COMMONWEALTH OF KENTUCKY
CITY OF TAYLORSVILLE
SPENCER COUNTY, KENTUCKY

ORDINANCE NO. 348

AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES AND OTHERWISE PROVIDING FOR ALCOHOLIC BEVERAGE CONTROL WITHIN THE CITY OF TAYLORSVILLE, IN SPENCER COUNTY, KENTUCKY.

WHEREAS, a County-wide local option election was held on October 20, 2009, pursuant to the Kentucky Revised Statutes to address the issue as to whether the County of Spencer should permit the sale of alcoholic beverages within Spencer County; and

WHEREAS, a majority of the citizens of Spencer County voted in favor of the sale of alcoholic beverages in the County of Spencer; and

WHEREAS, at the time of said vote, the City of Taylorsville was a 5th Class City; and

WHEREAS, the City of Taylorsville became a 4th Class City by an act of the Kentucky Legislature, effective the 25th day of June, 2013; and

WHEREAS, the City of Taylorsville desires to establish the office of Alcohol Beverage Control Administrator and to establish restrictions and regulations and provide for the establishment and collection of certain fees and fines related to the sale of alcoholic beverages and general commerce related thereto, pursuant to the law of the Commonwealth of Kentucky.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF TAYLORSVILLE, SPENCER COUNTY, COMMONWEALTH OF KENTUCKY THAT THE ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES AND OTHERWISE PROVIDING PROVISIONS FOR ALCOHOLIC BEVERAGE CONTROL WITHIN THE CITY OF TAYLORSVILLE, SPENCER COUNTY, KENTUCKY, SHALL READ AS FOLLOWS:

ARTICLE ONE: GENERAL PROVISIONS

Section 1.01 TITLE

This ordinance shall be known and may be cited as the Alcoholic Beverage Control Ordinance for the City of Taylorsville, Spencer County, Kentucky, or the "City of Taylorsville Alcoholic Beverage Control Ordinance".

Section 1.02 INCORPORATION OF STATE LAW; DEFINITIONS; AND COMPLIANCE REQUIRED

A. Definitions. As used in this Chapter, unless the context clearly indicates a different meaning and specifies the language of a particular definition which shall apply, the words and terms as defined in the Kentucky Revised Statutes shall apply.

B. The provisions of the Kentucky Alcoholic Beverage Control laws contained in the Kentucky Revised Statutes (KRS) Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the Alcoholic Beverage Control law of the City of Taylorsville, Spencer County, Kentucky, except as otherwise lawfully provided herein. As used herein, "State" means the Commonwealth of Kentucky and "County" means Spencer County, Kentucky and "City" means the City of Taylorsville.

C. 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.

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

E. All prohibitions, restrictions and regulations pertaining to alcoholic beverages contained in the Kentucky Revised Statutes shall apply to alcoholic beverage use in the City.

Section 1.03 SCOPE OF COVERAGE

A. This ordinance shall be construed to apply to the trafficking in all forms of "alcoholic beverages" as that term is defined by the Kentucky Revised Statutes including malt beverages, distilled spirits, and wine where the context permits such applications. Unless the context otherwise expressly states or requires, the term "alcoholic beverage" or "alcoholic beverages" shall have the same meaning as defined by the Kentucky Revised Statutes and shall include distilled spirits, wine, and malt beverages.

B. Nothing contained in this ordinance shall excuse or relieve the owner, proprietor, employee

or person in charge of any licensed premises in the City of Taylorsville where alcoholic beverages are sold from the restrictions, requirements, and penalties of any other ordinance of the City of Taylorsville, Spencer County or any State and/or Federal statues or regulations.

Section 1.04 DEPOSIT OF FEES, FINES TO GENERAL FUNDS

All monies derived from license fees or from fines as provided in this ordinance shall be paid to the treasury of the City and become a part of the general funds of the City.

Section 1.05 NOTICE TO STATE ABC BOARD OF FEES LEVIED

This ordinance is and shall be subject to the provisions of the Kentucky Revised Statutes. The City of Taylorsville shall give notice to the State Alcoholic Beverage Control Board of any fees or assessments fixed and/or levied under the provisions of this ordinance.

ARTICLE TWO: ADMINISTRATION

Section 2.01 ALCOHOL BEVERAGE CONTROL ADMINISTRATION

Pursuant to the Kentucky Revised Statutes, the duties of the City of Taylorsville Beverage Control Administrator ("City ABC Administrator") as hereinafter established whose duties are established in this ordinance shall be assigned to the City Commission for the City of Taylorsville. The Commission shall have the power and authority to designate and appoint individuals as Deputy Alcoholic Beverage Control Administrators ("Deputy ABC Administrators"), to assist in the responsibilities of the office of the City ABC Administrator. The City ABC Administrator shall have the power and authority to promulgate such regulations as may be necessary to implement this chapter, pursuant to the Kentucky Revised Statutes.

Section 2.02 FUNCTIONS, DUTIES AND POWERS

A. The functions of the City ABC Administrator shall be the same with respect to the City's alcohol licenses and regulations as the functions of the Kentucky Alcoholic Beverage Control Board (the "State Board") with respect to State alcohol licenses and regulations, as provided in the Kentucky Revised Statutes, except that no regulations of the City ABC Administrator shall be less stringent than the statutes relating to alcoholic beverage control or the regulations of the State Board. No regulation of the City ABC Administrator shall become effective until it has been appropriately approved by the City Commission.

B. The City ABC Administrator shall have the same powers and duties with respect to suspension and revocation for cause of alcohol licenses issued by the City as the State Board has with respect to alcohol licenses issued by the State under the Kentucky Revised Statutes.

Section 2.03 RIGHT OF INSPECTION

The City ABC Administrator, his designees/appointees and/or the City law enforcement officers shall have available at all reasonable times for their inspection, all books and records required to be maintained by licensees pursuant to the Kentucky Revised Statutes and all other applicable State laws and regulations. Further, the City ABC Administrator shall simultaneously receive copies of all reports submitted by licenses to the State Alcoholic Beverage Control Board.

Section 2.04 APPEAL FROM CITY ABC ADMINISTRATOR

Appeals from any order of the City ABC Administrator may be taken to the State Alcoholic Beverage Control Board by filing with the board, within thirty (30) days, a certified copy of the order of the City ABC Administrator from which the appeal is taken. Matters at issue shall be heard by the Board as upon an original proceeding, and the appeal shall be governed in accordance with the Kentucky Revised Statutes and all other applicable State law.

Section 2.05 OATH AND BOND OF LOCAL ABC ADMINISTRATOR EMPLOYEES

A. Each City ABC Administrator, before entering upon his or her duties as such, shall take the oath prescribed in Section 228 of the Constitution of the Commonwealth of Kentucky, and shall execute a bond with a good corporate surety in the penal sum of not less than One Thousand Dollars ($1,000.00).

B. Each City ABC Administrator may require any City employee under his or her supervision to execute a similar bond in such penal sum as he or she deems necessary.

C. The cost of bonds given under this section shall be borne by the City, in accordance with the Kentucky Revised Statutes.

ARTICLE THREE: LICENSING REGULATIONS

Section 3.01 NUMBER AND TYPE OF LICENSES

The number and type of license for the manufacturing and/or trafficking in alcoholic beverages issued in the City shall not exceed the number and type of license as provided for and established under the Kentucky Revised Statutes and all Kentucky Administrative Regulations promulgated pursuant thereto, as may be amended from time to time.

Section 3.02 LICENSE REQUIRED FOR SALE

No person shall, within the City, sell or dispense at retail or have in his possession for sale, nor manufacture or transport within the City for sale, any alcoholic beverages unless he shall first procure and have issued to him the appropriate license issued under the provisions of this

ordinance, all State statutes and all administrative regulations adopted pursuant thereto. Any revocation, suspension, non-renewal or other action which obviates any license for the sale of alcoholic beverages issued by the State shall also operate to invalidate and make null and void the corresponding license issued pursuant to this ordinance.

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 (not to exceed $300.00 per annum) — $ 300.00

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

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

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

12. Malt beverage licenses as follows:

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

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

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

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

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

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

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

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

Section 3.04 REGULATION FEES

In addition to License fees, the City may levee Regulation fees pursuant to KRS 243.075.

