SUMMARY OF
CITY OF TAYLORSVILLE
ORDINANCE NO. 348

This is a summary of Ordinance No. 348, an Ordinance Regulating the Sale of Alcoholic Beverages and Otherwise Providing for Alcoholic Beverage Control Within the City of Taylorsville, a Fourth Class City in Spencer County, Kentucky, this Summary is made under the provisions of KRS 83A.060(4) and (9).

THE TITLE OF THE ORDINANCE IS: An Ordinance Regulating the Sale of Alcoholic Beverages and Otherwise Providing for Alcoholic Beverage Control within the City of Taylorsville, in Spencer County, Kentucky.

Article One of the Ordinance sets forth 5 sections, which provides the ordinance shall be known and may be cited as the Alcohol Beverage Control Ordinance of the City of Taylorsville, Spencer County, Kentucky, or the City of Taylorsville Alcohol Beverage Control Ordinance, and incorporates all State laws relating to Alcohol Beverage Control within the Commonwealth of Kentucky, particularly in accordance with Chapters 241, 242, 243 and 244, of the Kentucky Revised Statues, pertaining to licenses and the regulations of the sale of alcoholic beverages, and, further, sets forth the scope of coverage including deposits of fees and fines.

Article Two of the Ordinance contains 5 sections regarding establishing an Alcohol Beverage Control Administrator for the City of Taylorsville and sets forth the functions, duties and powers of the Administrator, including the right of inspection of premises, the right of suspension or revocation of license, the right to issue license, collect fees and impose fines and sets forth an appeal process from any order or decision of the City Administrator, which must be

filed with the State Alcoholic Beverage Control Board within 30 days of the order of the Administrator to be appealed and further provides for an Oath to be administrated to the Administrator and a bond for no less than $1,000.00.

Article Three of the Ordinance contains 11 sections setting forth the licensing requirement and regulations, the number and types of licenses and fees, regulations fees, the license required for the sale of alcohol, the right and authority of the City to establish and issue permits, licenses and fees[1] which are not inconsistent with the Kentucky Alcohol Beverage Control Statutes and further sets forth the license terms, renewals, assignments, transfers and license replacement, posting of license and wholesale distributions and fees to be paid in regard to obtaining an Alcohol Beverage License for the sale of alcoholic beverages within the City of Taylorsville.

Article Four of the Ordinance contains 8 sections setting forth the application and issuance of license process, approval by license administration, including causes for refusal to issue or renew a license or suspension or revocation, approval or denial of application or renewal, the issuance of a City license and the posting of a City license requirements including application consent to inspection to search premises.

Article Five of the Ordinance containing 8 sections setting forth the prohibitions, restrictions and general regulations in regard to the hours of sale, prohibits the sale of alcoholic beverages during the 24 hours of each Sunday, general regulations and restrictions, advertising requirements, requirement to display warnings to minors, mandatory training for certification and accounting requirements and Article Five reads as follows and specifically Section 5.08 (G) sets forth the penalty for violations of the mandatory training and certification as follows:

[1] See Addendum A, Section 3.03, regarding fees, which is incorporated by reference herein per KRS 83A.060(9)(b).

"Section 5.08 (G)

A. Penalties:

1. No person, corporation, association, restaurant, business, club or other entity holding a license for the sale of distilled spirits, wine and or malt beverages by the package or drink shall intentionally, willfully, knowingly, or wantonly authorize, direct, permit, allow or cause any employee, officer or agent of the licensee who has not completed the mandatory service training required in this section, to sell or serve any alcoholic beverages to anyone on the licensed premises.

2. Any person, corporation, licensee, association, restaurant, business, club or other entity or any employee thereof, found to be in violation of any subsection of this ordinance, shall upon conviction thereof, be fined in an amount not to exceed one hundred dollars ($100.00); for subsequent violations within a two (2) year period and, upon conviction thereof, a fine not to exceed five hundred dollars ($500.00). Each day a violation occurs shall constitute a separate offense."

Article Six of the Ordinance containing 2 sections of which sets forth conduct, location of premises and structure requirements, necessity for complying with Zoning Regulations, location of the premises and structure requirements.

