

CITY OF VERSAILLES
ORDINANCE NO. 2013-44

TITLE: AN ORDINANCE AMENDING § 117.04 OF THE VERSAILLES CODE OF ORDINANCES.

Whereas, in order to comply with 2013 Senate Bill 13, it is necessary for the City to amend its ordinances concerning licenses relating to alcoholic beverages,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 117.04 of the Code of Ordinances of the City of Versailles is hereby amended as follows:

§ 117.04 OPERATIONAL REGULATIONS.

(A) Hours. No licensee operating pursuant to this chapter shall be open for business for the purpose of selling alcoholic beverages earlier than 6:00 a.m. on Monday through Saturday and 11:00 a.m. on Sunday. No licensee operating pursuant to this chapter shall be open for business for purposely selling alcoholic beverages later than 1:00 a.m. on Tuesday through Saturday and 2:00 a.m. on Sunday and Monday.

(B) Sales permitted only when food available. The provisions of division (A) above, notwithstanding, no licensee operating pursuant to this chapter shall sell alcoholic beverages at any time at which the licensee's kitchen and food service staffs are off duty. ~~This requirement is necessary for accomplishment of the legislative intent state in § 117.01 and in KRS 242.185.~~

(C) No Sunday sales permitted. The license issued under ~~KRS 242.185~~ and this chapter authorizes the sale of alcoholic beverages only Monday through Saturday. Sunday sales of alcoholic beverages can be authorized only upon the city's adoption of an ordinance expressly providing for such sales.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 17th day of December, 2013, and fully adopted after the second reading at a meeting of said council held on the 17th day of January, 2014.

THE CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2013-43

TITLE: AN ORDINANCE AMENDING § 117.03 OF THE VERSAILLES CODE OF ORDINANCES.

Whereas, in order to comply with 2013 Senate Bill 13, it is necessary for the City to amend its ordinances concerning licenses relating to alcoholic beverages,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 117.03 of the Code of Ordinances of the City of Versailles is hereby amended as follows:

§ 117.03 ISSUANCE AND RENEWAL OF LICENSES.

~~(A) Issuance. Upon satisfactory compliance with all city imposed requirements, the city's administrating officer shall sign an acknowledgment of that compliance. The ABC shall rely upon that acknowledgment and upon review of the application to the ABC shall rely upon that acknowledgment and upon review of the application to the ABC, shall issue an appropriate license. Upon presentation of the ABC issued license, the city's administrating officer shall issue the city's license.~~

~~—— (B) Renewal. A license issued pursuant to this chapter shall authorize the sale of alcoholic beverages for one year. The license may be renewed annually thereafter upon showing a compliance with applicable regulations and the payment of a renewal fee of \$800.~~

An applicant for a limited restaurant license for the sale of alcoholic beverages by the drink shall continuously satisfy all criteria for issuance such license contained in Title XX of the Kentucky Revised Statutes.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

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Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 17th day of December, 2013, and fully adopted after the second reading at a meeting of said council held on the 7th day of January, 2014.

THE CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2013-42

TITLE: AN ORDINANCE AMENDING § 117.02 OF THE VERSAILLES CODE OF ORDINANCES.

Whereas, in order to comply with 2013 Senate Bill 13, it is necessary for the City to amend its ordinances concerning licenses relating to alcoholic beverages,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 117.02 of the Code of Ordinances of the City of Versailles is hereby amended as follows:

§ 117.02 APPLICATION REVIEW.

~~———— No alcoholic beverage shall be sold in the city, except as authorized under KRS 242.185 and this chapter. Authorization under this chapter shall be obtained only upon the city's receipt and approval of an application in accordance with this chapter, the city's issuance of a license, the ABC's receipt and approval of an application in accordance with applicable law and the ABC's issuance of a license. Application submittal and review shall be conducted as follows:~~

~~———— (A) Application and fee.~~

~~———— (1) Persons requesting approval and license authorizing the sale of alcoholic beverages by the drink pursuant to KRS 242.185 and this chapter shall submit a completed application to be obtained from the office of the Mayor. The Office of Mayor shall determine the form of this application and the information required by it. That form and information shall be reasonably calculated to permit a reviewing officer to determine compliance with this chapter. In any event, the city shall accept an application in the form approved and accepted by the Alcoholic Beverage Control (ABC). Any applicant utilizing the ABC form shall provide any additional information not otherwise required by the ABC form by supplemental attachment to the application.~~

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~~(2) Applicants for a license under this chapter shall pay a license fee of \$800 pursuant to the provisions of KRS 243.070.~~

~~(B) Supplemental information. As applicant currently operating a restaurant or dining facility of comparable size to that which is the subject of the application and one that offers the sale of alcoholic beverages by the drink shall supplement the required application. The required supplemental data shall include information related to its current operation, which reasonably demonstrates the likelihood that applicant's business in Versailles will yield income earned through the sale of food equal to or greater than 70% of its gross receipts. This supplemental data shall include, but not necessarily be limited to the following specific information:~~

~~(1) The population of the community in which it currently operates;~~

~~_____ (2) Alcohol sales permitted in the community in which it currently operates;~~
~~and~~

~~_____ (3) The hours of operation, including any differentiation between the hours during which food and drinks are sold.~~

~~(C) Periodic information. Applicants to whom a license is issued authorizing the sale of alcoholic beverages by the drink pursuant to this chapter shall provide periodic information demonstrating compliance with the continuing requirement that 70% of the applicant's business income is earned from the sale of food.~~

~~(1) This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly tax filings. Regardless of the applicant's filing schedule, the first of the applicant's periodic information shall be submitted not later than six months after applicant commences sale of alcoholic beverages pursuant to this chapter.~~

~~(2) This information shall consist of a certificate from a certified public accountant familiar with the applicant's pertinent business records. This certificate shall state,~~

~~"I have conducted a limited scope audit to accepted accounting principles of the pertinent records of _____, licensee under Ordinance No. 2002-15, and certify that the licensee earned at least seventy percent (70%) of its gross receipts from the sale of food during the quarter ending."~~

~~_____ (3) This certificate shall include a brief description of the methodology utilized in the termination of the certified percentage.~~

~~(D) Administering officer. The city officer responsible for administering this chapter shall be the Mayor, or such city employee as the Mayor shall designate. All transactions required for compliance or enforcement of this chapter shall be directed to or issued by the Mayor. He or she shall review the applications along with supplemental and periodic information and issue licenses authorizing the sale of alcoholic beverages by the drink pursuant to this chapter. The city's administrating officer and employees with duties arising under this chapter shall comply with KRS 241.180 and 241.190.~~

~~(E) Forms. All forms reasonably necessary for the implementation of the chapter shall be provided by the Mayor's office.~~

~~(F) Auditing authority. the city's administrating officer is empowered to demand access to the pertinent business records of any applicant or licensee of the purpose of conducting and independent audit of those records to substantiate compliance with this chapter. The city's administrating officer may obtain such outside professional services as are reasonably necessary to conduct the audit. In the event the independent audit reveals non-compliance by the applicant or licensee, the costs of the audit shall be assessed to the licensee.~~

In accordance with KRS 243.072, the Versailles City Council hereby determines that an economic hardship exists within the City of Versailles and the sale of alcoholic beverages by the drink, to the extent permitted by said statute, could aid economic growth.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 17th day of December, 2013, and fully adopted after the second reading at a meeting of said council held on the 7th day of January, 2014.

THE CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2013-40

TITLE: AN ORDINANCE AMENDING § 110.40 OF THE VERSAILLES CODE OF ORDINANCES.

Whereas, in order to comply with 2013 Senate Bill 13, it is necessary for the City to amend its ordinances concerning licenses relating to alcoholic beverages,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 110.40 of the Code of Ordinances of the City of Versailles is hereby amended as follows:

(A) The City Administrating Officer shall issue the city's license to permit the sale of alcoholic beverages by the drink to ~~special~~ private clubs pursuant to this section.

(B) A ~~special~~ private club as described in this section shall have the same definition as contained in KRS ~~243.270~~ 241.010(38).

(C) ~~The~~ A nonquota type 3 retail drink license shall be issued upon submission of an application to the Office of the Mayor demonstrating compliance with the definition of a ~~special~~ private club and payment of the license fee of ~~five hundred dollars (\$500)~~ specified in Section 110.21(B). The license may be renewed annually thereafter upon showing of continued compliance with the applicable regulations and payment of a renewal fee of five hundred dollars (\$500).

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 17th day of December, 2013, and fully adopted after the second reading at a meeting of said council held on the 7th day of January, 2014.

THE CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2013-39

TITLE: AN ORDINANCE REPEALING § 110.31 OF THE VERSAILLES CODE OF ORDINANCES.

Whereas, in order to comply with 2013 Senate Bill 13, it is necessary for the City to amend its ordinances concerning licenses relating to alcoholic beverages,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 110.31 of the Code of Ordinances of the City of Versailles is hereby repealed.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 17th day of December, 2013, and fully adopted after the second reading at a meeting of said council held on the 7th day of January, 2014.

THE CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

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CITY OF VERSAILLES
ORDINANCE NO. 2013-38

TITLE: AN ORDINANCE AMENDING § 110.30 OF THE VERSAILLES CODE OF ORDINANCES.

Whereas, in order to comply with 2013 Senate Bill 13, it is necessary for the City to amend its ordinances concerning licenses relating to alcoholic beverages,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 110.30 of the Code of Ordinances of the City of Versailles is hereby amended as follows:

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

The City may issue quota retail package licenses to those businesses which comply with the requirements for such license contained in Title XX of the Kentucky Revised Statutes.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 17th day of December, 2013, and fully adopted after the second reading at a meeting of said council held on the 7th day of January, 2014.

THE CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2013-37

TITLE: AN ORDINANCE AMENDING § 110.21 OF THE VERSAILLES CODE OF ORDINANCES.

Whereas, in order to comply with 2013 Senate Bill 13, it is necessary for the City to amend its ordinances concerning licenses relating to alcoholic beverages,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 110.21 of the Code of Ordinances of the City of Versailles is hereby amended as follows:

(A) There is hereby levied a license privilege and occupational tax on each person engaged in business within the city limits, in addition to all other taxes. This license is in the amount of \$50 and shall be paid by all businesses ~~except the following which shall pay the following amount: unless otherwise specified.~~

Business	Fee
Carnival, fairs, or exhibitions	(1) per week \$ 150
	(2) per day 50
Wholesale liquor dealer	500
Wholesale beer delivery and sales	100
Dealers in malt beverage by bottle, keg, draft, beverages alone, or wine by drink	100
Liquor dispensaries (retail)	400

(B) The license fee for carnivals, fairs or exhibitions shall be \$ 50.00 per day or \$ 150.00 per week.

(C) The license fee for a business engaged in the manufacture, storage, sale, purchase, transporting or other trafficking in alcoholic beverages authorized within the City shall be as follows:

License

Fee

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i Distiller's license	\$ 500
ii Rectifier's license	500
iii Wholesaler's distilled spirits and wine license	500
iv Quota retail package license	500
v Quota retail drink license	500
vi Special temporary license, per event	100
vii Nonquota type 1 retail drink license (includes spirits, wine, and malt beverages)	500
viii Nonquota type 2 retail drink license (includes spirits, wine, and malt beverages)	500
ix Nonquota type 3 retail drink license (includes spirits, wine, and malt beverages) (Private Club)	500
x Caterer's license	400
xi Bottling house or bottling house storage license	500
xii Brewer's license	300
xiii Microbrewery license	300
xiv Malt beverage distributor's license	100
xv Nonquota retail malt beverage package license	100
xvi Nonquota type 4 retail malt beverage drink license	100
xvii Malt beverage brew-on-premises license	100
xviii Limited restaurant license (includes distilled spirits, wine, and malt beverages)	800
xix 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.	

(D) If payment of a license fee relating to alcoholic beverages was erroneously made or the state director of Alcohol Beverage Control refuses to issue the required state license, the Clerk shall refund the license fee paid to the City.

(B E) There is also hereby established a one-time registration fee for all new licensees of \$ 50.

(G F) There is also hereby established a minimum license fee of \$ 50 for each calendar year.

SECTION TWO: This ordinance shall be effective after the date of its passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 17th day of December, 2013, and fully adopted after the second reading at a meeting of said council held on the 7th day of January, 2014.

THE CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ALLISON B. WHITE, CITY CLERK

**CITY OF VERSAILLES, KENTUCKY
ORDINANCE NO. 2009-17**

TITLE: AN ORDINANCE AMENDING SECTION 110.40 OF THE VERSAILLES CODE OF ORDINANCE TO DELETE THE PROHIBITION OF ALCOHOL SALES ON SUNDAY BY PRIVATE CLUBS.