Section 3.05 REGULATIONS TO CONFORM TO STATE LAW

All regulations which may be issued to administer the Kentucky Revised Statutes, the City Alcoholic Beverage Control Ordinance, and/or any other provisions of State law, County ordinance or City ordinance shall conform to the requirements of the Kentucky Revised Statutes.

Section 3.06 LICENSE TERM; RENEWALS; AND WHEN LICENSE FEE DUE

A. All required fees, as indicated above, for any form of alcoholic beverage license shall be due upon submission of any original application or application for renewal. The license applicant shall submit all required fees along with the application forms required for the issuance of any alcoholic beverage license under this chapter. The required fee shall be paid by cash, certified check, or postal or express money order.

B. All fees required to be paid upon submission of any original application or application for renewal of an alcoholic beverage license under this ordinance shall be held on deposit by the City pending State license approval and issuance of the required State license. In the event that any requested State license is not issued for any reason, the applicant must submit a written request for a refund of all license fees paid in relation to the requested license(s) not issued. The applicant's written request for refund must be submitted to the City ABC Administrator. Upon proper written request, the City will refund the license fees submitted by the applicant for any license(s) not issued, but the City will retain fifty dollars ($50.00) per license fee paid for processing costs. In the event that any license fee submitted is fifty dollars ($50.00) or less, there will be no refund from the City as the entire amount will be retained for processing costs.

C. All alcoholic beverage licenses issued under this chapter shall expire on January 31 of each year, and all renewal applications and license renewal fees shall be due and payable on February 1 of each year.

Section 3.07 PRO-RATED LICENSE FEE

When any applicant makes application for a new license authorized to be issued under this chapter, he shall be charged the full fee for the respective license if six (6) months or more remain before the license is due to be renewed and one-half (1/2) the fee if less than six (6) months remaining before the license is due to be renewed. No abatement of license fees shall be permitted to any person who held a license of the same kind for the same premises in the proceeding. And who was actually doing business under the license during the last month of the preceding license.

Section 3.08 REFUNDS PROHIBITED

In the event any licensee shall cease doing business for any reason, no refund of any license fee required hereunder shall be granted.

Section 3.09 ASSIGNMENT, TRANSFER OR LICENSE REPLACEMENT

A. The assignment, transfer or other form of acquisition of an interest in an alcoholic beverage license of whatsoever nature shall be governed by the provisions of the Kentucky Revised Statutes and all other applicable State law. And approval by the State Alcoholic Beverage Control Board of any proposed assignment, transfer or other acquisition of interest in a duly issued alcoholic beverage license shall be deemed an approval by the City and no one approval by the State shall be deemed as non-approval by the City. No City alcoholic beverage license may be sold, assigned or otherwise transferred unless the proposed transfer has first been approved by the State Alcoholic Beverage Control Board pursuant to applicable State law. A transfer fee of twenty-five dollars ($25.00) shall be paid to the City upon any permanent permitted assignment or transfer of alcoholic beverage license.

B. In the event that an alcoholic beverage license has been lost or destroyed, the local ABC Administrator may issue a duplicate or replacement license upon payment of a fee of twenty-five dollars ($25.00).

Section 3.10 POSTING OF LICENSE

Each license issued by the City pursuant to this chapter shall be posted at the licensed premises in the same manner as prescribed by the Kentucky Revised Statutes for the State licenses. An exact duplicate or facsimile of each license issued by the City under this chapter shall remain in the local ABC Administrator's office as part of the public record.

Section 3.11 WHOLESALE DISTRIBUTIONS

Every wholesale distributor of alcoholic beverages who sells or conducts business within the City shall report to the City ABC Administrator on a form to be provided by the City, the following information:

1. The names of all retailers to whom alcoholic beverages were sold in the preceding quarter; and,

2. The net revenues received by the wholesaler or distributor from each retailer.

ARTICLE FOUR: APPLICATION PROCESS AND ISSUANCE OF LICENSE

Section 4.01 APPLICATION FOR STATE LICENSE

All applicants for alcoholic beverage licenses available pursuant to this ordinance must submit the appropriate application for issuance of a State license as stipulated in the Kentucky Revised Statutes and all other applicable State law.