Article Seven of the Ordinance containing 1 section setting forth the penalty for violations if no specific penalty is otherwise provided as follows:

"Section 7.01 PENALTY FOR VIOLATIONS

A. Any person who violates any provision of this ordinance for which no specific penalty is otherwise provided shall be guilty of a misdemeanor and shall, in addition to other penalties provided by law, be subject to the following penalties:

1. For the first offense, a fine not to exceed five hundred dollars ($500.00); and

2. For any subsequent offense, a fine not to exceed five hundred dollars ($500.00) or confinement in jail nor more than six (6) months, or both.

B. In addition to any other penalty provided for herein or as provided under any other applicable federal, state or local law or regulation, any licensee violating any provision of this ordinance shall be subject to suspension or revocation of

any and all licenses issued under this chapter."

Article Eight of the Ordinance containing 3 sections setting forth miscellaneous provisions concerning the repeal of any prior ordinance, the separate penalty of the ordinance and the effective date of the ordinance.

The full text of the ordinance is on file and may be reviewed at the City Hall for the City of Taylorsville, 70 Taylorsville Road, Taylorsville, Kentucky 40071.

CERTIFICATION

I certify that I am a licensed and practicing attorney in the Commonwealth of Kentucky and the foregoing Summary was prepared by myself in accordance with KRS 83A.060 (9).

WITNESS my hand this the 1st day of May, 2014.

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Section 3.03 LICENSES PERMITTED AND FEES

In accordance with the Kentucky Revised Statutes, particularly KRS 243.070, the City herein imposes the following licenses and fees for the period or the issuance of any other reasonable administrative regulations as may be necessary for the enforcement or administration of applicable State statutes and regulations and/or City ordinance and to establish fees in accordance with and not inconsistent to the fees allowed by the Kentucky Alcohol Beverage Control Statutes.

License Types	License Fee
1. Distilled spirit licenses as set forth in KRS 243.030:	
a. Distiller's license (not to exceed $500.00 per annum)	$ 500.00
b. Rectifier's license (not to exceed $3,000.00 per annum)	$3,000.00
c. Wholesaler's distilled spirits and wine license (not to exceed $3,000.00 per annum)	$3,000.00
d. Quota retail package license (not to exceed $1,000.00 per annum)	$1,000.00
2. Quota retail drink license, not applicable unless second Election is held under KRS 242.127-129	N/A
3. Special temporary license (not to exceed $166.66 per event)	$ 166.66
4. Nonquota type 1 retail drink license, includes distilled Spirits, wine, and malt beverages (not to exceed $2,000.00 per annum)	$2,000.00
5. Nonquota type 2 retail drink license, includes distilled spirits, wine, and malt beverages (not to exceed $1,000.00 per annum)	$1,000.00
6. Nonquota type 3 retail drink license, includes distilled spirits, wine, and malt beverages (not to exceed $300.00 per annum)	$ 300.00
7. Distilled spirits and wine special temporary auction license (not to exceed $200.00 per event)	$ 200.00

8. Special Sunday retail drink license $ 300.00
(not to exceed $300.00 per annum)

9. Extended hours supplemental license $2,000.00
(not to exceed $2,000.00 per annum)

10. Caterer's license $ 800.00
(not to exceed $800.00 per annum)

11. Bottling house or bottling house storage license $1,000.00
(not to exceed $1,000.00 per annum)

12. Malt beverage licenses as follows:

    a. Brewer's license $ 500.00
    (not to exceed $500.00 per annum)

    b. Microbrewery license $ 500.00
    (not to exceed $500.00 per annum)

    c. Malt beverage distributor's license $ 400.00
    (not to exceed $400.00 per annum)

    d. Nonquota retail malt beverage package license $ 200.00
    (not to exceed $200.00 per annum)

    e. Nonquota type 4 retail malt beverage drink license $ 200.00
    (not to exceed $200.00 per annum)

    f. Malt beverage brew-on-premises license $ 100.00
    (not to exceed $100.00 per annum)

13. Limited restaurant license, includes distilled $1,200.00
Spirits, wine, and malt beverages
(not to exceed $1,200.00 per annum)

14. Limited golf course license, includes distilled $1,200.00
Spirits, wine, and malt beverages
(not to exceed $1,200.00 per annum)