

CHAPTER 111: ALCOHOLIC BEVERAGES

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GENERAL PROVISIONS

§ 111.01 DEFINITIONS.

For the purpose of this chapter, 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 more than 1% of alcohol by volume, which are fit for use for beverage purposes. It includes every spurious or imitation liquor sold as such or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include:

- (1) Malt beverages, containing not more than 3.2% of alcohol by weight, in territory that has voted to allow the sale thereof;
- (2) Denatured alcohol or denatured rum;
- (3) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary or the American Institute of Homeopathy;
- (4) Patented, patent and proprietary medicines;
- (5) Toilet, medicinal and antiseptic preparations and solutions;
- (6) Flavoring extracts and syrups;
- (7) Vinegar and preserved sweet cider;
- (8) Wine for sacramental purposes;
- (9) Alcohol, unfit for beverage purposes, that is to be sold for legitimate external use; and
- (10) Alcohol for mechanical and scientific purposes if unfit for a beverage.

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

MALT BEVERAGE. Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute from malt, and having an alcoholic content greater than permitted under the definition of **ALCOHOLIC BEVERAGES** in this section.

PREMISES. The land and building in and upon which any business regulated by alcoholic beverages statutes is operated or carried on, not including those excepted by KRS 241.010(30).

RETAIL OUTLET. Any retailer, hotel, motel, restaurant, railroad dining car, club and any facility where alcoholic beverages are sold directly to the consumers.

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

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

WHOLESALE SALE. A sale to any person for the purpose of resale.

WHOLESALER. Any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet.

(Ord. 132, passed 9-1-1959; Ord. 23-2005, passed 9-6-2005)

§ 111.02 STATE LAW ADOPTED.

The provisions of state law and all acts amendatory thereof and supplementary thereto, relating to the manufacture, sale, transportation, possession or other disposition of spirituous, vinous or intoxicating malt liquor for medicinal, sacramental, scientific or mechanical purposes, are adopted as far as applicable, except as otherwise provided in this chapter.

(Ord. 125, passed 4-21-1959; Am. Ord. 10-1960, passed 5-17-1960)

Statutory reference:

Alcoholic beverages, see KRS Chapters 241 et seq.

§ 111.03 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; COMPENSATION.

There is created for the city the position and Office of City Alcoholic Beverage Control Administrator pursuant to KRS 241.160; the salary for the position and office is hereby established and fixed in the sum of \$150 per month.

(Ord. 83, passed 12-17-1957)

Statutory reference:

Office of Alcoholic Beverage Control Administrator in third-class cities, see KRS 241.160 through 241.200

§ 111.04 LOCATION OF PREMISES RESTRICTED; ENFORCEMENT.

(A) *Restricted to B-3 District.* No person shall or shall be licensed in the city to sell, dispense and retail alcoholic beverages by the drink and/or by the package from any premises or establishment located in any place or area other than within the boundaries and area known as and established as Central Business District (B-3) under the provisions of the zoning regulations. The boundaries of that area are shown on the zoning map on file in the office of the City Clerk. The official zoning map showing Central Business District (B-3) designates the area in which the locations of premises or establishments of persons licensed to sell, dispense, and retail alcoholic beverages by the drink and by the package are confined and limited. The official map is available for public examination and inspection in the office of the City Clerk.

(B) *Private clubs, present locations, hotels, motels and restaurants are excepted.* The foregoing provisions shall not apply to legitimate private clubs now in existence, and the present locations of any licensed place or establishments, nor shall it apply to hotels, motels and restaurants, but in the event any license of any person, firm or corporation for premises and establishments now located outside the area herein provided, other than the kinds of business and establishments herein excepted, shall hereinafter be revoked, surrendered or not renewed, no new license shall be issued for use at any location or premises not within the boundaries of the area herein established.

(C) *Injunction.* The provisions of this section may be enforced by injunction proceedings in any court of competent jurisdiction.

(Ord. 132, passed 9-1-1959; Ord. 28-63, passed 12-3-1963; Ord. 23-2005, passed 9-6-2005) Penalty, see § 111.99

§ 111.05 LICENSE REQUIRED IN COMPLIANCE WITH STATE AND LOCAL LAWS.

A person shall not do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transporting or other traffic in alcoholic beverages unless he or she holds the appropriate state and local licenses required by KRS 243.020 authorizing the act.

(Ord. 125, passed 4-21-1959; Ord. 10-1960, passed 5-17-1960; Ord. 23-2005, passed 9-6-2005) Penalty, see § 111.99

Statutory reference:

License required, see KRS 243.020

§ 111.06 LICENSE CLASSES DESIGNATED/ DISPOSITION OF LICENSE FEE.

The following license tax or fee is fixed, established, levied and imposed upon the business or occupation of dealing in, handling, selling, dispensing or soliciting the sale of alcoholic beverages and malt beverages; where that business or occupation is pursued, conducted, carried on or held within the limits of the city. This license tax or fee fixed, established, imposed and levied for the purpose of and to be paid into the General Revenue Fund of the city.

(A) *Distilled spirit licenses.*

- (1) Wholesaler's distilled spirits and wine license shall be \$750 per year.
- (2) Distilled spirits and wine retail package license shall be \$375 per year.
- (3) Distilled spirits and wine retail liquor drink license shall be \$375 per year.
- (4) Distilled spirits and wine special Sunday retail drink license shall be \$300 per year.
- (5) A special club license fee of \$125 per year shall be levied for any nonprofit social, fraternal, military or political organization or club, authorized by KRS 243.270.

(B) *Malt beverage licenses.*

- (1) Retail malt beverage license shall be \$75 per year.
- (2) Malt beverage distributor's license shall be \$200 per year.
- (3) Special private club license fee of \$25 per annum shall be levied for any nonprofit social, fraternal, military or political organization or club as authorized by KRS 243.270.