Section 4.02 LOCAL ADMINISTRATOR TO APPROVE APPLICATION

Pursuant to applicable State law, an applicant for an alcoholic beverage license must first have his State license approved by the City Alcoholic Beverage Control Administrator before the applicant is eligible to apply for a State license. An applicant for a license under this chapter shall file with the City Alcoholic Beverage Control Administrator a copy of the State license application as required by the State, along with any City license application that may be required. The City license application shall be in a form prescribed by the City ABC Administrator and the application form shall be made available to interested applicants through the office of the City Clerk. The City license application shall be properly subscribed and sworn to before a Notary Public or other officer authorized to administer an oath and shall include an identification of the premises where alcoholic beverages are to be sold, either by way of street number or otherwise, along with the name of the owner of the premises, and shall be accompanied by a certified copy of the deed or lease agreement through which the applicant holds possessory interest in the premises, in addition to any other information required on the application form as may be prescribed by the City ABC Administrator. In the event that the applicant is a corporation or a limited liability company, the applicant shall provide personal information as may be required by the application form (by way of example, name, age, date of birth, Social Security number, address, etc.) For each shareholder, officer and or director of the corporation and/or member of the limited liability company, which ever applies.

Section 4.03 APPLICANT'S CONSENT TO INSPECTION, SEARCH AND REGULATORY ACTION

The City license application shall include the acknowledged consent of each and every applicant to permit the City ABC Administrator and his designees to inspect and search the licensed premises at any reasonable time.

Section 4.04 CAUSES FOR REFUSAL TO ISSUE OR RENEW LICENSE, OR SUSPENSION OR REVOCATION OF LICENSE

A. STATE LAW REFERENCES: Causes for refusal to issue or renew a City license or for suspension or revocation of a City license shall be the same as provided for State license pursuant to the Kentucky Revised Statutes.

B. VIOLATION OF CITY ORDINANCE: In addition to the above State law references, violation of any City ordinance concerning alcoholic beverage licensing, sales or the administration thereof shall be grounds for refusal to issue or renew a license or suspension or revocation of the license.

C. DELINQUENT TAXES OR FEES: No license for the sale or trafficking of alcoholic beverages shall be granted or renewed to any person or entity that is delinquent in the payment of any taxes or fees due the City at the time of application for the license; nor shall any license be granted or renewed to sell alcoholic beverages upon any premises or property, owned and/or occupied by the licensee, for which there are any delinquent taxes or fees due the City. If the licensee becomes delinquent in the payment of any taxes due to the City at any time during a license period, the license to sell alcoholic beverages shall be subject to revocation or suspension. The City ABC Administrator may, in his discretion, approve a license to sell alcoholic beverages after receiving from the City Clerk a written statement to the effect that the applicant for a license has paid or has made satisfactory arrangements with the City to pay any indebtedness represented by the unpaid and delinquent taxes or fees.

D. APPEALS: Appeals may be taken from any decision of the City ABC Administrator to the State Alcoholic Beverage Control Board, pursuant to the provisions of the Kentucky Revised Statutes, and all other applicable State law.

Section 4.05 APPROVAL OR DENIAL OF APPLICATION OR RENEWAL

A. If upon review of the license application, the City ABC Administrator determines that the applicant has complied with all requirements and regulatory provisions of this ordinance and applicable State law, that the premises sought to be licensed meets all requirements of this ordinance and applicable State law and that there are no causes for denial of the license, the City ABC Administrator shall approve that application.

B. If the City ABC Administrator has reasonable grounds to believe that an applicant has violated any law, rule or regulation relating to alcoholic beverages, he may issue to the applicant a written order setting forth such violations and requiring the applicant to show cause why the requested license should be issued. The City ABC Administrator shall have the right to order, and the applicant shall have the right to request, an evidentiary hearing to examine any violation set forth in the show cause order issued by the City ABC Administrator. Any decision by the City ABC Administrator on the application shall be subject to appeal as provided under this chapter and applicable State law.

Section 4.06 ISSUANCE OF CITY LICENSE

Upon the issuance of a State license, the requested City license shall be issued, subject to the provisions of this ordinance and State law concerning renewal, revocation and/or suspension. No license shall be issued by the clerk without the approval of the City ABC Administrator, which approval shall be granted only after the City receives an exact duplicate or facsimile copy of the State license issued to the applicant. The City license shall be in a form as

prescribed by the City ABC Administrator and shall conform with the requirements of the Kentucky Revised Statutes.