WHEREAS, the Versailles City Council deems it necessary and appropriate to amend Section 110.40 of the City's Code of Ordinances to permit the sale of alcohol by the drink by private clubs on Sunday; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KETNUCKY AS FOLLOWS:

SECTION 1. SECTION 110.40(D) OF THE CODE OF ORDINANCES IS HEREBY AMENDED AS FOLLOWS:

(D) Operational regulations.

(1) Hours. The hours of operation for private clubs selling alcoholic beverages by the drink shall be the same as the hours for restaurants selling such beverages under license from the city.

~~(2) No Sunday sales permitted. The license issued under this section authorizes the sale of alcoholic beverages only Monday through Saturday. Sunday sales of alcoholic beverages can be authorized only upon the city's adoption of an ordinance expressly providing for such sales.~~

(3) (2) Private club status. The license issued under this section shall authorize the licensee to exercise the privilege of selling alcohol beverages by the drink only at the club room or rooms from which the general public is excluded and shall continue only during such time as the license continues to meet the definition of a special private club as set forth above.

SECTION TWO: This ordinance shall take effect upon passage and publication as required by the law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky held on the 18th day of August, 2009, and fully adopted after the second reading at a meeting of said council held on the 1st day of September, 2009.

APPROVED:


FRED SIEGELMAN, MAYOR

ATTEST:


ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2009-14

TITLE: AN ORDINANCE AMENDING SECTION 117.04 OF THE
VERSAILLES CODE OF ORDINANCES TO PERMIT
LICENSED RESTAURANTS TO SELL ALCOHOL BY
THE DRINK ON SUNDAYS DURING TIME SPECIFIED.

WHEREAS, the Versailles City Council has determined that it is necessary and appropriate to amend the Section 117.04 of the City's Code of Ordinances to permit the sale of alcohol by the drink on Sunday; and

WHEREAS, Section 117.04(C) specifies that the sale of alcoholic beverages on Sunday is prohibited unless authorized by the City's adoption of an ordinance expressly providing for such sales.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 117.04(A) of the Versailles Code of Ordinances is hereby amended as follows:

(A) Hours. No licensee operating pursuant to this chapter shall be open for business for the purpose of selling alcoholic beverages earlier than 6:00 a.m. ~~or later than 12:00 midnight on Saturday evening and 1:00 a.m. on Monday through Saturday and 11:00 a.m. on Sunday.~~ No licensee operating pursuant to this chapter shall be open for business for purposely selling alcoholic beverages later than 11:00 p.m. on Sunday and 1:00 a.m. on Tuesday through Sunday.

SECTION TWO: This ordinance shall take effect upon passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 2nd day of June, 2009, and fully adopted after the second reading at a meeting of said council held on the 16th day of June, 2009.

THE CITY OF VERSAILLES


FRED SIEGELMAN, MAYOR

ATTEST:


ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2009-13

TITLE: AN ORDINANCE AMENDED TO ADD A SECTION TO CHAPTER 110 OF THE VERSAILLES CODE OF ORDINANCES TO SET HOURS FOR THE SALE OF PACKAGE ALCOHOL IN BUSINESS THAT HAVE A PACKAGE LIQUOR LICENSE.

WHEREAS, the Versailles City Council has determined that it is necessary and appropriate to amend the Section 110 of the City's Code of Ordinances to set out the operational regulations for businesses with a license to sell package liquor on Sunday; and

WHEREAS, KRS 244.290 specifies that the sale of package alcohol on Sunday is prohibited unless authorized by the City's adoption of an ordinance expressly providing for such sales.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES, KENTUCKY AS FOLLOWS:

SECTION ONE: Section 110 of the Versailles Code of Ordinances is hereby amended to add the following:

Hours of Operation. No licensee operating pursuant to this chapter shall sell package alcohol earlier than 6:00 a.m. on Monday through Saturday and 11:00 a.m. on Sunday. No licensee operating pursuant to this chapter shall sell package alcohol later than 11:00 p.m. on Sunday and 1:00 a.m. on Tuesday through Sunday.

SECTION TWO: This ordinance shall take effect upon passage and publication as required by law. Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 2nd day of June, 2009, and fully adopted after the second reading at a meeting of said council held on the 11th day of June, 2009.

THE CITY OF VERSAILLES


FRED SIEGELMAN, MAYOR

ATTEST:


ALLISON B. WHITE, CITY CLERK

VERSAILLES - LICENSES

REGULATORY LICENSE TAX

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§ 110.20 DEFINITION.

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

"PERSON." Individual natural persons, partnerships, joint adventures, societies, associations, clubs, trustees, trusts, or corporations; or any officers, agents, employees, factor, or any kind of personal representatives of any thereof, in any capacity, acting either for himself, or for any other person, under either personal appointment or pursuant to law.

(Ord., passed 6-24-85)

§ 110.21 LEVYING LICENSE PRIVILEGE AND OCCUPATIONAL TAX.

(A) There is hereby levied a license privilege and occupational tax on each person engaged in business within the city limits, in addition to all other taxes. This license is in the amount of \$50 and shall be paid by all businesses except the following which shall pay the following amount:

Business	Fee
Carnival, fairs, or exhibitions	
(1) per week	\$150
(2) per day	50
Wholesale liquor dealer	500
Wholesale beer delivery and sales	100
Dealers in malt beverage by bottle, keg, draft, beverages alone, or wine by drink.	100
Liquor dispensaries (retail)	400

(B) There is also hereby established a one-time registration fee for all new licensees of \$50.

(C) There is also hereby established a minimum license fee of \$50 for each calendar year.

(Ord., passed 6-24-85) (Ord. 2004-16, passed 5-4-2004)

VERSAILLES - LICENSES

§ 110.22 LICENSE REQUIRED.

Before exercising any of the privileges of engaging in any business, trade, occupation, or profession in the city, during the license year, every person, firm, or corporation desiring to do so shall first procure the city license and pay the fee or tax thereon, as hereinabove provided.

(Ord., passed 6-24-85)

§ 110.23 ENGAGING IN MORE THAN ONE OCCUPATION; SEPARATE FEES.

No person engaged in more than one occupation at the same physical location and upon which separate fees are charged shall in any event have to pay more than \$50 except for those businesses specifically set out under § 110.21.