(Ord. 125, passed 4-21-1959; Ord. 10-1960, passed 5-17-1960; Ord. 23-2005, passed 9-6-2005)

Statutory reference:

City licenses, see KRS 243.070

§ 111.07 LICENSE YEAR.

The license fee for the tax provided for in § 111.06 shall be due and payable annually in advance and the license year shall be from July 1 to June 30 of each year. Any license granted or issued after July 1, shall be at the same rate for the unexpired portion of the year.

(Ord. 125, passed 4-21-1959; Ord. 10-1960, passed 5-17-1960; Ord. 23-2005, passed 9-6-2005)

§ 111.08 SUNDAY SALES IN QUALIFIED ESTABLISHMENTS.

There is hereby established a city special Sunday retail drink license, pursuant to the authority granted by KRS 243.070. The holder of the special Sunday retail drink license shall be governed by the restrictions contained in KRS 244.290 and the regulations of the City Alcoholic Beverage Control Administrator.

(Ord. 23-2005, passed 9-6-2005)

§ 111.09 CIVIL SUIT TO COLLECT TAX; NO BAR TO OTHER PENALTIES.

In addition to the penalties provided in this chapter for a violation thereof, the tax may be collected from the person from whom it is due by a civil action in any court of competent jurisdiction in the state. Recovery shall in no wise relieve that person from the payment of a fine or engaging in any business, occupation, trade or profession herein mentioned without a license so to do.

(Ord. 124, passed 4-21-1959; Ord. 9-1960, passed 5-17-1960; Ord. 23-2005, passed 9-6-2005)

§ 111.10 PROHIBITED HOURS OF SALE; DISPENSING TO MINORS.

(A) All premises for which a license has been granted to sell alcoholic beverages, including malt beverages, may remain open for business Monday, Tuesday, Wednesday, Thursday, Friday and Saturday, from 6:00 a.m. to 1:00 a.m. the following day.

(B) The sale of distilled spirits and wine by the drink for those premises for which a distilled spirits and wine special Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

(C) The sale of malt beverages for those premises for which a Sunday retail drink license has been granted shall be permitted on Sundays from 1:00 p.m. until 1:00 a.m. the following day.

(D) No alcoholic beverages, including malt beverages, of any kind may be sold on Sunday from 1:00 a.m. to 1:00 p.m., on Christmas day, or during the hours the polls are open on any regular, primary, school or election day.

(Ord. 124, passed 4-21-1959; Ord. 9-1960, passed 5-17-1960; Ord. 15-1961, passed 11-7-1961; Ord. 31-91, passed 11-19-1991; Ord. 23-2005, passed 9-6-2005) Penalty, see § 111.99

Cross-reference:

Minors, sales to and purchases by, see §§ 111.30 through 111.34

Statutory reference:

Authority to regulate hours of sale, see KRS 244.290

Retail sales to minors prohibited, see KRS 244.080

MINORS; SALES AND PURCHASES

§ 111.30 DISPENSING TO MINORS.

(A) It shall be unlawful for any person to sell, dispense or give away any alcoholic beverage in any quantity to any person under 21 years of age.

(B) If any person guilty of a violation of the foregoing provisions of this section is convicted, the license of the person so convicted shall be subject to revocation and annulment by the Alcoholic Beverage Control Administrator of the city in the manner hereinafter provided. In the event of any such revocation or annulment of the license, no part of the money paid therefore shall be refunded or repaid to the offending licensee.

(Ord. 23-2005, passed 9-6-2005)

§ 111.31 MINOR ENTERING LICENSED PREMISES; DRIVE-IN.

It shall be unlawful for any person under 21 years of age to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages, or to enter and remain on any premises from which minors are forbidden under the statutes of alcoholic beverage control regulations of the state. **PREMISES**, in the case of drive-in establishments which sell alcoholic beverages, shall be interpreted to mean the entire lot or plot of ground upon which the business establishment sets.

(Ord. 21-64, passed 1-5-1965; Ord. 23-2005, passed 9-6-2005) Penalty, see § 111.99

Statutory reference:

Minors not to possess or purchase liquor, see KRS 244.085

§ 111.32 POSSESSION; PURCHASE.

It shall be unlawful for any person under 21 years of age to possess for his or her own use, to purchase or attempt to purchase, or have another purchase for him or her any alcoholic beverages. It shall be unlawful likewise for any person to aid or assist any minor in purchasing or having delivered or served to him or her any alcoholic beverages.

(Ord. 21-64, passed 1-5-1965; Ord. 23-2005, passed 9-6-2005) Penalty, see § 111.99

Statutory reference:

Minors not to possess or purchase liquor, see KRS 244.085

§ 111.33 MISREPRESENTING AGE.

(A) It shall be unlawful for any person under 21 years of age to misrepresent his or her age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve him or her any alcoholic beverage.

(B) It shall be unlawful for any person under 21 years of age to use or attempt to use any false, fraudulent or altered identification card, paper or any other document to purchase or attempt to purchase or otherwise obtain any

alcoholic beverage.

(Ord. 21-64, passed 1-5-1965; Ord. 23-2005, passed 9-6-2005) Penalty, see § 111.99

Statutory reference:

Misrepresenting age, see KRS 244.085

§ 111.34 WARNING SIGN ON LICENSED PREMISES; LEGEND.

It shall be the duty of every retail licensee to display at all times in a prominent place a printed card at least eight inches by 11 inches in size which shall show, in 30-point or larger type, substantially as follows:

"Persons under the age of 21 are subject to a fine up to one hundred dollars (\$100), if they:

- (A) