

**ORDINANCE NO. 120318**

Adopted – December 6, 2018

**AN ORDINANCE OF THE CITY OF VINE GROVE, KENTUCKY  
REPEALING PREVIOUS ORDINANCES RELATING TO ALCOHOL BEVERAGE CONTROL; CREATING  
REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES**

BE IT ORDAINED by the City of Vine Grove, Kentucky that from and after the passage, approval and publication of this ordinance, that Ordinances No. 120511 (§118.01 – 118.99) and their amendments are hereby repealed upon the effective date of this ordinance.

BE IT FURTHER ORDAINED that the City of Vine Grove, Kentucky hereby establishes the following regulations for the sale and consumption of alcoholic beverages as set out below:

**TITLE:**

This Ordinance shall be cited and known as the “Alcoholic Beverage Control Ordinance” of the City of Vine Grove, Kentucky.

**PURPOSE:**

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization of KRS 241 through 244.

**DEFINITIONS:**

The definitions of the words used throughout this Ordinance, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

**SCOPE:**

This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this Ordinance shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance of the City or of any statutes of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages.

## **ADOPTION OF STATE LAW:**

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

Any violation of State law relating to the sale, production, storing or otherwise trafficking in alcoholic beverages shall also constitute a violation of this Ordinance.

No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverages in any quantity whatever, or cause the same to be done, without complying with all of the provision of this ordinance and all State statutes and regulations applicable thereto.

All prohibitions, restrictions, and regulations pertaining to alcoholic beverage contained in KRS Chapter 241 through 244 shall apply to alcoholic beverage use in the City.

## **CREATION OF THE OFFICE OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR:**

- A. Pursuant to KRS 241.160, there is hereby created the office of City Alcoholic Beverage Control Administrator (hereinafter referred to as City ABC Administrator). The duties of this office are assigned to the office of City Clerk.
- B. The Mayor of the City shall appoint a City ABC Administrator.
- C. **The salary for said office, if any, shall be fixed from time to time by the City Council.**
- D. The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky (hereinafter referred to as ABC Board) with respect to state licenses and regulations, except that no amendment to these regulations proposed by the City ABC Administrator may be less stringent than the statutes relating to Alcoholic Beverage Control, or than regulations of the ABC Board. No regulation of the City ABC Administrator shall become effective until it has first been appropriately approved by the City Council.
- E. No person shall be a City ABC Administrator, an ABC Investigator or an employee of the City under the supervision of the City ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100. (KRS 241.170).
- F. The City ABC Administrator shall have all authority as authorized under Chapters 241 through 244 of the Kentucky Revised Statutes.
- G. Should the City ABC Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he or she shall have the authority to require such person to appear in person at the Vine Grove Police Department for the purpose of having his or her fingerprints taken.
- H. The City ABC Administrator for entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution, and shall execute a bond with a

good corporate surety in the penal sum of not less than five thousand (\$5,000.00) dollars, and shall swear to faithfully perform the duties of his or her office pursuant to the provisions of Section 62.060 of the Kentucky Revised Statutes et seq. The cost of any necessary bond required under this section shall be borne by the City of Vine Grove.

- I. Appeals from the orders of the City ABC Administrator may be taken to the state ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the City ABC Administrator. Matters at issue shall be heard by the Board as upon an original proceeding. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

**LICENSES:**

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the City and pursuant to the authority of KRS 243.070, there is hereby established a corresponding City license for each of the state licenses described in KRS 243.070. The fee for each City license shall be as set out in the following schedule, and may be amended from time to time as authorized by law.

**LICENSE FEES:**

Distilled spirit licenses as set forth in KRS 243.030:	
(a) Distiller’s license, per annum	\$500.00
(b) Rectifier’s license:	
1. Class A, per annum	\$3,000.00
2. Class B (craft rectifier), per annum	\$960.00
(c) Wholesaler’s distilled spirits and wine license, per annum	\$3,000.00
(d) Quota retail package license, per annum	\$1,000.00
Quota retail drink license, per annum	\$1,000.00
Special temporary, per event	\$50.00
Nonquota type 1 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$2,000.00
Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$1,000.00
Nonquota type 3 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$300.00
Special temporary alcoholic beverage auction license, per event	\$50.00
Special Sunday retail drink license, per annum	\$300.00
Extended hours supplements license, per annum	\$2,000.00
Caterer’s license, per annum (The fee for holders of a LR100 or NQ2 is \$0.00)	\$800.00
Bottling house or bottling house storage license, per annum	\$1,000.00
Malt beverage licenses as follow:	
(a) Brewer’s license, per annum	\$500.00

(b) Microbrewery license, per annum	\$500.00
(c) Malt beverage distributor's license, per annum	\$400.00
(d) Nonquota retail malt beverage package license, per annum	\$200.00
(e) Nonquota type 4 malt beverage drink license, per annum	\$200.00
(f) Malt beverage brew-on premises license, per annum	\$100.00
Limited Restaurant license (includes distilled spirits, wine and malt beverages), per annum	\$1,200.00
Limited golf course license (includes distilled spirits, wine and malt beverages), per annum	\$1,200.00
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.	
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).	

The City ABC Administrator shall transmit fees upon collection to the City Finance Department to be deposited into the appropriate designated account. City licenses shall be issued by the City ABC Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's state license.

**CERTAIN SPECIAL LICENSES DEFINED:**

- A. Quota Retail Package License (KRS 243.230, KRS 243.240): The State ABC Board has authorized two (2) licenses. A quota Retail Package license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises.
- B. Quota Retail Drink License (KRS 243.250): The State ABC Board has authorized two (2) licenses. A Quota Retail Drink Licenses shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises.
- C. Limited Restaurant License (KRS 242.185, KRS 241.010(26), KRS 242.1244, KRS 243.034): This license may be issued to an owner or lessee of a restaurant which receives 70% or more of its gross annual income from the sale of food and has minimum seating capacity of 100 persons at tables. The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty. A local option elected voted favorably for the lifting of prohibition for limited sale of alcoholic beverages by the drink for restaurants with 100 seats and 70% food sales on December 5, 2011.

- D. NQ2 Retail Drink License (KRS 243.084): This license authorizes the licensee to purchase, receive and sell distilled spirits, wine and malt beverages at retail for consumption on premises for a restaurant with minimum 50% of gross annual income from food sales and minimum seating capacity of 50 persons at tables. A NQ2 license may be issued to a motel/hotel with a minimum of 50 sleeping rooms, 25,000 square feet of parking, and maintain a restaurant with 50% food sales and minimum seating capacity of 50 people at tables.
- E. NQ3 Retail Drink License (KRS 243.086): This license may be issued to a nonprofit charitable, civic, social, fraternal organization, or political club which has maintained a room from which the general public has been excluded for at least one (1) year; a dining car; a bed and breakfast or distiller.
- F. Special Temporary Licenses (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 drink license at designated premises for a specified and limited time and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink license or a NQ4 retail malt beverage drink license shall apply also to a special temporary event. A special temporary license will only be issued in conjunction with an organized charitable, civic or community sponsored event, i.e. fairs and festivals. Holidays such as Christmas, Easter and Lent are not considered events.

#### **APPLICATION/LICENSE:**

- A. Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements of KRS Chapter 424.
  - (1) The advertisement shall state the name and addresses of the members of partnership if the applicant is a partnership, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, as well as the name and addresses of the corporation itself, the location of the premises for which the license is sought, and the type of license for which application is made.
  - (2) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.
- B. All licenses granted under this section shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the ABC Board and the City of Vine Grove, as amended and supplemented from time to time.
- C. The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC Board and the City of Vine Grove including as follows:
  - (1) Name and address;
  - (2) Nature of interest;

- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Vine Grove resident indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
- (7) Extent of stock ownership;
- (8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

Each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee. Promptly upon receipt thereof the City ABC Administrator shall transmit the same to the City Finance Department for deposit into the appropriate designated account.

- D. All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator.
- E. All City licenses shall be in such form as may be prescribed by the City Council and shall contain:
  - (1) The name and address of the licensee
  - (2) The number of the license;
  - (3) The type of license;
  - (4) A description by street and number, or otherwise, of the licensed premises;
  - (5) The name of the owner of the building in which the licensed premises is located;
  - (6) The expiration date of the license;
  - (7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.
- F. After January 1, 2018, all licenses approved by the City ABC Administrator and issued by the City of Vine Grove shall be valid for a period of no more than a year and shall be renewable upon the date established by the Kentucky Department of Alcohol Beverage Control for the expiration of state licenses.
- G. The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.
- H. Any licenses issued after August 1 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 that for a period of six months.
- I. In addition, any other penalties allowed by this section or any other statutory provision, a violation of this section shall authorize and require the revocation of the license and the City shall not be required to refund any portion of the license fee.

**REFUND OF LICENSE FEES:**

Should any licensee under this Ordinance be prohibited from conducting said business for the full period covered by the license because of any changes that may hereafter be made in the laws of the State of Kentucky with reference to alcoholic beverage or other causes outside licensee's control, then the City shall refund to the licensee the proportionate license fee

based on sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrong doing by licensee or agent or employee of the licensee.

**LOST OR DESTROYED LICENSES:**

When a license has been lost or destroyed without fault on the part of the licensee or his agent or employees, a duplicate in lieu of the original license shall be issued by the City ABC Administrator and the City ABC Administrator shall be satisfied as to the reason, provided however, that the person applying for said duplicate license shall pay a fee of ten dollars (\$10) for issuing said duplicate.

**TEMPORARY CLOSING:**

In the course of any one day of operation of a licensed premise, should multiple violations of the ordinance or other statutes or ordinances of a public disorder nature, e.g. disturbing the peace, be reported and investigated by the City Police Department or City ABC Administrator, such one day multiple occurrences shall be reported to the City ABC Administrator by the Chief of Police. The City ABC Administrator shall, in the interest of public health, safety, morals and welfare, direct the Chief of Police to temporarily suspend the license in question for the remaining hours of the day in question by locking the premises after dispersing the patrons. The temporary suspension shall remain in effect until review of the alleged violations by the City ABC Administrator, such review shall occur on the next business day.

**REVOCAION OR SUSPENSION:**

- A. Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of the provisions of Kentucky Revised Statutes Chapters 241, 243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance; now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the City heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241, 243 and 244 to be created, or referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his or her sound discretion deems sufficient.
- B. A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.
- C. Any license must be revoked or suspended for the following causes:

- (1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- (2) Making any false, material statements in an application for a license.
- (3) If, within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of the clerks, servants, agents or employees of the licensee shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one (1) such felony and one (1) such misdemeanor.
- (4) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this Ordinance or acts of congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.
- (5) Revocation of any license granted under any act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
- (6) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting sports bets; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

**NOTICE OF LICENSEE; SURRENDER OF LICENSE; HEARING:**

- A. Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the City ABC Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of Police at the request of the City ABC Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the City ABC Administrator.
- B. When a license has been revoked, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.
- C. Appeal from the decision of the City ABC Administrator shall be to the ABC Board.
- D. If a license is revoked or suspended by an order of the City ABC Administrator, the licensee shall at once suspend all operations previously authorized under his license.