(Ord., passed 6-24-85; Am. Ord. 2004-17, passed 5-4-2004)

§ 110.24 NONTRANSFERENCE OF LICENSE.

No license shall be transferred or transferable.

(Ord., passed 6-24-85) Penalty, see § 110.99

§ 110.25 LICENSES TO BE DISPLAYED.

All licenses must be permanently and conspicuously displayed in the original place of business for which they are granted.

(Ord., passed 6-24-85) Penalty, see § 110.99

§ 110.26 INSPECTION OF LICENSES.

It shall be the duty of the Chief of Police or police officers to inspect and report to the City Council on proper licenses issued and the proper display of same, and to swear out and have warrants issued for the arrest of violators of this subchapter.

(Ord., passed 6-24-85)

§ 110.27 PAYMENT OF LICENSES; PRO RATA; PARTIAL PAYMENT PROHIBITED.

(A) Any person, firm, or corporation entering upon a trade, occupation, or profession shall be required to pay the full amount of the license fee except for licenses purchased after December 31 of each year which shall be one-half of the license fee amount and except where a daily or weekly rate is specified.

(B) No partial payment for any kind of license shall be allowed or accepted.

(Ord., passed 6-24-85)

VERSAILLES - LICENSES

§ 110.28 FAILURE TO PAY; CLOSING PLACE OF BUSINESS.

For nonpayment of the license within 30 days after the penalty date, the City Council may at its discretion instruct the Chief of Police to order those places of business closed.
(Ord., passed 6-24-85)

§ 110.29 DUE DATE, PENALTY.

All license fees or tax shall become due and payable on July 1 of each year beginning July 1, 1985, and if not paid within one month thereafter the fees or tax shall bear interest from July 1 of each year at 6% and a penalty of 10% on the principal sum is hereby levied by reason of nonpayment.
(Ord., passed 6-24-85)

PACKAGE LIQUOR LICENSE

§ 110.30 REGULATIONS.

No retail package liquor license shall be issued to any business or person that does not receive at least ninety percent (90%) of its gross receipts from the sale of alcohol.
(Ord. 95-16, passed 10-17-95)

§ 110.31 APPLICATION.

An applicant for a retail package liquor license shall certify under oath that ninety percent (90%) of the total projected gross receipts from sales made at the licensed premises during the twelve (12) month period following the issuance of the license shall consist of the projected gross receipts from sales of alcoholic beverages. No retail package liquor license, issued after October 17, 1995, shall be reissued unless the licensee's total gross receipts were ninety percent (90%) from sales of alcoholic beverages for the immediate past twelve (12) months. This section applies to new licensees and not to those licensed as of October 17, 1995.
(Ord. 95-16, passed 10-17-95)

LICENSE FOR ALCOHOLIC BEVERAGES BY THE DRINK

§ 110.40 LICENSING OF PRIVATE CLUBS FOR THE SAKE OF ALCOHOLIC BEVERAGES BY THE DRINK.

(A) The City Administrating Officer shall issue the city's license to permit the sale of alcoholic beverages by the drink to special private clubs pursuant to this section.

(B) A special private club as described in this section shall have the same definition as contained in KRS 243.270.

VERSAILLES - LICENSES

(C) The license shall be issued upon submission of an application to the Office of the Mayor demonstrating compliance with the definition of a special private club and payment of the license fee of \$500.00. The license may be renewed annually thereafter upon showing of continued compliance with the applicable regulations and payment of a renewal fee of \$500.00.

(D) Operational regulations.

(1) Hours. The hours of operation for private clubs selling alcoholic beverages by the drink shall be the same as the hours for restaurants selling such beverages under license from the city.

(2) No Sunday sales permitted. The license issued under this section authorizes the sale of alcoholic beverages only Monday through Saturday. Sunday sales of alcoholic beverages can be authorized only upon the city's adoption of an ordinance expressly providing for such sales.

(3) Private club status. The license issued under this section shall authorize the licensee to exercise the privilege of selling alcohol beverages by the drink only at the club room or rooms from which the general public is excluded and shall continue only during such time as the license continues to meet the definition of a special private club as set forth above.

(E) The penalties and procedures for violation of this section shall be the same as the penalties and procedures for violation of the license issued to restaurants for sale of alcohol by the drink.

(F) The submission of an application for a license under this section shall constitute the binding consent of the private club for such inspections as the city may determine appropriate for the issuance of requested license and to monitor compliance with this section and other laws, rules and regulations concerning alcoholic beverages during the term of such license. No search warrant shall be required for any inspection, which may occur without notice at any time the private club is open to its members. Inspections may be conducted by city police officers.

(Ord. 2004-04, passed 3-30-2004)

§ 110.99 PENALTY.

(A) Any person who violates any of the provisions of §§ 110.01 through 110.09(A) and (C), by failing to pay any license fee when due, or failing to withhold and pay any license fee when due, or failing to file any report or submit to any examination required by these sections, or in any other manner fails or refuses to comply with any of the terms or provisions of these sections, shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$50 nor more than \$500, or

VERSAILLES - LICENSES

imprisoned for not more than 30 days, or both. The penalties shall be in addition to other penalties imposed by §§ 110.01 through 110.09(A) and (C). Each failure or refusal to comply with any of the provisions of these sections shall constitute a separate offense, and each day that such failure or refusal continues without compliance shall constitute a separate offense.

(B) Whoever violates § 110.09(B) shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than \$50 nor more than \$500 or punished by confinement for not more than 90 days, or both.
(Ord., passed 11-4-69)

(C) Any person, firm, or corporation violating §§ 110.20 through 110.29 by engaging in any business, profession, or calling or the doing of anything for which a license is required, without first procuring a license therefor, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$5 nor more than \$100 or imprisoned in the county jail not less than one nor more than 30 days, or both so fined and imprisoned, for each violation. Each day a business, occupation, profession, trade, or calling is engaged in, or the doing of any thing for which a license is required, without the license, shall constitute a separate offense, but no prosecution shall be a bar to a civil action for the recovery of the required license fee or fees.

(Ord., passed 6-24-85)

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ALCOHOLIC
BEVERAGE CONTROL

CHAPTER 117: RESTAURANTS AND DINING FACILITIES

Section

- 117.01 Purpose
- 117.02 Application review
- 117.03 Issuance and renewal of licenses
- 117.04 Operational regulations
- 117.05 Violations

- 117.99 Penalty

§ 117.01 PURPOSE.

