to the city council of all license fees

CITY OF ST. MATTHEWS

MUNICIPAL ORDER NO. 93-17

A MUNICIPAL ORDER RELATING TO APPOINTMENT OF A
SIGN AND ZONING OFFICER

WHEREAS, Ordinance 81-13 created the position of Sign and Zoning Officer of the City of St. Matthews, and

WHEREAS, the statutory duties of the Alcoholic Beverage Control Administrator have been assigned to the office of the Sign and Zoning Officer by City of St. Matthews Ordinance 93-09, and

WHEREAS, the Mayor has recommended the appointment of Edgar G. Helm to fill the single office with the duties of the Alcoholic Beverage Control Officer so assigned, and

WHEREAS, the City Council finds that Edgar G. Helm possesses all necessary qualifications, now, therefore,

BE IT ORDERED by the City Council of the City of St. Matthews:

1. That Edgar G. Helm is hereby appointed and approved as Sign and Zoning Officer of the City of St. Matthews, effective immediately and upon his taking the oath of office as prescribed by Kentucky Constitution, Section 228, (with the assigned duties of the Alcoholic Beverage Control Administrator)

2. That his salary is hereby fixed at an hourly rate of \$ 10.00 per hour, payable bi-weekly.

3. In accordance with KRS 83A.080, the Sign and Zoning Officer shall be subject to removal at will by the Mayor unless otherwise provided by law.


4. This Municipal Order shall take effect upon its adoption by the City Council and signing by the Mayor.

Adopted at a special meeting of the City Council held on November 28, 1993, at which a quorum was present.



Arthur K. Draut, Mayor

ATTEST:



Gretchen Kaiser, City Clerk

CITY OF ST. MATTHEWS

MUNICIPAL ORDER NO. 93-15

A MUNICIPAL ORDER RELATING TO APPOINTMENT OF A
SIGN AND ZONING OFFICER

WHEREAS, Ordinance 81-13 created the position of Sign and Zoning Officer of the City of St. Matthews, and

WHEREAS, the position is now vacant and a search for a qualified person to fill that position has been conducted, and

WHEREAS, the Mayor has recommended the appointment of Edgar G. Helm to that position, and

WHEREAS, the City Council finds that Edgar G. Helm possesses all necessary qualifications, now, therefore,

BE IT ORDERED by the City Council of the City of St. Matthews:

1. That Edgar G. Helm is hereby appointed and approved as Sign and Zoning Officer of the City of St. Matthews, effective immediately and upon his taking the oath of office as prescribed by Kentucky Constitution, Section 228.


2. That his salary is hereby fixed at an hourly rate of \$ 10.00 per hour, payable bi-weekly.


3. In accordance with KRS 83A.080, the Sign and Zoning Officer shall be subject to removal at will by the Mayor unless otherwise provided by law.

4. This Municipal Order shall take effect upon its adoption by the City Council and signing by the Mayor.

Adopted at a regular meeting of the City Council held on September 28, 1993.

ATTEST:


Gretchen Kaiser, City Clerk


Arthur K. Draut, Mayor

PUBLIC OFFICIAL BOND

EX-905023

KNOW ALL MEN BY THESE PRESENTS, That we

EDGAR G HELM
2816 ASH AVENUE
LOUISVILLE, KY 40245

as Principal, and AMERICAN STATES INSURANCE COMPANY, a corporation duly organized and existing under and by virtue of the Laws of the State of Indiana, and authorized to become surety on bonds in the State of KENTUCKY as Surety, are held and firmly bound unto

CITY OF ST MATTHEWS
ST MATTHEWS, KY 40207

in the full and just sum of
ONE THOUSAND AND 00/100

(\$1,000.00) Dollars lawful money of the United States, for payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

SIGNED AND SEALED this 2ND day of DECEMBER, A.D., 1993

WHEREAS, the said EDGAR G HELM

has been duly elected or appointed to the office of ALCOHOL BEVERAGE ADMN./CITY OF ST MATTHEWS for a term beginning on the 23RD day of NOVEMBER, 1993 and ending on the 23RD day of NOVEMBER, 1994.

NOW, THEREFORE, THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that if the above principal shall, during the aforesaid term, faithfully and truly perform all the duties of said office as required by law, then this obligation to be void, otherwise to be and remain in full force and virtue.