**TRANSFER OR ASSIGNMENT:**

No license issued under this ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not until a payment of one hundred dollars (\$100) shall be made to the City of Vine Grove.

**REFUSAL OF LICENSE:**

A City license shall be refused:

- A. For any cause that the State shall refuse to issue or renew a license and for suspension or revocation of a City license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any City ordinance regarding alcohol beverage licensing, sales or the administration thereof; or
- B. If the applicant has committed any act for which a revocation of license would be authorized; or
- C. If the applicant has made any false material statement in his application; or
- D. If the applicant is seeking a license for the sale and distribution of distilled spirits, wine and/or malt based beverages in a sexually oriented business; or
- E. For any reason that the City ABC Administrator which he or she, in the exercise of his or her sound discretion may deem sufficient.

**REVIEW OF LICENSE:**

Applicants to whom a license is issued authorizing the sale of alcoholic beverages pursuant to this Ordinance shall provide periodic information demonstrating compliance. This document shall be provided on a schedule to be coordinated with the applicant's regulatory fee filings. This information shall consist of a certificate from a Certified Public Accountant, owner or other designate familiar with the applicant's pertinent business records. This certificate shall state:

"I declare, under penalties of perjury, that this return has been examined by me and to the best of my knowledge and belief is a true, correct and complete return."

**REGULATORY LICENSE FEE:**

- A. A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. Said license fee shall be set by the City Council in the annual budget for each fiscal year and such percentage rate shall be established to generate revenue that does not exceed the total of the reasonable expenses actually incurred by the City in the previous fiscal year for the additional cost, as demonstrated by reasonable evidence, of policing, regulation and administration as the result of the sale of alcoholic beverages within the City. Such fee shall be in addition to any other tax, fee or license permitted by law, but a credit against such fee shall be

allowed in the amount equal to the license or fee imposed and such regulatory fee shall be applied annually from July 1 to June 30.

- B. For all other licenses, payment of such regulatory fees shall be remitted to the City ABC Administrator, and shall accompany the tax returns approved for such use by the City. These returns and payments are due no later than by the end of the month immediately following each calendar quarter at which time one-fourth (1/4) of the annual fees shall be deducted as a credit.
- C. Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subject's licensee to suspension or revocation.
- D. Penalty for failure to file a return and pay monthly remittance by the due date is five percent (5%) of the tax for each thirty (30) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax, provided, however, in no case shall the penalty be less than ten dollars (\$10).
- E. Penalty for failure to file a return and pay quarterly remittance by the due date is five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax, provided, however, in no case shall the penalty be less than ten dollars (\$10).
- F. Interest at the rate of eight percent (8%) per annum will apply to any late payments.

**CHANGE OF INFORMATION:**

- A. Since a number of licenses issued by the City are in the name of a corporation, it is necessary that stock ownership changes in such corporation be reported to the City ABC Administrator. The City ABC Administrator can therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.
- B. As used herein, the word "change" is construed to include any change in directors or officers of the corporation, or change in ownership of stock whereby any person secures ten percent (10%) of the outstanding stock. Transfer of more than ten percent (10%) of the total stock shall require a new license.
- C. The following information will be required concerning any new director, officer, or person securing any interest in alcoholic beverage license:
  - (1) Name and address;
  - (2) Nature of interest;
  - (3) Whether or not a citizen of the United States;
  - (4) Date of birth;
  - (5) Date residence was established in Kentucky, if a resident of Kentucky. If Vine Grove resident indicate when residence was established;
  - (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
  - (7) Extent of stock ownership;
  - (8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

This information shall be filed with the City ABC Administrator as an amendment of the application pursuant to which the license was granted.

**DORMANCY:**

- A. It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this Ordinance. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this Ordinance.
- B. Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City ABC Administrator.
- C. Except that the provisions of subsection (B) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his sound discretion.
- D. All renewal licenses must be on file with the City ABC Administrator within thirty (30) days prior to the expiration of the licenses for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay the scheduled license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

**APPROVAL OF PREMISES:**

The City ABC Administrator shall not grant any alcoholic beverage license or approve the renewal of a license until said applicant and his place of business shall be have been approved by the City Building Official, and any and all other inspections required by the Kentucky Building Code are completed.

**DELINQUENT TAXES OR FEES:**

No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of the issuing of the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the City. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

**BOOKS, RECORDS, VIDEO/AUDIO AND REPORTS:**

- A. Every licensee under this ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the ABC Board. Such books, video/audio and records shall be available at all reasonable times for inspection by the City ABC Administrator and such City employees who may assist the City ABC Administrator in his or her review.
- B. Licensees that have video/audio recordings shall be required to maintain all available video/audio recordings for a minimum of seven (7) days, unless other applicable rules and regulations require otherwise.
- C. For the purpose of assisting the City ABC Administrator in enforcement of this section, every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the City ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by Statute shall be furnished to the City ABC Administrator.

**HOURS FOR SALE AND DELIVERY; RESTRICTIONS:**

- A. Upon the licensee being granted a license for the retail or wholesale sales of distilled spirits, wine and malt beverages or the sale of malt based beverages by the drink on its premises, it shall be permitted to sell or dispense said beverages Monday through Saturday between the hours of 6:00 a.m. and midnight.
- B. The licensee may sell or dispense distilled spirits, malt beverages and wine on Sunday between the hours of 1:00 p.m. and 12:00 a.m.

- C. The licensee may sell or dispense distilled spirits, malt beverages and wine on Election Day during normal times allowed under this section.
- D. The licensee shall provide a separate locked department in which all stocks of distilled spirits and wine are kept during these hours when sales are prohibited. KRS 244.290.
- E. All delivery of alcoholic beverages in the City shall be made during normal business hours, Monday through Saturday. No delivery shall occur between the hours of midnight and 6:00 a.m. Monday through Saturday. (KRS 244.480) No delivery shall occur on Sunday.

**CONDITIONS, PROHIBITIONS AND RESTRICTIONS:**

- A. No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.
- B. It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in Hardin County as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator shall have the authority to confiscate any and all such radio receiving apparatus.
- C. The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.
- D. It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages nor shall any licensee give away any alcoholic beverage in any quantity for less than a full monetary consideration.
- E. No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.
- F. The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age. The licensee shall check all identifications to ascertain that every person attempting to purchase or consume alcoholic beverages is at least 21 years of age.
- G. The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:  
*Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:*
  1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
  2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
  3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

- H. The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.
- I. The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). KRS 243.895.
- J. Any off premises signage advertising the sale of alcoholic beverages is prohibited.
- K. No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.
- L. No licensee shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:
  - 1. Has been convicted of any felony, misdemeanor or offense directly or indirectly attributable to the use of alcoholic beverages, within the last two (2) years;
  - 2. Is under the age of twenty (20) years who will be serving alcoholic beverages.
  - 3. Within two (2) years prior to the date of his employment, has had any City license under this Ordinance revoked for cause.Violation of this subsection shall subject both employer and employee to penalties provided in this section and shall be cause for revocation of license.
- M. All persons who shall be serving alcoholic beverages shall undergo any training required by the state ABC Office, the cost of which shall be the responsibility of the licensee.
- N. No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premise. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premise. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling or similar activities, not shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premise in the City.

**MANDATORY RESPONSIBLE ALCOHOLIC BEVERAGE SERVICE TRAINING:**

- A. All persons involved in the selling and serving of alcoholic beverages shall participate in and complete a responsible beverage service training program similar to the criteria of the State S.T.A.R. Training Program. A responsible beverage service program shall effectively train its participants in the identification of valid and fake identification, reducing illegal alcohol sales to minors, reducing sales to persons who are already intoxicated, promoting responsible consumption, provide information to sellers and servers to protect themselves from third-party liability lawsuits and educating licensees and servers about Kentucky liquor laws.
- B. All persons required to complete training under paragraph (A) above shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages, all employees must be trained prior to the opening of the business. All persons completing the training required by this section shall be re-certified through a responsible alcoholic beverage service training program not less than once every three (3) years thereafter.
- C. The owner of any license serving alcoholic beverages shall be responsible for compliance with the training requirements and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the name, job title, date of employment and proof of certification of each seller or server regulated by this section. This information shall be available at any reasonable time to any alcoholic beverage control officer or any police officer.

**MALT BEVERAGE KEG REGISTRATION:**

- A. As used in this section, “KEG” is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.
- B. All retail licensees (herein referred to as “licensee”) operating within the City of Vine Grove who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a control label. The label must have a control number, and the name of the business. Each label must be affixed to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:
  - 1. The purchaser is of legal age to purchase, possess and use the malt beverage;
  - 2. The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;
  - 3. The purchaser will not remove, obliterate or allow to be removed or obliterated the identification label;
  - 4. The purchaser will state the property address where the keg will be consumed and physically located; and
  - 5. The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.
- C. The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver’s license number and, if that is not available, to produce at least one other valid form of identification.

- D. The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic control officers and other enforcement officers.
- E. The keg registration form shall be forwarded to the City ABC Administrator within five (5) working days in all situations when the keg is not returned or returned with the identification label removed or obliterated.
- F. The City ABC Administrator is authorized to develop appropriate rules and regulation and to develop and make available forms for the identification label and keg registration forms.
- G. All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the City concerning the provisions of this ordinance.
- H. It shall be unlawful for any licensee to sell or offer for sale kegs without the identification label attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification tag or to fail to have the declaration form visible and readily accessible from the located of the keg. The penalties for violation of this section shall be the penalties as set out in the penalties section of this ordinance. In addition, licensee violating this section shall be subject to appropriate alcoholic beverage control administrative remedies.

**INFORMATION DEEMED CONFIDENTIAL; PENALTY FOR DISCLOSURE; EXCEPTIONS:**

Any information, including returns, documents, or payments made pursuant hereto and any other information gained by the City ABC Administrator or any other official, agent, or employee of the City of Vine Grove as a result of any return, investigation, hearing or verification required or authorized by the ordinance shall be confidential; except, in accordance with proper judicial order, and any person or agent divulging such information shall, upon conviction, be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment not to exceed thirty (30) days, or both, at the discretion of the court. Provided, however, such person may disclose to the Commissioner of the Revenue Cabinet of the State or his or her duly authorized agent, or the Commissioner of Internal Revenue Service, or his or her duly authorized agent, all such information and extend the right to inspect any of the books and records of the City to said Commissioner of the Revenue Cabinet of the State and/or to said Commissioner of the Internal Revenue Service who must grant to the City the reciprocal right to obtain information from the files and records of the Internal Revenue Service and maintain the privileged character of the information so furnished to them.

**ENFORCEMENT:**

City police officers and the City ABC Administrator or the officers of that department are authorized to enforce this ordinance for alleged violations.

**PENALTIES:**



The following penalties shall be in addition to any criminal prosecution instituted in Hardin District Court against an alleged violator.

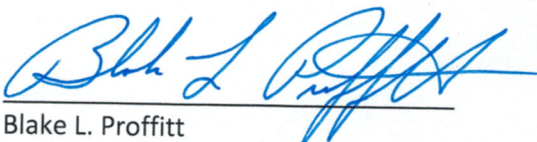
The City ABC Administrator may assess a fine of not more than one thousand dollars (\$1,000.00) per violation. This payment of said fine shall be transmitted to the City Finance Department to be deposited in the appropriate designated account.

Any person, firm or corporation who violates any of the provisions of this Ordinance, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he shall be fined not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, LLC, partnership, Joint Stock Company, association, fiduciary or other business entity, the principal officer or officers responsible for the violation may be imprisoned.

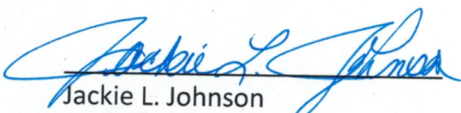
**SEVERABILITY:**

If a portion of this Ordinance is declared null and void, the remaining provisions will remain in full force and effect.

Read at a meeting of the Vine Grove City Council on the Nineteenth day of November, 2018. A second reading was held on the Third day of December, 2018; said Ordinance was READ, PASSED AND APPROVED on the Third day of December 2018.

  
Blake L. Proffitt  
Mayor, City of Vine Grove

ATTEST:

  
Jackie L. Johnson  
City Clerk/Treasurer

**AN ORDINANCE OF THE CITY OF VINE GROVE, KENTUCKY**  
**ESTABLISHING REGULATIONS AND REQUIREMENTS**  
**FOR THE LICENSING AND OPERATION OF**  
**ESTABLISHMENTS FOR THE SALE OF**  
**ALCOHOLIC BEVERAGES WITHIN THE CITY**  
**AND PROVIDING FOR AN ALCOHOLIC BEVERAGE CONTROL OFFICER**

**§118.001 PURPOSE.**

The purpose of this chapter is:

- (A) To set forth uniform regulations and requirements for the licensing and operations of establishments for the sale of alcoholic beverages within the City;
- (B) To establish the authority and duties of the City's alcoholic beverage control; and,
- (C) Codify the City of Vine Grove City Council's determination that an economic hardship exists within the City of Vine Grove, and that the sale of alcoholic beverages by the drink could aid economic growth.

**§118.1-002 TITLE; DEFINITIONS.**

(A) *Short title.* This chapter shall be known and may be cited as the "Alcoholic Beverage Control Ordinance" of the City.

(B) *Definitions.* Words used throughout this chapter, unless the context requires otherwise, shall have the same definitions as set out in the state's Alcoholic Beverage Control Law (KRS Chapters 241, 242, 243, and 244) of the Commonwealth, and all amendments and supplements thereto.

**§118.1-003 SCOPE.**

(A) Irrespective of title or headings, the sections of this chapter shall be construed to apply to the traffic in both malt beverages and distilled spirits and wines where the context permits the application.

(B) Nothing in this chapter shall excuse or relieve a licensee or the agent or employee of any licensee in the City, from the restrictions, requirements and penalties of any other ordinance or ordinances of the City or of any statutes or administrative regulations of the Commonwealth relating to violations pertaining to alcoholic beverages.

**§118.1-004 ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.**

The provisions of the Alcoholic Beverage Control Law of the Commonwealth (KRS Chapters 241, 242, 243 and 244), and all amendments and supplements and

administrative regulations thereto, are adopted so far as applicable to this chapter, except as otherwise lawfully provided herein.

**§§ 118.1-005 through 118.1-019 Reserved**

**§ 118.1-020 DEFINITIONS.**

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

**ALCOHOLIC BEVERAGES.** Every liquid or solid, whether patented or not, containing alcohol, in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold under any name, commonly used for alcoholic beverages, excepting the products excluded therefrom by the provisions of the Alcoholic Beverage Control Act of this state.

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

**CITY ADMINISTRATOR.** The City Alcoholic Beverage Control Administrator.

**CUSTOMER.** Any person at least 21 years old.

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

**MALT BEVERAGES.** Any fermented, undistilled alcoholic beverage of any kind or description, manufactured from malt, wholly or in part, or from any substitute for malt having an alcoholic content greater than that permitted under KRS Chapter 242. (3.2% of alcohol by weight)

**NONPROFIT.** These organizations that qualify for charitable contributions under Federal Internal Revenue Service Code, Section 501(c)(3).

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

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

**Statutory reference:**

*Alcoholic beverages, see KRS Chapters 242 - 244*

**§ 118.1-021 HOURS OF OPERATION.**

(A) A licensed premises shall be permitted to remain open for any purpose between the hours of 6:00 a.m. and 1:00 a.m. the following day, and no person shall be permitted to remain within the licensed premises between the hours of 1:00 a.m. and 6:00 a.m. the following day, except for owners, employees or subcontractors while performing work on the licensed premises, including but not limited to plumbing, cleaning, or electrical repair, who shall be allowed on the premises at any time.

(B) Malt beverages may be sold between the hours of 12:00 noon, Sunday, and 1:00 a.m., Monday.

(C) Distilled spirits and wine by the package; and limited wine and/or distilled spirits by the drink in qualifying restaurants may be sold between the hours of 12:00 noon, Sunday, and 1:00 a.m., Monday.

*(D) Exceptions.*

(1) For restaurants, hotels, motels and inns that maintain fifty percent (50%) food sales and have seating for one hundred (100) persons at tables per KRS 242.185, then those premises which have obtained a special Sunday retail drink license may remain open between the hours of 12:00 noon, Sunday, and 1:00 a.m., Monday, and may sell distilled liquor by the drink or wine by the drink per the terms of the enabling ordinance and all applicable state law.

**§ 118.1-022 USE OF REVENUE.**

All moneys derived from the collection of license taxes provided for herein shall be paid into and become a part of the general fund of the city.

**§ 118.1-023 CITY ADMINISTRATOR.**

(A) There is created the office or position of City Administrator, pursuant to and under the authority of the Act of the General Assembly of the State, known as the Alcoholic Beverage Control Law.

(B) The compensation to be paid the City Administrator shall be established by the city's annual salary ordinance.

(C) The bond for the City Administrator shall be in the same form and amount as required under KRS 241.180.

*(D) City Administrator enforcement of section, duties, and rule-making powers.*

(1) The City Administrator shall be charged with the enforcement of the state Alcoholic Beverage Control Law, and all other laws and ordinance, rules, and

regulations providing for the regulation of the manufacture and traffic in alcoholic beverages.

(2) The City Administrator shall enter in a file, kept for that purpose, all orders, certificates, and approvals of applications issued by him or her concerning the privilege of the manufacture and traffic in alcoholic beverages. The City Administrator shall be empowered to do all and sundry of those things required of him or her, pursuant to the Alcoholic Beverage Control Law and existing ordinances, rules, and regulations of the city and such other laws and ordinances as may from time to time become effective.

(3) The City Administrator shall be empowered to make such rules and regulations as are necessary properly to enforce the above laws and not in conflict herewith.

(E) *Appointment; oath; bond.* The City Administrator shall take office on his or her appointment by the Mayor and on taking the oath and on the execution of the bond for the faithful performance of his or her duties as required by law.

(F) *Functions of City Administrator.* The functions of the City Administrator shall be in accord with the provisions of the laws of the state pertaining to alcoholic beverages, their administration and control.

(G) *Action on license application; appeals.*

(1) When an application is filed with the City Administrator for a license to do business in accord with the provisions of this chapter, the City Administrator shall either approve or disapprove the application, transmitting the application, together with his or her recommendations thereon, and the reasons therefore, to the State Department of Alcoholic Beverage Control.

(2) Appeals from order of the City Administrator shall be prosecuted in accord with the provisions of the laws of the state.

**Statutory reference:**

*Alcoholic beverages, see KRS Chapters 242 et seq.*

*City Administrator, see KRS 241.160*

**§ 118.1-024 CLUBS, LODGES, AND FRATERNAL ORDERS.**

(A) *Definitions.* For the purpose of this section, **CLUB, LODGE, or FRATERNAL ORDER** shall mean and include any non-profit social, fraternal, military, or political organization or club, lodge, or order whose organization shall have been completed at least one year prior to the date an application for a license is made for selling, offering for sale, or keeping, with the intention of selling at retail, for

consumption on the premises, to members only or the invited guests of members of such club, lodge, organization, or fraternal order.

(B) *License required; nonresidential building.*

(1) No club, lodge, or fraternal order shall engage in the business of manufacturing, storing, purchasing, transporting, trafficking, or selling for consumption on the premises, any cereal, malted, or vinous beverages without having first obtained a license for each stand, place, room, or enclosure, or for each suite of rooms or enclosures.

(2) No license shall be issued to any club, lodge, organization, or fraternal order for the purpose of selling any cereal, malted, or vinous beverages in any dwelling house, flat, or apartment house used for residential purposes.

(C) *License application; issuance.*

(1) Whenever any club, lodge, organization, or fraternal order shall desire to engage in the business of selling by retail any cereal, malted, or vinous intoxicating beverages in the clubhouse of such organization in the city for consumption on the premises, it shall first apply to the City Administrator by a written application for a license. Such application shall set forth:

(a) The name and location of such club, lodge, organization, or fraternal order;

(b) The names and addresses of the officers thereof;

(c) The date and character of its organization; and

(d) The approximate number of members in good standing, and shall, in addition there to be signed by the owner, or his or her agent, of the premises wherein the sales are to be made, signifying consent.

(2) If the City Administrator is satisfied that the license shall be granted, he or she shall pass an order to that effect and thereupon the Finance Department shall issue to the applicant a license to sell at retail such beverages, after a license has been issued by the State Alcoholic Beverage Control Department.

(D) *License fee; proration refunds.*

(1) Every applicant who shall be granted a license by the City Administrator and before the license is issued by the Finance Department shall pay to the city for the license, the sum of \$150 per year.

(2) When the license is issued after August 1 of any year, the licensee shall be required only to pay a proportionate part of the license tax required therefor from the

first day of the month in which the licensee commences to carry on the business until April 30 next; provided, however, that no license shall be issued for less than 50% of the annual license fee.

(3) No part of any money paid into the city treasury for any license provided herein shall be refunded to the licensee.

(E) *Display of license.* When a license shall have been granted issued under this section, the club, lodge, organization, or fraternal order to whom the license is granted and issued shall cause the license, or in case of loss or destruction, a copy thereof to be kept or placed in some conspicuous place in the room where the alcoholic beverages are sold, in such manner as to enable the license to be conveniently read. The license shall remain on display during the period for which the license shall be granted.

(F) *Forfeiture or revocation of license; hearing on charge.* If any club, lodge, organization, or fraternal order to whom a license is granted under this section is convicted in the district court of violating any of the provisions of this section or conducting a disorderly house, such conviction shall operate as a forfeiture of its license. If the City Administrator finds that the club, lodge, or fraternal order to whom a license is granted is violating any of the provisions of this section, conducts a disorderly house on the premises, or permits any lewd, riotous, or disorderly conduct on the premises, the City Administrator may hold a hearing to determine whether the license should be suspended or revoked. The decision of the City Administrator may be appealed within ten days to the State Department of Alcoholic Beverage Control.

#### § 118.1-025 LICENSING AND HEARINGS.

(A) *License required.*

(1) No person shall sell, vend, deliver, or traffic in spirituous, vinous, or malt liquors within the city without first having procured a license so to do, nor without having first complied with all the provisions of the statutes of the state and the laws of the United States applicable thereto.

(2) No license for the sale or manufacture of alcoholic beverages shall be granted or renewed for the operation on any premises, or to any person, firm, partnership, or corporation, on or against which taxes, assessments, or other financial claims of the city are delinquent or unpaid.

(B) *License application; contents.* Any person desiring to engage in the business of distilling, wholesaling spirituous, vinous, or malt liquor, or to engage in the retail sale of same by package or drink shall, before so doing, file with the City Administrator an application on forms provided by the city, which shall be verified and contain the following information:

(1) The name, age, address, and residence of each applicant and if there is more than one and they are partners, the partnership, names, and their addresses; and if the applicant is a corporation, the application shall contain the name and address of the corporate officers, the board of directors, any stockholder that owns more than 50% of the stock and the name and address of the agent for service of process;

(2) Whether or not the applicant is a citizen and resident of the state and for what period of time;

(3) The name and address of each person interested or to become interested in the business for which the license is being sought, together with the nature of that interest, and if the applicant is a corporation; the names, addresses, and agents of each officer, director, and managerial employee and the name of the state under the law of which such corporate applicant is incorporated;

(4) The street and number of the premises to be licensed, whether or not applicant is the owner of such premises or what interest he or she has therein and the name and address of any other person, either as principal or associate, who is interested with applicant either in the premises or in the business to be licensed;

(5) A statement that the applicant will, in good faith, abide by every statute, federal or state, and the ordinances of the city relating to the manufacture, sale, and transportation of alcoholic beverages that may or shall be in force pertaining thereto;

(6) A statement that neither the applicant nor any person interested or to become interested therein has been convicted of any felony at any time or convicted of any misdemeanor or violation directly or indirectly attributable to the use, manufacture, sale or traffic in alcoholic beverages within two years preceding the date of application and that he or she has not had any license that has been issued to him or her for such purposes, suspended or revoked for cause within two years prior to the date of such application; and

(7) If the City Administrator is satisfied that the license should be granted, an order shall be passed to that effect and thereupon a license shall be issued to the applicant.

(C) *Certified check required; refund on rejection.* All applications filed for a license pursuant to this section shall be accompanied by a certified check in the amount of the cost of the license applied therefor. If the application for the license shall be rejected, the check shall be immediately returned to the applicant.

(D) *Change in fact situation after issuance of license; supplemental statements.* If, after a license has been issued, there is a change in any of the facts required to be set forth under this section, a verified supplemental statement, in writing, giving notice of such change shall be filed with the City Administrator within ten days after such change occurs.



(E) *Conditions of premises.*

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

(2) No premises shall be licensed for the sale of alcoholic beverages at retail, except where the licensee's premises and the entrance to the premises are on the street level and located in a business center or on a main thoroughfare.

(F) ~~<Reserved>~~

(G) *Qualification of licensee.* No person shall become a licensee under the provisions of this section who:

(1) Has been convicted of any misdemeanor or felony directly or indirectly attributable to the use of alcoholic beverages within two years preceding the application;

(2) Is under the age of 21 years; or

(3) Is not an actual bona fide resident of the state, or of the United States.

(H) *Licenses; expiration date.* All licenses issued under or pursuant to the provisions of this section shall expire on June 30 of each year.

(I) *Prorate license fees.*

(1) When any person applies for a new or transfer of an existing license authorized to be issued pursuant to the provisions of this section after October 1 of any year, he or she shall be charged, if the license is issued, an amount equal to as many twelfths of the annual license fee as there are calendar months, including the month in which the license is granted, until the following June 30; provided, however, that no license shall be issued for less than 50% of the annual license fee.

(2) 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.

(J) *License fees.* The licensee engaged in the sale, possession, or distribution of spirituous, vinous, or malt liquors, or operating a brew-on-premises establishment, shall pay the following fees:

(1) Malt beverages:

Type of License	Fee
Distributor's license, per annum	\$ 400.00
Retailer's license, per annum <i>Beer</i>	\$ 200.00
Special temporary license, per event	\$ 25.00

(2) Distilled spirits and wine:

Type of License	Fee
Wholesaler's license, per annum	\$3,000.00
Retail package license, per annum	\$1,000.00
Restaurant drink license (wine and distilled spirits), per annum ***	<u>\$1,000.00</u>
Special temporary license, per event	\$ 166.66
Special private club license, per annum	\$ 300.00
Special Sunday retail wine and/or distilled spirits drink license, per annum	<u>\$ 300.00</u>
Nonresident, special agent or solicitor's license, per annum	\$ 40.00
Restaurant wine license, per annum	\$ 600.00 for new applicants \$ 400.00 for renewal
Temporary wine license, per event	\$ 50.00
Caterer's license, per annum	\$ 800.00

\*\*\* Must be bona fide restaurant open to the general public having dining facilities for not less than one hundred (100) persons; or a hotel, motel, or inn containing not less than fifty (50) sleeping units and having dining facilities for not less than one hundred (100) persons.

The City may, as the occasion arises, issue any licenses and collect fees permitted by law for the privilege, manufacturing and trafficking in alcoholic beverages, as designated in KRS 243.070, as amended, as allowed under governing state law.

*Statutory reference:*

*City license fees, see KRS 243.070*

(K) *Regulatory License Fee.* A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the City Administrator. Said license fee shall be five percent (5%) of gross sales of alcoholic beverages as set by the City Council. This percentage rate is reasonably estimated to reimburse the City for the cost of any additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages. Such fee shall be in addition to any other tax, fee or license permitted by law, but a credit against such fee shall be allowed in an amount equal to the

license or fee imposed and such regulatory fee shall be applied annually from January 1 to December 31. Payment of such regulatory fees shall be paid to the City, to the attention of the City Administrator, and payment shall be due no later than by the end of the month immediately following each calendar quarter at which time one-fourth (1/4) of the annual license fees paid otherwise hereunder by the taxpayer shall be deducted as a credit. Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subjects the licensee to suspension or revocation of its license. The civil penalty for failure to pay quarterly admittances when due is five percent (5%) of the unpaid tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax, provided, however, in no case shall the penalty be less than Ten Dollars (\$10.00). Interest at the rate of Eight Percent (8%) per annum will apply to any late payments.

(L) *Contents of license.* All licenses issued pursuant to §118.1-022 shall contain the following information:

- (1) The name and address of the licensee;
- (2) The number of the license;
- (3) The type of license;
- (4) A description by street and number of the licensed premises;
- (5) The name and address of the owner of the building in which the licensed premises are located;
- (6) The expiration date of the license; and
- (7) A statement in substance that the license shall not be a property or vested right and that it may be revoked or suspended at any time pursuant to law.

(M) *Display of license; duplicate licenses.*

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

(2) Whenever a license is lost or destroyed without the fault of the licensee or his or her agent or employee, a duplicate license shall be issued on proof of loss satisfactory to the City Administrator and upon the payment of a fee of \$5.

(N) *License revocation or suspension.*

(1) Any license issued pursuant to §§118.J-021 et seq. may be revoked or suspended by the City Administrator, after complying with the hearing requirements below, for the following causes:

(a) Conviction of the licensee or his or her agent or employee of selling any illegal beverages on the premises licensed;

(b) If the licensee makes any false material statements in an application for a license; or

(c) If the licensee violates any provisions of the laws of the state, the United States government, or the ordinances of the city, pertaining to alcoholic beverages, their regulation and control.

(d) Conviction of the licensee of any felony; or

(e) Conviction of the licensee, or his or her agent who controls or operates the licensee's premises, of any offense pertaining to prostitution, illegal gambling, knowingly possessing or receiving stolen property, sale or use of illegal drugs, or the illegal sale or use of controlled substances or prescription drugs; or

(f) If the licensee allows the premises to be used as the site for any criminal activity as defined by City ordinance or regulation, state or federal law or regulation.

(g) If the licensee allows the premises to be used as the site for any public nuisance as defined in Chapter 92 of the City of Vine Grove Code of Ordinances (Vine Grove Code);

(h) If licensee allows the premises to be used as the site for a unlicensed sexually oriented business; or

(i) If the licensee is delinquent or in default of an obligation to pay a loan, fine, lien or other financial obligation to the city, then license is subject to suspension until the obligation is satisfied.

(2) The existence of any delinquent or unpaid city taxes, assessments, or other financial claims against or on any person, firm, partnership, corporation, or premises, licensed for the sale or manufacture of alcoholic beverage shall be cause for revocation of the license of the person, firm, partnership, or corporation, or for the premises.

(O) *Suspension of license.* The City Administrator may, after a hearing, order a suspension of the license for up to 180 days for any cause which he or she may, but is not required to, revoke under the provisions of the Alcoholic Beverage Control Act of the state and the ordinances of the city. The suspended licensee may pay a fine of \$50 per

day in lieu of the suspension, subject to the approval of the City Administrator. The City Administrator shall issue a written order of such suspension via regular United States mail to the licensee's address indicated on the license.

(P) *Issuance of license after revocation.* Any person, partnership, LLC, or other corporate entity who has suffered, or any of its members or partners have suffered, a revocation of a license to do business under the provisions of §§118.1-022 *et seq.* shall not again be licensed for that purpose within a period of two years after the date of revocation.

(Q) *Conditions of accepting license.* All licenses issued pursuant to §§118.1-022 *et seq.* shall be accepted by the applicant subject to the following conditions.

(1) That the premises so licensed shall be subject to the entry of police, the City Administrator or other duly authorized representatives of the city, at all reasonable hours for the purpose of inspection and search, and for the removal from the premises of all things and articles contained on the premises in violation of the ordinances of the city and the laws of the state.