This chapter is adopted to regulate the sale of alcohol pursuant to KRS 242.185 in such manner as to effectuate the legislative intent of that statute. That intent is to permit the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat at least 100 persons and derive a minimum of 70% of their gross receipts from the sale of food. To realize this intent, the city shall implement this chapter in such manner as to assure that:

(A) Restaurants and dining facilities licensed under this chapter shall seat a minimum of 100 persons. Only permanent searing, excluding bar-type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold;

(B) The sale of alcoholic beverages shall be necessary to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty;

(C) Restaurants and dining facilities licensed under this chapter shall derive a minimum of 70% of their gross receipts from the sale of food as certified by periodic documentation.
(Ord. 2002-15, passed 7-2-2002)

§ 117.02 APPLICATION REVIEW.

No alcoholic beverage shall be sold in the city, except as authorized under KRS 242.185 and this chapter. Authorization under this chapter shall be obtained only upon the city's receipt and approval of an application in accordance with this chapter, the city's issuance of a license, the ABC's receipt and approval of an application in accordance with applicable law and the ABC's issuance of a license. Application submittal and review shall be conducted as follows:

VERSAILLES - RESTAURANTS AND DINING FACILITIES

(A) Application and fee.

(1) Persons requesting approval and license authorizing the sale of alcoholic beverages by the drink pursuant to KRS 242.185 and this chapter shall submit a completed application to be obtained from the office of the Mayor. The Office of Mayor shall determine the form of this application and the information required by it. That form and information shall be reasonably calculated to permit a reviewing officer to determine compliance with this chapter. In any event, the city shall accept an application in the form approved and accepted by the Alcoholic Beverage Control (ABC). Any applicant utilizing the ABC form shall provide any additional information not otherwise required by the ABC form by supplemental attachment to the application.

(2) Applicants for a license under this chapter shall pay a license fee of \$800 pursuant to the provisions of KRS 243.070.

(B) Supplemental information. As applicant currently operating a restaurant or dining facility of comparable size to that which is the subject of the application and one that offers the sale of alcoholic beverages by the drink shall supplement the required application. The required supplemental data shall include information related to its current operation, which reasonably demonstrates the likelihood that applicant's business in Versailles will yield income earned through the sale of food equal to or greater than 70% of its gross receipts. This supplemental data shall include, but not necessarily be limited to the following specific information:

(1) The population of the community in which it currently operates;

(2) Alcohol sales permitted in the community in which it currently operates; and

(3) The hours of operation, including any differentiation between the hours during which food and drinks are sold.

(C) Periodic information. Applicants to whom a license is issued authorizing the sale of alcoholic beverages by the drink pursuant to this chapter shall provide periodic information demonstrating compliance with the continuing requirement that 70% of the applicant's business income is earned from the sale of food.

(1) This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly tax filings. Regardless of

VERSAILLES - RESTAURANTS AND DINING FACILITIES

the applicant's filing schedule, the first of the applicant's periodic information shall be submitted not later than six months after applicant commences sale of alcoholic beverages pursuant to this chapter.

(2) This information shall consist of a certificate from a certified public accountant familiar with the applicant's pertinent business records. This certificate shall state,

"I have conducted a limited scope audit to accepted accounting principles of the pertinent records of _____, licensee under Ordinance No. 2002-15, and certify that the licensee earned at least seventy percent (70%) of its gross receipts from the sale of food during the quarter ending _____."

(3) This certificate shall include a brief description of the methodology utilized in the termination of the certified percentage.

(D) Administering officer. The city officer responsible for administering this chapter shall be the Mayor, or such city employee as the Mayor shall designate. All transactions required for compliance or enforcement of this chapter shall be directed to or issued by the Mayor. He or she shall review the applications along with supplemental and periodic information and issue licenses authorizing the sale of alcoholic beverages by the drink pursuant to this chapter. The city's administering officer and employees with duties arising under this chapter shall comply with KRS 241.180 and 241.190.

(E) Forms. All forms reasonably necessary for the implementation of the chapter shall be provided by the Mayor's office.

(F) Auditing authority. the city's administering officer is empowered to demand access to the pertinent business records of any applicant or licensee of the purpose of conducting and independent audit of those records to substantiate compliance with this chapter. The city's administering officer may obtain such outside professional services as are reasonably necessary to conduct the audit. In the event the independent audit reveals non-compliance by the applicant or licensee, the costs of the audit shall be assessed to the licensee. (Ord. 2002-15, passed 7-2-2002)

§ 117.03 ISSUANCE AND RENEWAL OF LICENSES.

(A) Issuance. Upon satisfactory compliance with all city imposed requirements, the city's administering officer shall sign an

VERSAILLES - RESTAURANTS AND DINING FACILITIES

acknowledgment of that compliance. The ABC shall rely upon that acknowledgment and upon review of the application to the ABC shall rely upon that acknowledgment and upon review of the application to the ABC, shall issue an appropriate license. Upon presentation of the ABC issued license, the city's administrating officer shall issue the city's license.

(B) Renewal. A license issued pursuant to this chapter shall authorize the sale of alcoholic beverages for one year. The license may be renewed annually thereafter upon showing a compliance with applicable regulations and the payment of a renewal fee of \$800.
(Ord. 2002-15, passed 7-2-2002)

§ 117.04 OPERATIONAL REGULATIONS.

(A) Hours. No licensee operating pursuant to this chapter shall be open for business earlier than 6:00 a.m. or later than 12:00 midnight on Saturday evening and 1:00 a.m. on Monday morning through Saturday morning.

(B) Sales permitted only when food available. The provisions of division (A) above, notwithstanding, no licensee operating pursuant to this chapter shall sell alcoholic beverages at any time at which the licensee's kitchen and food service staffs are off duty. This requirement is necessary for accomplishment of the legislative intent state in § 117.01 and in KRS 242.185.

(C) No Sunday sales permitted. The license issued under KRS 242.185 and this chapter authorizes the sale of alcoholic beverages only Monday through Saturday. Sunday sales of alcoholic beverages can be authorized only upon the city's adoption of an ordinance expressly providing for such sales.

(Ord. 2002-15, passed 7-2-2002; Am. Ord. 2003-23, passed 8-19-2003)

§ 117.05 VIOLATIONS.