IN WITNESS WHEREOF, the said Principal has hereunto set his hand and the said AMERICAN STATES INSURANCE COMPANY has caused these presents to be signed by its Attorney-in-Fact or President, the day and year first above written.

Witness

Principal

AMERICAN STATES INSURANCE COMPANY

BY

Sally J. Atchey

ATTORNEY-IN-FACT

RECEIVED

AUG 23 10 32 AM '82

BEVERAGE CONTROL

CITY OF ST. MATTHEWS

Ordinance No. 6, Series 1982

AN ORDINANCE RELATING TO THE LICENSING AND SALE OF ALCOHOLIC BEVERAGES ON SUNDAY.

BE IT ORDAINED BY THE CITY OF ST. MATTHEWS:

Section 1. In addition to those licenses authorized by Ordinance 7, Series 1981, the City Alcoholic Beverage Administrator or the City Clerk shall issue a special Sunday Retail Drink License to any person who holds a license to sell at retail, liquor and wine by the drink and who otherwise qualifies for such a license in accordance with the provisions of KRS Chapter 243, as amended, upon payment in advance to the City Clerk or City Alcoholic Beverage Administrator of the sum of \$300.00.

Section 2. Sales of alcoholic beverages on Sunday pursuant to the license granted under Section 1 hereof shall permit the sale of distilled spirits and wine by the drink on Sunday from 1:00 P.M. until 2:00 A.M. Monday by hotels, motels, and restaurants which are 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 in accordance with KRS 244.290.

Section 3. Fees for all licenses issued hereunder shall be due and payable on July 1 of each year. All licenses shall expire on June 30 next following date of issuance. The license fee may, in the reasonable discretion of Alcoholic Beverage Administrator or City Clerk, be prorated for periods less than one year.

Section 4. This ordinance shall take effect upon its passage and approval and publication as required by law.

Bernard Bowling
Mayor

Attest:

Richard A. [Signature]
City Clerk

ST. MATTHEWS

ORDINANCE NO. 2, SERIES 1978

AN ORDINANCE REGULATING THE DISTANCE
BETWEEN PACKAGE LIQUOR SALES

RECEIVED
MAY 5 12 02 PM '95
ALCOHOLIC
BEVERAGE CONTROL
LOUISVILLE, KY.

In order to protect residents and property owners and promote the public welfare,

THE CITY COUNCIL OF THE CITY OF ST. MATTHEWS, KENTUCKY, DOES
ORDAIN AS FOLLOWS:

Section 1. No Retail by the Package Liquor License shall be granted or issued to any licensee for any location within two thousand (2,000) feet of any existing premises licensed for such sales.

Section 2. All distances referred to in this ordinance shall be measured along the right-of-way of existing public vehicular roadways from a point on any such right-of-way line nearest the entrance of any such existing premises licensed for such sales to a point on any such right-of-way line nearest the entrance of the proposed licensed premises. All intersecting right-of-way lines shall be measured at right angles and where it is necessary in such measurement to cross a right-of-way the measurement shall be made at right angles. In determining distances hereunder the assessor's maps of Jefferson County shall be used and shall be presumed to be accurate by the Alcohol Beverage Control Administrator for the City. Applicants may, at their own expense, furnish a certified survey by any registered professional engineer or surveyor licensed in Jefferson County, and any such survey shall be given full consideration by the Administrator. For purposes of this section "public vehicular roadways" shall mean any road open to general public travel and actually and substantially used for automotive travel; unpaved rights-of-way and dead-end roadways shall not be considered in making measurements hereunder.

Section 3. The distance limitation prescribed by these regulations shall not affect any existing license location nor the right of

a new location in violation of this ordinance, except the location of any presently existing license or renewal thereof in case of destruction of property, or loss of lease through failure of the landlord to renew such lease, may be transferred to a location which is not closer than one-half the distance between an existing licensed premises and the nearest similar licensed premises.

Section 4. This ordinance shall take effect upon its passage, approval and publication as required by law.

Passed and approved, this February 14, 1978.

Al Bernard Sewling

 MAYOR

Attest:

John P. Keegan

 Clerk