(2) The licensee holding a license pursuant to this chapter shall not sell any spirituous, vinous, or malt liquor behind blinds or screens, but such sales shall be conducted openly and without any attempt to hide or screen the sales from the public view, in conformity with state law.

(3) No person licensed to sell alcoholic beverages at retail shall cause, suffer, or permit the licensed premises to be disorderly. The license of any establishment deemed to be a disorderly premises may be subject to revocation or suspension. Acts which constitute disorderly premises consist of permitting patrons to cause public inconvenience, annoyance, or alarm, or wantonly creating a risk through:

(a) Engaging in, or allowing customers to engage in, fighting or in violent, tumultuous, or threatening behavior; or

(b) Making unreasonable noise; or

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

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

(4) Treating or giving away alcoholic beverages at no cost to the customer, in violation of KRS 24118.050, as amended, shall be unlawful and is forbidden.

(5) No spirituous, vinous, or malt liquors shall be sold or dispensed to any minor nor shall the licensee sell, give away, furnish, or permit to be consumed on the

premises any spirituous or vinous liquors or mixtures thereof during hours when the sale of alcoholic beverages is prohibited. In the event a licensee hereunder is also engaged in the business of operating a delicatessen, grocery, restaurant or other such establishment, he or she may keep his place of business open during the prohibited hours heretofore set out. The licensee must cover all malt beverages or conspicuously post a sign which indicates that the malt beverage is not available for sale or make the malt beverage completely inaccessible to the public. Failure to so comply shall be deemed a violation of this section.

(R) *Registration, photographing, and fingerprinting of employees.*

(1) Any person employed in any capacity in any establishment or place of business, except as herein provided, where liquor is sold by the drink as defined in the Kentucky Revised Statutes, shall register in a book of registration to be kept by the Police Department and is required to be fingerprinted and photographed by the Police Department within five days from the time of his or her employment. No person shall fail to register or be fingerprinted and photographed. Should the City Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he or she shall have the authority to require the person to appear in person at the City Police Department for the purpose of having his or her fingerprints taken.

(2) No employer, whether a person, firm, or corporation, shall allow any person to remain in employment longer than five days unless within the five-day period the employee shall have registered and shall have been fingerprinted and photographed.

(3) The registrants are required to have in their possession the identification cards issued by the Police Department on their persons at all times during their hours of employment in establishments selling or dispensing liquor by the drink.

(4) The city shall require a payment of \$5 of each person registered, which charge shall be sufficient to cover the cost involved in the procedure, including the cost of the identification card furnished to the registrant. Any person who fails to appear at the designated date and time of appointment to be registered, photographed, and fingerprinted, shall be charged an additional \$5 for each and every missed appointment unless that person had previously contacted the Police Department at least one hour in advance of that person's scheduled appointment to cancel said appointment.

(5) In those businesses having a liquor by the drink license where another business is the principal user of the location, including but not limited to restaurants and hotels, only those persons who are directly engaged in that portion of the business which sells liquor by the drink are subject to this section.

(6) This registration procedure shall not apply to waiters and waitresses whose primary function is the service of food.

(7) Any establishment having a liquor by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an ID card which shall only list the person's name, address, and date of birth.

(S) *Placing of license in dormancy.* Any alcoholic beverage license holder who places his or her license in dormancy in accordance with the regulations of the State Department of Alcoholic Beverage Control or pursuant to state statute shall also automatically, without further action or approval, have placed his or her city alcoholic beverage license in dormancy. The obligation to pay license fees to the city shall continue while any alcoholic beverage license is in dormancy.

(T) *Hearings.* Revocation or suspension proceedings shall be governed as follows.

(1) *Notice of hearings.* The City Administrator shall provide written notice, via regular United States mail or hand delivery to the licensee, notice of any hearing related to the possible suspension or revocation of the licensee's alcoholic beverage license. The address provided by the licensee to the city on its license application shall be deemed the address for notice of hearing. The licensee shall notify the city of any change of address subsequent to the submission of an application for license. Notice to the licensee must be postmarked at least seven days prior to the hearing. Notice of any hearing shall be publicly posted a City Hall at least 24 hours prior to the hearing.

(2) *Procedure.*

(a) The City Administrator shall be the hearing officer for any proceedings related to the possible suspension or revocation of any city alcoholic beverage license.

(b) Any hearing before the City Administrator shall be a public hearing and conducted in accordance with the procedural guidelines indicated in KRS 13B.080 and 13B.090.

(c) The City Attorney, or his or her designee, shall represent the city at the hearing. The licensee has a right to retain counsel for representation at the hearing.

(d) The City Administrator shall issue a written decision, including findings of fact and conclusions of law, within seven days of the conclusion of the hearing.

(3) *Appeals.* Any order of suspension or revocation issued by the City Administrator may be appealed to the State Alcoholic Beverage Control Board within 30 days of the date of the order.

**§ 118.1-026 WHOLESALE DISTRIBUTION AND SALES.**

(A) *Definition.* As used in this section, **DISTRIBUTION OR SALE BY WHOLESALE OF CEREAL, MALTED, OR VINOUS BEVERAGES** shall be held to include any person maintaining a place of business or warehouse, agent, distributor, broker, or jobber from which orders are received or beverages are distributed, either in bottles or other containers for resale.

(B) *Nonalcoholic beverages exempted.* This section shall not apply to the sale of lemonade, soda water, mineral water, ginger ale, pop, or other soft drink containing no percent of alcohol.

(C) *License required.* No person shall engage in the business of distribution or sale by wholesale of any cereal, malt, or vinous beverage, without first having obtained a license therefor.

(D) *License fee; separate places; expiration date.*

(1) Any person desiring to engage in the distribution or sale by wholesale of any cereal, malt, or vinous beverage shall first obtain from the Finance Department a license therefor, for which he or she shall pay the license fees as provided in this chapter.

(2) If any person maintains more than one place of business or warehouse, agent, distributor, broker, or jobber from which orders are received or beverages are distributed, then the person shall pay an additional fee per year for each separate place of business or warehouse, agent, distributor, broker, or jobber. The fees to be paid are in the amounts as provided in this chapter.

(3) All licenses provided for herein shall commence as of July 1 and expire on June 30 next, after the date of issue. When a license is issued after October 1 of any year, the licensee shall be required only to pay a proportionate part of the license tax required therefor from the first day of the month in which the licensee commences to carry on said business until June 30 next. However, no license shall be issued for less than 50% of the annual license fee.

(E) *Hours of operation restricted.*

(1) The distribution and sales by wholesale and delivery of any cereal, malt, or vinous beverages may occur between the hours of 6:00 a.m. and 12:00 midnight, Monday through Saturday.

(2) No person shall distribute and sell by wholesale any such beverages at any time during the 24 hours of a Sunday.

(F) *Distributor's license.*

(1) A distributor's license shall authorize the licensee to purchase, import, or store malt beverages and to sell them only in the licensed premises to other distributors,



to retailers, or to consumers for personal use and not for resale. A distributor may transport malt beverages subject to the same requirements provided by Kentucky Revised Statutes.

(2) A distributor's license must be obtained for each separate warehouse, agent, distributor, broker, jobber, or place of business from which orders are received or beverages are distributed unless it is a licensed brewery.

**§ 118.1-027 <RESERVED>**

**§ 118.1-028 PACKAGE RETAIL LIQUOR OUTLET.**

(A) No person shall drink any alcoholic beverages in any public place or in any motor vehicle on any parking lot area or other facility used by any package liquor license holder in connection with his or her business in any manner.

(B) All persons, firms, corporations, partnerships, joint ventures, or sole proprietorships shall be required to post a sign or signs on all parking lots adjacent, adjoining, or connected with or used by a package liquor retail sales outlet. The licensee shall provide the City Administrator with a drawing of his or her normal entrances, driveways, or other access onto the parking lot and all customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed. The licensee shall post lighted signs at normal vehicle or pedestrian exterior entrances via driveways or other access to the parking lot. The licensee shall post signs of identical wording, readable from 50 feet, at customer or patron driveway entrances to and exits from the building from which the package alcoholic beverage is dispensed. Wording of all such signs shall be: NO DRINKING ON PARKING LOT. VIOLATORS WILL BE PROSECUTED! MINIMUM FINE \$100.00, MAXIMUM FINE \$500.00 (CITY ORDINANCE).

(C) Any person, firm, corporation, partnership, or joint venture which fails to prohibit the drinking of any alcoholic beverages on a parking lot adjacent, adjoining, or connected with a package liquor retail sales outlet shall be deemed in violation hereof. Any person, firm, corporation, partnership, or joint venture which has erected and properly maintained and lighted a sign, as required by division (B) above, shall be exempt from the provisions hereof.

**§ 118.1-029 <RESERVED>**

**§ 118.1-030 <RESERVED>**

**§ 118.1-031 SPECIAL SUNDAY RETAIL DRINK LICENSES.**

(A) *Establishment.* There are hereby established a city special Sunday restaurant wine license, pursuant to the authority granted by KRS 243.032 and KRS 243.070, and a

city special Sunday restaurant drink license, pursuant to the authority granted by KRS 242.185 and KRS 243.070.

(B) *Restrictions.* The holder of the special Sunday restaurant wine license shall be governed by the restrictions contained in KRS 243.032 and the regulations of the City Alcoholic Beverage Administrator. The hours of operation for holders of package and retail drink licenses shall be governed by §118.1-021 that outlines the hours of operation allowed for licensed premises.

(C) *Fee.* The fee for the special Sunday retail drink license shall be as established by this chapter and shall become due and payable on June 1 of each year. When a license is issued after October 1 of any year, the licensee shall be required only to pay a proportionate part of the license tax required therefor from the first day of the month in which the licensee commences to carry on the business until June 30 next. However, no license shall be issued for less than 50% of the annual license fee.