(A) Administrative action. Violations of this chapter shall constitute grounds for administrative action by the city's administrating officer. Appropriate actions by the administrating officer upon the determination of a violation shall include a warning and probationary period in which the violation is corrected, a license suspension or license revocation. Suspensions may be satisfied by the payment of \$50 per day. The action of the administrating officer shall be commensurate with the seriousness of the violation. Upon a finding of a subsequent material violation, the license may be suspended for such time as is commensurate with the seriousness of the offenses, or, if previously suspended, revoked. Subsequent suspensions may be satisfied by the payment of a fine of \$50 per day for no more than one-half of the suspension.

VERSAILLES - RESTAURANTS AND DINING FACILITIES

(B) Show cause hearing. Hearings on alleged violations shall be in the manner of a "show cause" hearing at which the licensee shall bear the burden of persuasion that the alleged violation did not occur. The licensee shall be afforded the right to:

- (1) Reasonable notice of the charge;
- (2) Representation by counsel;
- (3) Presentation of such evidence and witnesses as in its discretion are appropriate to the issues; and
- (4) A finding reasonably supported by the evidence.

(C) Hearing officer. Pursuant to § 117.02(D) above of this chapter, the city administrating officer may designate a city employee or other person as the hearing officer to conduct the hearing provided for in this section. In the event of such a designation, the hearing officer's determination shall be in the form of a recommendation upon which the city administrating officer shall determine the appropriate action.

(D) Appeal. Pursuant to KRS 241.200 all orders of the city administrating officer may be appealed to the Alcoholic Beverage Control Board.

(E) Referral of ABC. In lieu of the hearing authority provided above, allegations of violations of this chapter may be referred to the Alcoholic Beverage Control Board for determination.

(Ord. 2002-15, passed 7-2-2002)

§ 117.99 PENALTY.

Violations of this chapter shall be punishable by fine of up to \$500 for each offense. Complaints alleging violations of this chapter may be filed in the Woodford District Court and prosecuted as all other municipal ordinance violations. Each day of each violation shall constitute a separate offense.

(Ord. 2002-15, passed 7-2-2002)

VERSAILLES - RESTAURANTS AND DINING FACILITIES

CHAPTER 118: BEER KEG TRACKING

Section

- 118.01 Definitions
- 118.02 Duties of seller
- 118.03 General regulations

- 118.99 Penalty

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ALCOHOLIC
BEVERAGE CONTROL

§ 118.01 DEFINITIONS.

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

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

"KEGS." Containers designated for and capable of holding intoxicating or non-intoxicating malt liquor to be dispersed from a tapper.

"MALT LIQUOR." Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, having an alcoholic content greater than 3.2% alcohol by weight in kegs.

"NON-INTOXICATING LIQUOR." Malt liquor containing not less than .5% alcohol by volume nor more than 3.2% alcohol by weight.

"OFF-SALE." The sale of alcoholic beverages in kegs in original packages for consumption off the licensed premises only.
(Ord. 2005-1, passed 2-1-04)

§ 118.02 DUTIES OF SELLER.

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

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

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

VERSAILLES - BEER KEG TRACKING

- (2) The date and time of the purchase.
- (3) The beer keg identification number.
- (4) The purchaser signature.

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

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

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

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

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

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

(D) The seller shall:

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

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

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

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

(Ord. 2005-1, passed 2-1-04) Penalty, see § 118.99

VERSAILLES - BEER KEG TRACKING

§ 118.03 GENERAL REGULATIONS.

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

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

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

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

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

(Ord. 2005-1, passed 2-1-04) Penalty, see § 118.99

§ 118.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no specific penalty is provided, shall be guilty of a misdemeanor and shall:

(1) For the first violation, be a fine of not more than two hundred fifty dollars (\$250).

(2) For the second violation, be a fine of not more than five hundred dollars (\$500) or be imprisoned in the county jail for not more than six months or both.

(3) For the third violation, be a fine of not more than one thousand dollars (\$1,000) and be imprisoned in the county jail for not more than 12 months or both.

(B) If a person who violates any provision of this chapter is a corporation, partnership, joint stock company, association or fiduciary, then the president and/or the principal officer or partner responsible for such violation may be punished in (A)(1) or (A)(2) as authorized by this section.

(Ord. 2005-1, passed 2-1-04)

CITY OF VERSAILLES
ORDINANCE NO. 2004-04

TITLE: AN ORDINANCE RELATING TO THE LICENSING OF PRIVATE CLUBS FOR THE SALE OF ALCOHOL BEVERAGES BY THE DRINK.

Whereas, the Versailles City Council has previously adopted an ordinance permitted the licensing of certain restaurants for the sale of alcohol beverages by the drink; and

Whereas, the City of Versailles has determined that the same licensing should be extended to certain private clubs;

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

Section One. The City Administrating Officer shall issue the City's license to permit the sale of alcohol beverages by the drink to special private clubs pursuant to this ordinance.

Section Two. A special private club as described in this ordinance shall have the same definition as contained in KRS 243.270.

Section Three. The license shall be issued upon submission of an application to the Office of the Mayor demonstrating compliance with the definition of a special private club and payment of the license fee of \$ 500.00. The license may be renewed annually thereafter upon showing of continued compliance with the applicable regulations and payment of a renewal fee of \$ 500.00.

Section Four. Operational Regulations.

(A) Hours. The hours of operation for private clubs selling alcoholic beverages by the drink shall be the same as the hours for restaurants selling such beverages under license from the City.

(B) No Sunday Sales Permitted. The license issued under this Ordinance authorizes the sale of alcoholic beverages only Monday through Saturday. Sunday sales of alcoholic beverages can be authorized only upon the City's adoption of an ordinance expressly providing for such sales.

(C) Private Club Status. The license issued under this Ordinance shall authorize the licensee to exercise the privilege of selling alcohol beverages by the drink only at the club room or rooms from which the general public is excluded and shall continue only during such time as the licensee continues to meet the definition of

a special private club as set forth above.

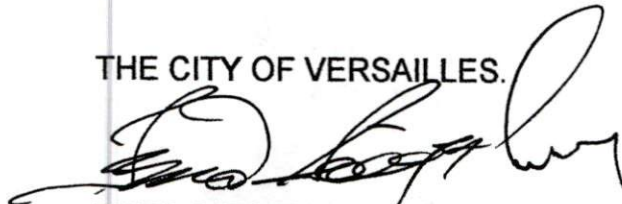
Section Five. The penalties and procedures for violation of this Ordinance shall be the same as the penalties and procedures for violation of the license issued to restaurants for sale of alcohol by the drink.