Section 4.07 POSTING OF LICESES

Each City license issued under this ordinance shall be a licensed premises in the same manner as prescribed by the Kentucky Revised Statutes for State licenses. An exact duplicate or facsimile of each City license issued under this chapter shall remain in the City Clerk's office for the public record.

Section 4.08 PERSONS WHO MAY NOT RECEIVE A LICENSE

A. PERSON AS APPLICANT:

1. No License shall be issued under this chapter until after the applicant has been issued the appropriate State license by the Commonwealth of Kentucky.

2. No license shall be issued to any person under 21 years of age.

3. No license shall be issued to any person who is not a citizen of the United States and has not had an actual, bona fide residence in the State for at least one (1) year before the date on which his or her application for a license is made.

4. No license shall be issued to any natural person if he or she:

   a. Has been convicted of any felony in the five (5) years immediately preceding the date of application. The five (5) years shall be from the date of conviction, released from custody or incarceration, parole or termination of probation, whichever is later;

   b. Has been convicted of any misdemeanor involving the controlled substances described in the Kentucky Revised Statutes in the two (2) years immediately preceding the application;

   c. Has been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages in the two (2) years immediately preceding the application;

   d. Has had any license issued under this ordinance relating to the regulation or the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any such State statute, until the expiration of two (2) years from the date of the revocation or conviction.

B. CORPORATION, PARTNERSHIP, LIMITED PARTNERSHIP OR LIMITED LIABILITY COMPANY AS APPLICANT

1. No license shall be issued to a partnership, limited partnership, limited liability company or corporation if:

   a. Any member of the partnership or limited liability company, or any of the directors, principal officers, shareholders and managers of the corporate entity do not qualify under subsection A of this section;

   b. If the applicant has had any license issued under this ordinance relating to the regulation of the manufacture, sale or the transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any criminal offense referenced as set forth above in subsection A (4) of this section, until the expiration of two (2) years from the date of the revocation or conviction; or

   c. If any member of the partnership, limited partnership, limited liability company, or any director, officer, shareholder or manager of the corporate entity has had any license issued under any statutes relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause or has been convicted of any criminal offense referenced as set forth above in subsection A(4) of this section, until expiration of the latter of two (2) years from the date of revocation or two (2) years from the date of conviction.

ARTICLE FIVE: PROHIBITIONS, RESTRICTIONS, AND GENERAL REGULATIONS

Section 5.01 HOURS OF SALE

A. Premises for which there has been granted a license for the retail sales of alcoholic beverages shall be permitted to sell or offer for sale alcoholic beverages only between the hours of 6:00 a.m. and 12:00 a.m. each day, except Sunday. It shall be unlawful to sell or offer for sale any alcoholic beverage during the twenty-four (24) hours of each Sunday.

B. It shall be unlawful to keep open for business or permit the public to remain within, or to permit consumption of alcoholic beverages in or upon any premises in which alcoholic beverages are sold at retail during the hours within which the sale of alcoholic beverages is permitted; provided, however, that in the case of bona fide restaurant, hotels/motels/inns, convenient stores and grocery stores, such establishments may be kept open for business during such hours when alcoholic beverage sales are prohibited, but no alcoholic beverages may be sold to the public during such hours.

Section 5.02 GENERAL REGULATIONS AND RESTRICTIONS

A. No gambling or game of chance, unless otherwise authorized by the Commonwealth of Kentucky, shall be permitted in any form on the licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on the premises.

B. It shall be unlawful for any licensee, licensed under this chapter, to have or maintain any radio receiving apparatus on the premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in the City, as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the City, through its police department, or the City ABC Administrator shall have the authority to confiscate any and all radio receiving apparatus.

C. The licensee shall be responsible for maintaining security on his or her 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 premises. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

D. Any off-premises signage advertising the sale of alcoholic beverages is prohibited.

E. 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 a cash at the time of purchase.

F. All restaurants and dining shall distribute alcoholic beverages only during times in which their kitchen is open and their food staff is on duty.