§ 118.1-032 <RESERVED>

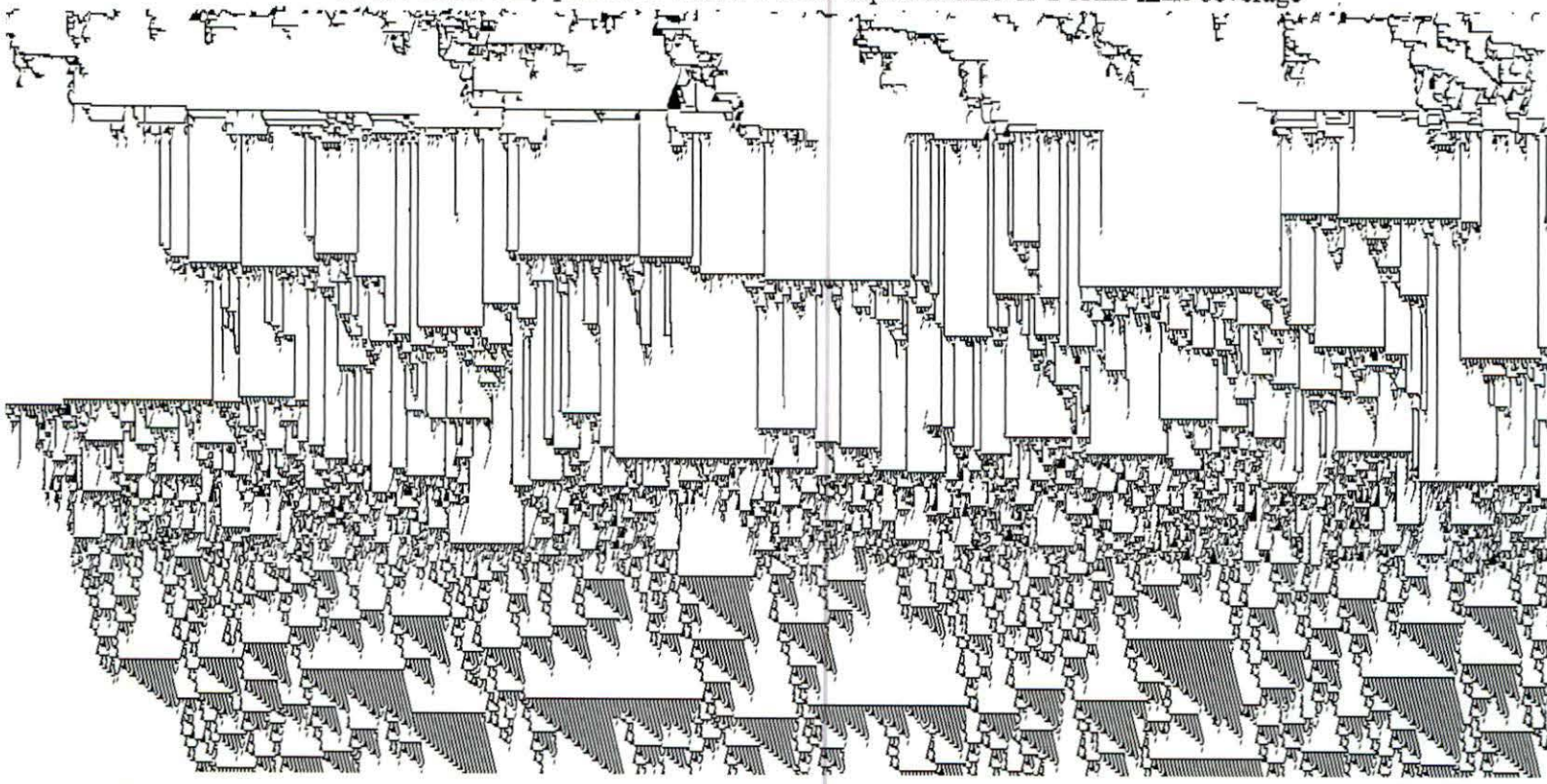
§ 118.1-033 NUDE PERFORMANCES PROHIBITED.

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

**ADULT ENTERTAINMENT ESTABLISHMENT.** A business within the city as defined in City of Vine Grove Code of Ordinances Chapter 117.

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

**LICENSEE.** Any person to whom a retail liquor license or a retail malt beverage



**SEMI-NUDE OR STATE OF SEMI-NUDITY.** A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part.

(B) It shall be unlawful for and a person is guilty of performing in a state of nudity or a semi-nude activity when that person appears in a state of nudity or performing a semi-nude activity on a Licensee's establishment's premises.

(C) A licensee or retail licensee is guilty of permitting nudity or semi-nude activity when having control of the Licensee's establishment's premises permits said premises:

(1) To be used by any person on the premises in such a manner or attire as to expose to view a person's nudity or semi-nudity; or

(2) To be used by any female to appear on the premises in such manner or attire as to expose to view any portion of the breast referred to as the areola, nipple, or any simulation thereof.

(D) An adult entertainment establishment shall not make application for and shall not be granted any license to sell alcoholic beverages otherwise issued pursuant to Chapter 4-1 or any other applicable ordinance, statute, or regulation. The sale, use, or consumption of alcoholic beverages on the premises of an adult entertainment establishment is prohibited.

(E) In the event a violation of this section occurs, the City Liquor Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with KRS 241.160 and KRS 241.190) to determine whether the license at whose business establishment the activity prohibited by this section occurred, shall have his license suspended or revoked.

Penalty. see §118.1-999

#### **§ 118.1-034 SOLICITATION FOR THE PURCHASE OF ALCOHOLIC BEVERAGES PROHIBITED**

(A) No employee or independent contractor of a licensed liquor establishment shall solicit patrons of said establishment to purchase any alcoholic beverage for consumption by any employee or independent contractor of the licensed liquor establishment.

(B) No employee or independent contractor of a licensed liquor establishment shall be compensated in any manner that is measured by a percentage or fraction of beer or liquor retail sales.

**§ 118.1-035 CLOSED DOORS DURING HOURS OF OPERATION.**

Establishments in the city licensed to sell or dispense alcoholic beverages by the drink shall be prohibited from allowing doors leading from the licensed premises to the public street to remain in the open position for any time period longer than is reasonably necessary to allow persons to enter or leave said establishment at all times during normal hours of operation, except between the hours of 9:00 a.m. and 9:00 p.m. However, the 9:00 a.m. to 9:00 p.m. exception shall not apply to places of entertainment where alcoholic beverages are sold including nightclubs, theaters, pool halls, billiard parlors and similar enterprises. The doors of these places of entertainment shall not remain in the open position throughout their hours of operation.

Penalty. see §118.1-999

**§ 118.1-036 ALCOHOL WARNING SIGNS; DRINKING ALCOHOL DURING PREGNANCY.**

All licensed retail vendors of alcoholic beverages shall post in a prominent place a printed sign at least 11 inches by 14 inches in size, with letters at least one-inch high, which shall warn that drinking alcoholic beverages during pregnancy can cause birth defects.

**§ 118.1-999 PENALTY.**

(A) Any person found guilty of violating any provision of §§118.1-021, 118.1-024 through 118.1-028, 118.1-030, or 118.1-031, except §118.1-025(R), shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding \$500.00 or by imprisonment in the county jail for not more than 90 days, or both fine and imprisonment in the discretion of the court. This penalty may be imposed in addition to any administrative penalty imposed by the City Alcoholic Beverage Control Administrator or the State Alcoholic Beverage Control Board.

(B) Any person, firm, or corporation convicted of violating §118.1-025(R) shall be deemed guilty of a misdemeanor and shall be fined not less than \$25 nor more than \$500 in the discretion of the District Court.

(C) Any person, firm, corporation, whether for profit or not for profit, or any officer or individual or agent or employee of the corporation who violates any of the

fine of not more than \$500 in the District Court or any other court of appropriate jurisdiction, in the discretion of the court.

(D) Any person found to be in violation of the provisions of §118.033 shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than \$500 or six months in jail, or both so fined and imprisoned, at the discretion of a court of appropriate jurisdiction.

(E) Any person found to be in violation of §118.034 shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than \$500 or imprisoned for not more than six months in jail, or both so fined and imprisoned at the discretion of the court of appropriate jurisdiction.

(F) Any person found to be in violation of the provisions of §118.035 shall be deemed guilty of a violation and shall be subject to a fine of \$25 for each violation.

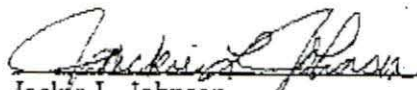
(G) Any person found to be in violation of the provisions of §118.036 shall be deemed guilty of a violation and shall, upon conviction thereof, be fined not less than \$10 nor more than \$100 for each offense.

READ THE FIRST TIME THE 28<sup>th</sup> DAY OF November, 2011.

READ, ADOPTED AND APPROVED THIS THE 5<sup>th</sup> DAY OF December, 2011.

  
BLAKE L. PROFFITT, MAYOR

ATTESTED TO:

  
Jackie L. Johnson  
Assistant City Clerk

Notary ID 416021

**ORDINANCE NO. 120318**

Adopted – December 6, 2018

**AN ORDINANCE OF THE CITY OF VINE GROVE, KENTUCKY  
REPEALING PREVIOUS ORDINANCES RELATING TO ALCOHOL BEVERAGE CONTROL; CREATING  
REGULATIONS FOR THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES**

BE IT ORDAINED by the City of Vine Grove, Kentucky that from and after the passage, approval and publication of this ordinance, that Ordinances No. 120511 (§118.01 – 118.99) and their amendments are hereby repealed upon the effective date of this ordinance.

BE IT FURTHER ORDAINED that the City of Vine Grove, Kentucky hereby establishes the following regulations for the sale and consumption of alcoholic beverages as set out below:

**TITLE:**

This Ordinance shall be cited and known as the “Alcoholic Beverage Control Ordinance” of the City of Vine Grove, Kentucky.

**PURPOSE:**

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization of KRS 241 through 244.

**DEFINITIONS:**

The definitions of the words used throughout this Ordinance, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

**SCOPE:**

This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this Ordinance shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance of the City or of any statutes of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages.

**ADOPTION OF STATE LAW:**

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

Any violation of State law relating to the sale, production, storing or otherwise trafficking in alcoholic beverages shall also constitute a violation of this Ordinance.

No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverages in any quantity whatever, or cause the same to be done, without complying with all of the provision of this ordinance and all State statutes and regulations applicable thereto.

All prohibitions, restrictions, and regulations pertaining to alcoholic beverage contained in KRS Chapter 241 through 244 shall apply to alcoholic beverage use in the City.

**CREATION OF THE OFFICE OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR:**

- A. Pursuant to KRS 241.160, there is hereby created the office of City Alcoholic Beverage Control Administrator (hereinafter referred to as City ABC Administrator). The duties of this office are assigned to the office of City Clerk.
- B. The Mayor of the City shall appoint a City ABC Administrator.
- C. **The salary for said office, if any, shall be fixed from time to time by the City Council.**
- D. The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky (hereinafter referred to as ABC Board) with respect to state licenses and regulations, except that no amendment to these regulations proposed by the City ABC Administrator may be less stringent than the statutes relating to Alcoholic Beverage Control, or than regulations of the ABC Board. No regulation of the City ABC Administrator shall become effective until it has first been appropriately approved by the City Council.
- E. No person shall be a City ABC Administrator, an ABC Investigator or an employee of the City under the supervision of the City ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100. (KRS 241.170).
- F. The City ABC Administrator shall have all authority as authorized under Chapters 241 through 244 of the Kentucky Revised Statutes.
- G. Should the City ABC Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he or she shall have the authority to require such person to appear in person at the Vine Grove Police Department for the purpose of having his or her fingerprints taken.
- H. The City ABC Administrator for entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution, and shall execute a bond with a

good corporate surety in the penal sum of not less than five thousand (\$5,000.00) dollars, and shall swear to faithfully perform the duties of his or her office pursuant to the provisions of Section 62.060 of the Kentucky Revised Statutes et seq. The cost of any necessary bond required under this section shall be borne by the City of Vine Grove.