Section Six. The submission of an application for a license under this ordinance shall constitute the binding consent of the private club for such inspections as the City may determine appropriate for the issuance of the requested license and to monitor compliance with this ordinance and other laws, rules and regulations concerning alcoholic beverages during the term of such license. No search warrant shall be required for any inspection, which may occur without notice at any time the private club is open to its members. Inspections may be conducted by City Police officers.

Section Seven. This ordinance shall be effective after passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 16th day of March, 2004, and fully adopted after a second reading at the meeting of said council held on the 30th day of March, 2004.

THE CITY OF VERSAILLES.



FRED SIEGELMAN, MAYOR

ATTEST:


ALLISON B. WHITE, CITY CLERK

CITY OF VERSAILLES
ORDINANCE NO. 2003-23

**TITLE: AN ORDINANCE AMENDING SECTION 4(a) OF THE ORDINANCE
AUTHORIZING THE SALE OF LIQUOR BY THE DRINK REGARDING
HOURS OF OPERATION.**

WHEREAS, the Versailles City Council has determined that hours of operation for restaurants licensed under Ordinance No. 2002-15 to sell liquor by the drink should be extended;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VERSAILLES,
KENTUCKY AS FOLLOWS:

SECTION ONE: Section Four (a) of Ordinance No. 2002-15 is hereby amended as follows:

(a) Hours. No licensee operating pursuant to this Ordinance shall be open for business earlier than 6:00 a.m. or later than 12:00 midnight on Saturday evening and 1:00 a.m. on Monday morning through Saturday morning.

SECTION TWO: This ordinance shall be effective upon passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 5th day of August, 2003, and fully adopted after the second reading at a meeting of the said council held on the 19th day of August, 2003.

CITY OF VERSAILLES

FRED SIEGELMAN, MAYOR

ATTEST:

Allison B. White
ALLISON B. WHITE, CITY CLERK

**CITY OF VERSAILLES
ORDINANCE NO. 2002-15**

ALCOHOLIC
BEVERAGE CONTROL

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AN ORDINANCE RELATED TO THE LICENSING OF RESTUARANTS AND DINING FACILITIES FOR THE SALE OF ALCOHOL BEVERAGES BY THE DRINK WHEN SUCH FACILITIES SEAT A MINIMUM OF ONE HUNDRED (100) PERSONS AND DERIVE A MINIMUM OF SEVENTY PERCENT (70%) OF GROSS RECEIPTS FROM THE SALE OF FOOD.

WHEREAS, the Versailles City Council has determined that an economic hardship exists within the City and that the sale of alcoholic beverages by the drink could aid economic growth; and

WHEREAS, THE city of Versailles has determined to exercise the option contained in KRS 242.185(1) to permit limited sales of alcoholic beverages by the drink; and

WHEREAS, it is the desire of the City to enact a comprehensive regulatory ordinance covering the licensing and operation of restaurants for the sale of alcoholic beverages by the drink for consumption on the premises.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF
VERSAILLES, KENTUCKY, AS FOLLOWS:**

SECTION ONE. PURPOSE: This Ordinance is adopted to regulate the sale of alcohol pursuant to KRS 242.185 in such manner as to effectuate the legislative intent of that statute. That intent is to permit the sale of alcoholic beverages by the drink at restaurants and dining facilities which seat at least one hundred (100) persons and derive a minimum of seventy percent (70%) of their gross receipts from the sale of food. To realize this intent, the City shall implement this Ordinance in such manner as to assure that:

- (a) Restaurants and dining facilities licensed under this Ordinance shall seat a minimum of one hundred persons. Only permanent seating, excluding bar-type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold.
- (b) The sale of alcoholic beverages shall be necessary to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty.
- (c) Restaurants and dining facilities licensed under this Ordinance shall derive a minimum of seventy percent (70%) of their gross receipts from the sale of food as certified by periodic documentation.

SECTION TWO. APPLICATION REVIEW: No alcoholic beverage shall be sold in the City, except as authorized under KRS 242.185 and this Ordinance.

Authorization under this ordinance shall be obtained only upon the City's receipt and approval of an application in accordance with this Ordinance, the City's issuance of a license, the ABC's receipt and approval of an application in accordance with applicable law and the ABC's issuance of a license.

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BEVERAGE CONTROL

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Application submittal and review shall be conducted as follows:

- (a) **Application and Fee.** i. Persons requesting approval and license authorizing the sale of alcoholic beverages by the drink pursuant to KRS 242.185 and this Ordinance shall submit a completed application to be obtained from the Office of the Mayor. The Office of Mayor shall determine the form of this application and the information required by it. That form and information shall be reasonably calculated to permit a reviewing officer to determine compliance with this Ordinance. In any event, the City shall accept an application in the form approved and accepted by the Alcoholic Beverage Control (ABC). Any applicant utilizing the ABC form shall provide any additional information not otherwise required by the ABC form by supplemental attachment to the application.
 - ii. Applicants for a license under this Ordinance shall pay a license fee of \$800.00 pursuant to the provisions of KRS 243.070.
- (b) **Supplemental Information.** As applicant currently operating a restaurant or dining facility of comparable size to that which is the subject of the application and one that offers the sale of alcoholic beverages by the drink shall supplement the required application. The required supplemental data shall include information related to its current operation, which reasonably demonstrates the likelihood that applicant's business in Versailles will yield income earned through the sale of food equal to or greater than seventy (70) percent of its gross receipts. This supplemental data shall include, but not necessarily be limited to the following specific information.
 - i. The population of the community in which it currently operates;
 - ii. Alcohol sales permitted in the community in which it currently operates; and
 - iii. The hours of operation, including any differentiation between the hours during which food and drinks are sold.

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- (c) **Periodic Information.** Applicants to whom a license is issued authorizing the sale of alcoholic beverages by the drink pursuant to this Ordinance shall provide periodic information demonstrating compliance with the continuing requirement that seventy (70) percent of the applicant's business income is earned from the sale of food.

This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly tax filings. Regardless of the applicant's filing schedule, the first of the applicant's periodic information shall be submitted not later than six months after applicant commences sale of alcoholic beverages pursuant to this Ordinance.