G. It shall be unlawful for any licensee, licensed under this chapter, to allow the consumption of any alcoholic beverages on their premises; provided however in the case of bona fide restaurants and hotels/motels/inns, such establishments may allow the consumption of alcoholic beverages during the hours allowable by law.

Section 5.03 ADVERTISING RESTRICTIONS

A. Signage. Signage which refers directly or indirectly to alcoholic beverages will be limited to one (1) sign, not over two (2) feet by two (2) feet, that must be displayed from the inside window or interior of the business. No additional signs, banners, posters or other type of display advertising which refers either directly or indirectly to alcoholic beverages shall be displayed on or be visible from the exterior of any premises license for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the window of the licensed premises menus or other price cards not larger than 11" x 14" in size, setting forth the price at which the licensee offers items for sale, including alcoholic beverages.

B. No flashing lights shall be used to illuminate the exterior of any premises licensed under this chapter.

C. It shall be unlawful for a licensee under this chapter to distribute or cause to be distributed any hand bills, circulars or cards as a medium for advertising alcoholic beverages.

D. Any advertising by any licensee under this chapter shall be in compliance with the Kentucky Revised Statutes.

Section 5.04 LICENSE TO BECOME VOID IF BUSINESS DORMANT

Any license for the sale of alcoholic beverages issued under this chapter shall become null and void in the event that no business is transacted under the license for a period of ninety (90) days. If no business is transacted under any license issued under this chapter during any consecutive ninety (90) day period, the license shall be surrendered to the City ABC Administrator except that any licensee who is unable to continue in business at the licensed premises may apply to the Commonwealth of Kentucky Alcoholic Beverage Control Department, pursuant to the Kentucky Administrative Regulations to continue such license and dormancy. In the event that a period of dormancy is applied for and granted by the State ABC Administrator, the licensee shall immediately notify the City ABC Administrator. Upon resumption of business or transfer or assignment of the license, the licensee shall notify the City ABC Administrator and a fee shall be due and payable for the period the license was on dormancy in the same amount due had the license remained active for the same period.

Section 5.05 LICENSEE TO DISPLAY WARNING TO MINORS

It shall be the duty of every retail licensee to display, at all times and in a prominent place, a printed card not smaller than 12" x 16" which shall read substantially as follows:

WARNING TO MINORS: ANY PERSON UNDER THE AGE OF TWENTY-ONE (21) IS 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. Purchase or attempt to buy, or have served to them, alcoholic beverages;

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

Section 5.06 ACCOUNTING REQUIREMENT

Every licensee under this chapter shall keep and maintain adequate books and records of all transactions involving the sale of alcoholic beverages and food in the same manner required by the reasonable rules and regulations of the State Alcoholic Beverage Control Board, or such rules and regulations as may be from time to time promulgated by the City ABC Administrator.

Such books and records shall be made available at all reasonable times for inspection by the City ABC Administrator or his appointed designee.

Section 5.07 LICENSEE TO OBTAIN COPY OF ORDINANCE

A. Upon timely request by the licensee, the City ABC Administrator shall furnish to each and every licensee a copy of this ordinance at the time the license is issued with signed receipt from the licensee. Any changes or amendments to this ordinance shall be forwarded to each licensee at the address on the license. Failure to receive or review such changes or amendments or review the ordinance shall not be an excuse or justification for any violation, nor shall failure to receive or review any changes or amendments prevent, remit or decrease any penalty for any violation of this ordinance.

B. It shall be the duty of the licensee under this ordinance to obtain a copy of this ordinance from the City ABC Administrator. Further the cost of obtaining a copy of this ordinance shall be borne by the licensee.

Section 5.08 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING; STANDARDS FOR CERTIFICATION

A. All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the City ABC Administrator. Before approval is granted, the City ABC Administrator shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol and/or drug intoxication. The City shall not require enrollment in any particular class or classes, but only require that the training be obtained from a recognized person, program or agency with a bona fide curriculum that meets the goals expressed herein.

B. All persons, corporations, associations, restaurants, businesses, clubs or other entities licensed by the city for the sale of alcoholic beverages shall require all their employees who are engaged in the selling or serving of alcoholic beverages or the managing of premises on which such sales are offered to complete a responsible beverage service training class approved by the City ABC Administrator.