- I. Appeals from the orders of the City ABC Administrator may be taken to the state ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the City ABC Administrator. Matters at issue shall be heard by the Board as upon an original proceeding. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

**LICENSES:**

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the City and pursuant to the authority of KRS 243.070, there is hereby established a corresponding City license for each of the state licenses described in KRS 243.070. The fee for each City license shall be as set out in the following schedule, and may be amended from time to time as authorized by law.

**LICENSE FEES:**

Distilled spirit licenses as set forth in KRS 243.030:	
(a) Distiller’s license, per annum	\$500.00
(b) Rectifier’s license:	
1. Class A, per annum	\$3,000.00
2. Class B (craft rectifier), per annum	\$960.00
(c) Wholesaler’s distilled spirits and wine license, per annum	\$3,000.00
(d) Quota retail package license, per annum	\$1,000.00
Quota retail drink license, per annum	\$1,000.00
Special temporary, per event	\$50.00
Nonquota type 1 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$2,000.00
Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$1,000.00
Nonquota type 3 retail drink license (includes distilled spirits, wine and malt beverages), per annum	\$300.00
Special temporary alcoholic beverage auction license, per event	\$50.00
Special Sunday retail drink license, per annum	\$300.00
Extended hours supplements license, per annum	\$2,000.00
Caterer’s license, per annum (The fee for holders of a LR100 or NQ2 is \$0.00)	\$800.00
Bottling house or bottling house storage license, per annum	\$1,000.00
Malt beverage licenses as follow:	
(a) Brewer’s license, per annum	\$500.00



(b) Microbrewery license, per annum	\$500.00
(c) Malt beverage distributor's license, per annum	\$400.00
(d) Nonquota retail malt beverage package license, per annum	\$200.00
(e) Nonquota type 4 malt beverage drink license, per annum	\$200.00
(f) Malt beverage brew-on premises license, per annum	\$100.00
Limited Restaurant license (includes distilled spirits, wine and malt beverages), per annum	\$1,200.00
Limited golf course license (includes distilled spirits, wine and malt beverages), per annum	\$1,200.00
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.	
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).	

The City ABC Administrator shall transmit fees upon collection to the City Finance Department to be deposited into the appropriate designated account. City licenses shall be issued by the City ABC Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's state license.

**CERTAIN SPECIAL LICENSES DEFINED:**

- A. Quota Retail Package License (KRS 243.230, KRS 243.240): The State ABC Board has authorized two (2) licenses. A quota Retail Package license shall authorize the licensee to purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises.
- B. Quota Retail Drink License (KRS 243.250): The State ABC Board has authorized two (2) licenses. A Quota Retail Drink Licenses shall authorize the licensee to purchase, receive, possess and sell distilled spirits and wine at retail by the drink for consumption on the licensed premises.
- C. Limited Restaurant License (KRS 242.185, KRS 241.010(26), KRS 242.1244, KRS 243.034): This license may be issued to an owner or lessee of a restaurant which receives 70% or more of its gross annual income from the sale of food and has minimum seating capacity of 100 persons at tables. The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty. A local option elected voted favorably for the lifting of prohibition for limited sale of alcoholic beverages by the drink for restaurants with 100 seats and 70% food sales on December 5, 2011.

- D. NQ2 Retail Drink License (KRS 243.084): This license authorizes the licensee to purchase, receive and sell distilled spirits, wine and malt beverages at retail for consumption on premises for a restaurant with minimum 50% of gross annual income from food sales and minimum seating capacity of 50 persons at tables. A NQ2 license may be issued to a motel/hotel with a minimum of 50 sleeping rooms, 25,000 square feet of parking, and maintain a restaurant with 50% food sales and minimum seating capacity of 50 people at tables.
- E. NQ3 Retail Drink License (KRS 243.086): This license may be issued to a nonprofit charitable, civic, social, fraternal organization, or political club which has maintained a room from which the general public has been excluded for at least one (1) year; a dining car; a bed and breakfast or distiller.
- F. Special Temporary Licenses (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 drink license at designated premises for a specified and limited time and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink license or a NQ4 retail malt beverage drink license shall apply also to a special temporary event. A special temporary license will only be issued in conjunction with an organized charitable, civic or community sponsored event, i.e. fairs and festivals. Holidays such as Christmas, Easter and Lent are not considered events.

#### **APPLICATION/LICENSE:**

- A. Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements of KRS Chapter 424.
  - (1) The advertisement shall state the name and addresses of the members of partnership if the applicant is a partnership, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, as well as the name and addresses of the corporation itself, the location of the premises for which the license is sought, and the type of license for which application is made.
  - (2) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.
- B. All licenses granted under this section shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the ABC Board and the City of Vine Grove, as amended and supplemented from time to time.
- C. The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes, the ABC Board and the City of Vine Grove including as follows:
  - (1) Name and address;
  - (2) Nature of interest;

- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Vine Grove resident indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
- (7) Extent of stock ownership;
- (8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

Each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee. Promptly upon receipt thereof the City ABC Administrator shall transmit the same to the City Finance Department for deposit into the appropriate designated account.

- D. All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator.
- E. All City licenses shall be in such form as may be prescribed by the City Council and shall contain:
  - (1) The name and address of the licensee
  - (2) The number of the license;
  - (3) The type of license;
  - (4) A description by street and number, or otherwise, of the licensed premises;
  - (5) The name of the owner of the building in which the licensed premises is located;
  - (6) The expiration date of the license;
  - (7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.
- F. After January 1, 2018, all licenses approved by the City ABC Administrator and issued by the City of Vine Grove shall be valid for a period of no more than a year and shall be renewable upon the date established by the Kentucky Department of Alcohol Beverage Control for the expiration of state licenses.
- G. The renewal by the City ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.
- H. Any licenses issued after August 1 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 that for a period of six months.
- I. In addition, any other penalties allowed by this section or any other statutory provision, a violation of this section shall authorize and require the revocation of the license and the City shall not be required to refund any portion of the license fee.

**REFUND OF LICENSE FEES:**

Should any licensee under this Ordinance be prohibited from conducting said business for the full period covered by the license because of any changes that may hereafter be made in the laws of the State of Kentucky with reference to alcoholic beverage or other causes outside licensee's control, then the City shall refund to the licensee the proportionate license fee

based on sufficient proof to the City ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrong doing by licensee or agent or employee of the licensee.

**LOST OR DESTROYED LICENSES:**

When a license has been lost or destroyed without fault on the part of the licensee or his agent or employees, a duplicate in lieu of the original license shall be issued by the City ABC Administrator and the City ABC Administrator shall be satisfied as to the reason, provided however, that the person applying for said duplicate license shall pay a fee of ten dollars (\$10) for issuing said duplicate.

**TEMPORARY CLOSING:**

In the course of any one day of operation of a licensed premise, should multiple violations of the ordinance or other statutes or ordinances of a public disorder nature, e.g. disturbing the peace, be reported and investigated by the City Police Department or City ABC Administrator, such one day multiple occurrences shall be reported to the City ABC Administrator by the Chief of Police. The City ABC Administrator shall, in the interest of public health, safety, morals and welfare, direct the Chief of Police to temporarily suspend the license in question for the remaining hours of the day in question by locking the premises after dispersing the patrons. The temporary suspension shall remain in effect until review of the alleged violations by the City ABC Administrator, such review shall occur on the next business day.

**REVOCAION OR SUSPENSION:**

- A. Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of the provisions of Kentucky Revised Statutes Chapters 241, 243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance; now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the City heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241, 243 and 244 to be created, or referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his or her sound discretion deems sufficient.
- B. A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.
- C. Any license must be revoked or suspended for the following causes:

- (1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- (2) Making any false, material statements in an application for a license.
- (3) If, within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if, within such period, any licensee or any of the clerks, servants, agents or employees of the licensee shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one (1) such felony and one (1) such misdemeanor.
- (4) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this Ordinance or acts of congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.
- (5) Revocation of any license granted under any act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.
- (6) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting sports bets; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

**NOTICE OF LICENSEE; SURRENDER OF LICENSE; HEARING:**

- A. Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his license to the City ABC Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of Police at the request of the City ABC Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the City ABC Administrator.
- B. When a license has been revoked, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.
- C. Appeal from the decision of the City ABC Administrator shall be to the ABC Board.
- D. If a license is revoked or suspended by an order of the City ABC Administrator, the licensee shall at once suspend all operations previously authorized under his license.

**TRANSFER OR ASSIGNMENT:**

No license issued under this ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not until a payment of one hundred dollars (\$100) shall be made to the City of Vine Grove.

**REFUSAL OF LICENSE:**

A City license shall be refused:

- A. For any cause that the State shall refuse to issue or renew a license and for suspension or revocation of a City license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any City ordinance regarding alcohol beverage licensing, sales or the administration thereof; or
- B. If the applicant has committed any act for which a revocation of license would be authorized; or
- C. If the applicant has made any false material statement in his application; or
- D. If the applicant is seeking a license for the sale and distribution of distilled spirits, wine and/or malt based beverages in a sexually oriented business; or
- E. For any reason that the City ABC Administrator which he or she, in the exercise of his or her sound discretion may deem sufficient.

**REVIEW OF LICENSE:**

Applicants to whom a license is issued authorizing the sale of alcoholic beverages pursuant to this Ordinance shall provide periodic information demonstrating compliance. This document shall be provided on a schedule to be coordinated with the applicant's regulatory fee filings. This information shall consist of a certificate from a Certified Public Accountant, owner or other designate familiar with the applicant's pertinent business records. This certificate shall state:

"I declare, under penalties of perjury, that this return has been examined by me and to the best of my knowledge and belief is a true, correct and complete return."

**REGULATORY LICENSE FEE:**

- A. A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. Said license fee shall be set by the City Council in the annual budget for each fiscal year and such percentage rate shall be established to generate revenue that does not exceed the total of the reasonable expenses actually incurred by the City in the previous fiscal year for the additional cost, as demonstrated by reasonable evidence, of policing, regulation and administration as the result of the sale of alcoholic beverages within the City. Such fee shall be in addition to any other tax, fee or license permitted by law, but a credit against such fee shall be

allowed in the amount equal to the license or fee imposed and such regulatory fee shall be applied annually from July 1 to June 30.