This information shall consist of a certificate from a Certified Public Accountant familiar with the applicant's pertinent business records. This certificate shall state,

"I have conducted a limited scope audit to accepted accounting principles of the pertinent records of _____, Licensee under Ordinance No. 2002-15, and certify that the Licensee earned at least seventy (70) Percent of its gross receipts from the sale of food during the quarter ending _____."

This certificate shall include a brief description of the methodology utilized in the termination of the certified percentage.

- (d) **Administrating Officer.** The City Officer responsible for administering this Ordinance shall be the Mayor, or such City employee as the Mayor shall designate. All transactions required for compliance or enforcement of this Ordinance shall be directed to or issued by the Mayor. He or she shall review the applications along with supplemental and periodic information and issue licenses authorizing the sale of alcoholic beverages by the drink pursuant to this Ordinance. The City's Administrating Officer and employees with duties arising under this Ordinance shall comply with KRS 241.180 and 190.
- (e) **Forms.** All forms reasonably necessary for the implementation of the Ordinance shall be provided by the Mayor's office.
- (f) **Auditing Authority.** The City's Administrating Officer is empowered to demand access to the pertinent business records of any applicant or licensee for the purpose of conducting and independent audit of those records to substantiate compliance with this Ordinance. The City's Administrating Officer may obtain such outside professional services as are reasonably necessary to conduct the audit. In the event the independent audit reveals non-compliance by the applicant or licensee, the costs of the audit shall be assessed to the licensee.

SECTION THREE. ISSUANCE AND RENEWAL OF LICENSES

- (a) **Issuance.** Upon satisfactory compliance with all City imposed requirements, the City's Administrating Officer shall sign an acknowledgement of that compliance. The ABC shall rely upon that acknowledgement and upon review of the application to the ABC, shall issue an appropriate license. Upon presentation of the ABC issued license, the City's Administrating Officer shall issue the City's license.
- (b) **Renewal.** A license issued pursuant to this Ordinance shall authorize the sale of alcoholic beverages for one year. The license may be renewed annually thereafter upon showing a compliance with applicable regulations and the payment of a renewal fee of \$800.00.

SECTION FOUR. OPERATIONAL REGULATIONS.

- (a) **Hours.** No licensee operating pursuant to this Ordinance shall be open for business earlier than 6:00 a.m. or later than 12:00 midnight.
- (b) **Sales Permitted Only When Food Available.** The provisions of Section Four (a) above, notwithstanding, no licensee operating pursuant to this Ordinance shall sell alcoholic beverages at any time at which the licensee's kitchen and food service staffs are off duty. This requirement is necessary for accomplishment of the legislative intent stated in Section One, above, and in KRS 242.185.
- (c) **No Sunday Sales Permitted.** The license issued under KRS 242.185 and this Ordinance authorizes the sale of alcoholic beverages only Monday through Saturday. Sunday sales of alcoholic beverages can be authorized only upon the City's adoption of an ordinance expressly providing for such sales.

SECTION FIVE. VIOLATIONS. (a) Fines: Violations of this Ordinance shall be punishable by fine of up to \$500.00 for each offense. Complaints alleging violations of this Ordinance may be filed in the Woodford District Court and prosecuted as all other municipal ordinance violations. Each day of each violation shall constitute a separate offense.

(b) i. **Administrative Action.** Violations of this Ordinance shall constitute grounds for administrative action by the City's Administrating Officer. Appropriate actions by the Administrating Officer upon the determination of a violation shall include a warning and probationary period in which the violation is corrected, a license suspension or license revocation. Suspensions may be satisfied by the payment of a \$50.00 per day. The action of the Administrating Officer shall be commensurate with the seriousness of the violation. Upon a finding of a subsequent material violation, the license may be suspended for such time as is commensurate with the seriousness of the offenses or, if previously suspended, revoked. Subsequent

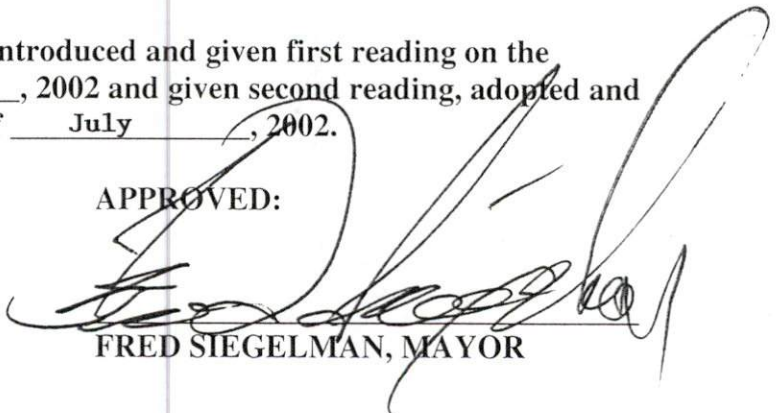
suspensions may be satisfied by the payment of a fine of \$50.00 per day for no more than one-half (1/2) of the suspension.

- ii. **Show Cause Hearing.** Hearings on alleged violations shall be in the manner of a "show cause" hearing at which the licensee shall bear the burden of persuasion that the alleged violation did not occur. The licensee shall be afforded the right to:
- Reasonable notice of the charge;
 - Representation by counsel;
 - Presentation of such evidence and witnesses as in its discretion are appropriate to the issues; and
 - A finding reasonably supported by the evidence.
- iii. **Hearing Officer.** Pursuant to Section Two (d) above, the City Administrating Officer may designate a City employee or other person as the hearing officer to conduct the hearing provided for in this Section. In the event of such a designation, the Hearing Officer's determination shall be in the form of a recommendation upon which the City Administrating Officer shall determine the appropriate action.
- iv. **Appeal.** Pursuant to KRS 241.200 all orders of the City Administrating Officer may be appealed to the Alcoholic Beverage Control Board.
- v. **Referral to ABC.** In lieu of the hearing authority provided above, allegations of violations of this Ordinance may be referred to the Alcoholic Beverage Control Board for determination.

SECTION SIX. EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication.

The foregoing Ordinance was introduced and given first reading on the 18th day of June, 2002 and given second reading, adopted and approved on the 2nd day of July, 2002.

APPROVED:


FRED SIEGELMAN, MAYOR

ATTEST:


ALLISON B. WHITE, CITY CLERK