C. Subsections (A) and (B) above shall not apply to any manufacturer of alcoholic beverages as this term is defined in the Kentucky Revised Statutes or any person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

D. Standards for Certification: The training person or agency must reasonably instruct upon and certify the participant's competence in at least the following:

    1. Pertinent federal, state and local laws related to the sale of alcohol;

2. Verification of age, forms of identification and usual methods of false or misleading age identification;

3. The effect of alcohol on humans and the physiology of alcohol intoxication, including the effect of alcohol on pregnant women, their fetuses and other situations involving the use of alcohol by persons vulnerable to its effects;

4. Recognition of the signs of intoxication;

5. Strategies for intervention and prevention of under aged and intoxicated persons from consuming alcohol;

6. The licensee's policies and guidelines, including the employee's role in observing those policies; and

7. Potential liability of persons serving alcohol.

The person providing the responsible beverage service training shall be certified by the government agency, industry or organization that sponsors or develops the training curriculum.

E. All persons required to undergo the training set forth in paragraph (A) above shall complete same within one hundred twenty (120) days of the effective date of this ordinance. New licensees, employees, officers and agents shall complete the mandatory responsible beverage service training within sixty (60) days of the date of employment. Licensees, employees, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training. All persons completing the training requirements in this section shall be recertified in responsible beverage service training from a program approved by the City ABC Administrator under the foregoing criteria not less than once every three (3) years.

F. Personnel Certification Records: Each licensee shall maintain written proof of completion of service training on its business premises for each person connected with its business for whom training is required under this ordinance. Training records shall be retained by the licensee for a minimum of three (3) years. Upon request of the Alcoholic Beverage Control Administrator, all licensees and other persons engaged in the sales or service of alcoholic beverages by the package or drink shall present proof of completion of the responsible beverage service training required herein.

G. 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: CONDUCT, LOCATION PREMISES AND STRUCTURE REQUIREMENTS

Section 6.01 CONDUCT REQUIREMENT

Each licensed premises shall at all times be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.

Section 6.02 ZONING RESTRICTIONS: LOCATION, PREMISES, AND STRUCTURE REQUIREMENTS

A. No license shall be issued under this ordinance for the sale or trafficking in any alcoholic beverages at any premises or location where such business is prohibited under the City's zoning ordinances or any other ordinances of the City as may be amended or supplemented from time to time and any license issued in violation of this section shall be null and void.

B. No license shall be issued under this ordinance unless the premises to be license conforms to the sanitary, safety and building code requirements of the City and rules and regulations of the State and Local Board of Health applicable thereto. Further, the City ABC Administrator shall not grant any alcoholic beverage license until the license applicant and the intended licensed premises have been approved by the State Health Department and any Code Enforcement Officer with respect to all applicable building codes.

C. Any licensee holding a license which permits the sale and consumption of alcoholic beverages on the premises where sold shall maintain and easily discernible physical barrier between the general dining area and any bar area. The separate bar areas shall be posted "Persons under Twenty-One (21) years of age may not enter the area or remain in this area".

D. Any licensee holding a license which will be conducting sales through a drive-thru window shall not locate that window in the rear of the premises. The drive-thru window must be located in plain sight on either side of the premises or the front of the premises.

ARTICLE SEVEN: PENALTY FOR VIOLATIONS

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: OTHER PROVISIONS

Section 8.01 PRIOR ORDINANCES REPEALED

Any and all previous ordinances regulating the sale of or providing provisions regarding alcoholic beverages in the City of Taylorsville are hereby repealed.

Section 8.02 SERVERABILITY

Any section or subsection of this ordinance determined by a Court of law to be unlawful shall not affect the validity of the remaining sections or subsections of this ordinance.

Section 8.03 EFFECTIVE DATE

This ordinance shall be in full effect immediately upon approval, passage and publication by the City of Taylorsville, Spencer County, Kentucky.

Enacted this the 3 day of June, 2014, by the City of Taylorsville.

DON PAY, Mayor

ATTESTED BY:

STEPHEN A. BIVEN, City Clerk

Date of First Reading	5-6-14
Date of Second Reading	6.3.14
Date Published	6-11-14