- B. For all other licenses, payment of such regulatory fees shall be remitted to the City ABC Administrator, and shall accompany the tax returns approved for such use by the City. These returns and payments are due no later than by the end of the month immediately following each calendar quarter at which time one-fourth (1/4) of the annual fees shall be deducted as a credit.
- C. Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subject's licensee to suspension or revocation.
- D. Penalty for failure to file a return and pay monthly remittance by the due date is five percent (5%) of the tax for each thirty (30) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax, provided, however, in no case shall the penalty be less than ten dollars (\$10).
- E. Penalty for failure to file a return and pay quarterly remittance by the due date is five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax, provided, however, in no case shall the penalty be less than ten dollars (\$10).
- F. Interest at the rate of eight percent (8%) per annum will apply to any late payments.

**CHANGE OF INFORMATION:**

- A. Since a number of licenses issued by the City are in the name of a corporation, it is necessary that stock ownership changes in such corporation be reported to the City ABC Administrator. The City ABC Administrator can therefore, investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.
- B. As used herein, the word "change" is construed to include any change in directors or officers of the corporation, or change in ownership of stock whereby any person secures ten percent (10%) of the outstanding stock. Transfer of more than ten percent (10%) of the total stock shall require a new license.
- C. The following information will be required concerning any new director, officer, or person securing any interest in alcoholic beverage license:
  - (1) Name and address;
  - (2) Nature of interest;
  - (3) Whether or not a citizen of the United States;
  - (4) Date of birth;
  - (5) Date residence was established in Kentucky, if a resident of Kentucky. If Vine Grove resident indicate when residence was established;
  - (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
  - (7) Extent of stock ownership;
  - (8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.

This information shall be filed with the City ABC Administrator as an amendment of the application pursuant to which the license was granted.

**DORMANCY:**

- A. It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this Ordinance. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this Ordinance.
- B. Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City ABC Administrator.
- C. Except that the provisions of subsection (B) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his sound discretion.
- D. All renewal licenses must be on file with the City ABC Administrator within thirty (30) days prior to the expiration of the licenses for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay the scheduled license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.



**APPROVAL OF PREMISES:**

The City ABC Administrator shall not grant any alcoholic beverage license or approve the renewal of a license until said applicant and his place of business shall be have been approved by the City Building Official, and any and all other inspections required by the Kentucky Building Code are completed.

**DELINQUENT TAXES OR FEES:**

No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of the issuing of the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the City. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

**BOOKS, RECORDS, VIDEO/AUDIO AND REPORTS:**

- A. Every licensee under this ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the ABC Board. Such books, video/audio and records shall be available at all reasonable times for inspection by the City ABC Administrator and such City employees who may assist the City ABC Administrator in his or her review.
- B. Licensees that have video/audio recordings shall be required to maintain all available video/audio recordings for a minimum of seven (7) days, unless other applicable rules and regulations require otherwise.
- C. For the purpose of assisting the City ABC Administrator in enforcement of this section, every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the City ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by Statute shall be furnished to the City ABC Administrator.

**HOURS FOR SALE AND DELIVERY; RESTRICTIONS:**

- A. Upon the licensee being granted a license for the retail or wholesale sales of distilled spirits, wine and malt beverages or the sale of malt based beverages by the drink on its premises, it shall be permitted to sell or dispense said beverages Monday through Saturday between the hours of 6:00 a.m. and midnight.
- B. The licensee may sell or dispense distilled spirits, malt beverages and wine on Sunday between the hours of 1:00 p.m. and 12:00 a.m.

- C. The licensee may sell or dispense distilled spirits, malt beverages and wine on Election Day during normal times allowed under this section.
- D. The licensee shall provide a separate locked department in which all stocks of distilled spirits and wine are kept during these hours when sales are prohibited. KRS 244.290.
- E. All delivery of alcoholic beverages in the City shall be made during normal business hours, Monday through Saturday. No delivery shall occur between the hours of midnight and 6:00 a.m. Monday through Saturday. (KRS 244.480) No delivery shall occur on Sunday.

**CONDITIONS, PROHIBITIONS AND RESTRICTIONS:**

- A. No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.
- B. It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in Hardin County as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Chief of Police or the City ABC Administrator shall have the authority to confiscate any and all such radio receiving apparatus.
- C. The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.
- D. It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages nor shall any licensee give away any alcoholic beverage in any quantity for less than a full monetary consideration.
- E. No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.
- F. The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age. The licensee shall check all identifications to ascertain that every person attempting to purchase or consume alcoholic beverages is at least 21 years of age.
- G. The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:  
*Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:*
  1. Enter licensed premises to buy, or have served to them, alcoholic beverages.
  2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
  3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

- H. The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.
- I. The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). KRS 243.895.
- J. Any off premises signage advertising the sale of alcoholic beverages is prohibited.
- K. No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.
- L. No licensee shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:
  1. Has been convicted of any felony, misdemeanor or offense directly or indirectly attributable to the use of alcoholic beverages, within the last two (2) years;
  2. Is under the age of twenty (20) years who will be serving alcoholic beverages.
  3. Within two (2) years prior to the date of his employment, has had any City license under this Ordinance revoked for cause.

Violation of this subsection shall subject both employer and employee to penalties provided in this section and shall be cause for revocation of license.
- M. All persons who shall be serving alcoholic beverages shall undergo any training required by the state ABC Office, the cost of which shall be the responsibility of the licensee.
- N. No licensee shall offer or permit nudity, adult entertainment activities, including nude or nearly nude dancing, adult motion picture, television, slide or stage shows, cabarets or sexual entertainment centers on any licensed premise. No licensee shall permit explicit sexual activity, whether actual or simulated, upon any licensed premise. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling or similar activities, not shall a licensee allow dancing with touching for compensation (including but not limited to wages, tips or gratuities), or any other service, display or contest requiring physical contact between patrons and/or patrons and employees on any licensed premises. No licensee shall sponsor, offer or permit drinking contests, all-you-can-drink specials or free drinks on any licensed premise in the City.

**MANDATORY RESPONSIBLE ALCOHOLIC BEVERAGE SERVICE TRAINING:**

- A. All persons involved in the selling and serving of alcoholic beverages shall participate in and complete a responsible beverage service training program similar to the criteria of the State S.T.A.R. Training Program. A responsible beverage service program shall effectively train its participants in the identification of valid and fake identification, reducing illegal alcohol sales to minors, reducing sales to persons who are already intoxicated, promoting responsible consumption, provide information to sellers and servers to protect themselves from third-party liability lawsuits and educating licensees and servers about Kentucky liquor laws.
- B. All persons required to complete training under paragraph (A) above shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages, all employees must be trained prior to the opening of the business. All persons completing the training required by this section shall be re-certified through a responsible alcoholic beverage service training program not less than once every three (3) years thereafter.
- C. The owner of any license serving alcoholic beverages shall be responsible for compliance with the training requirements and shall maintain for inspection by the City ABC Administrator a record or file on each employee that shall contain the name, job title, date of employment and proof of certification of each seller or server regulated by this section. This information shall be available at any reasonable time to any alcoholic beverage control officer or any police officer.

**MALT BEVERAGE KEG REGISTRATION:**

- A. As used in this section, "KEG" is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.
- B. All retail licensees (herein referred to as "licensee") operating within the City of Vine Grove who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a control label. The label must have a control number, and the name of the business. Each label must be affixed to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:
  - 1. The purchaser is of legal age to purchase, possess and use the malt beverage;
  - 2. The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;
  - 3. The purchaser will not remove, obliterate or allow to be removed or obliterated the identification label;
  - 4. The purchaser will state the property address where the keg will be consumed and physically located; and
  - 5. The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.
- C. The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one other valid form of identification.

- D. The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic control officers and other enforcement officers.
- E. The keg registration form shall be forwarded to the City ABC Administrator within five (5) working days in all situations when the keg is not returned or returned with the identification label removed or obliterated.
- F. The City ABC Administrator is authorized to develop appropriate rules and regulation and to develop and make available forms for the identification label and keg registration forms.
- G. All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the City concerning the provisions of this ordinance.
- H. It shall be unlawful for any licensee to sell or offer for sale kegs without the identification label attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification tag or to fail to have the declaration form visible and readily accessible from the located of the keg. The penalties for violation of this section shall be the penalties as set out in the penalties section of this ordinance. In addition, licensee violating this section shall be subject to appropriate alcoholic beverage control administrative remedies.

**INFORMATION DEEMED CONFIDENTIAL; PENALTY FOR DISCLOSURE; EXCEPTIONS:**

Any information, including returns, documents, or payments made pursuant hereto and any other information gained by the City ABC Administrator or any other official, agent, or employee of the City of Vine Grove as a result of any return, investigation, hearing or verification required or authorized by the ordinance shall be confidential; except, in accordance with proper judicial order, and any person or agent divulging such information shall, upon conviction, be subject to a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or imprisonment not to exceed thirty (30) days, or both, at the discretion of the court. Provided, however, such person may disclose to the Commissioner of the Revenue Cabinet of the State or his or her duly authorized agent, or the Commissioner of Internal Revenue Service, or his or her duly authorized agent, all such information and extend the right to inspect any of the books and records of the City to said Commissioner of the Revenue Cabinet of the State and/or to said Commissioner of the Internal Revenue Service who must grant to the City the reciprocal right to obtain information from the files and records of the Internal Revenue Service and maintain the privileged character of the information so furnished to them.

**ENFORCEMENT:**

City police officers and the City ABC Administrator or the officers of that department are authorized to enforce this ordinance for alleged violations.

**PENALTIES:**

The following penalties shall be in addition to any criminal prosecution instituted in Hardin District Court against an alleged violator.

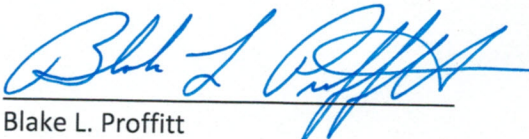
The City ABC Administrator may assess a fine of not more than one thousand dollars (\$1,000.00) per violation. This payment of said fine shall be transmitted to the City Finance Department to be deposited in the appropriate designated account.

Any person, firm or corporation who violates any of the provisions of this Ordinance, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he shall be fined not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, LLC, partnership, Joint Stock Company, association, fiduciary or other business entity, the principal officer or officers responsible for the violation may be imprisoned.


**SEVERABILITY:**

If a portion of this Ordinance is declared null and void, the remaining provisions will remain in full force and effect.

Read at a meeting of the Vine Grove City Council on the Nineteenth day of November, 2018. A second reading was held on the Third day of December, 2018; said Ordinance was READ, PASSED AND APPROVED on the Third day of December 2018.

  
Blake L. Proffitt  
Mayor, City of Vine Grove

ATTEST:

  
Jackie L. Johnson  
City Clerk/Treasurer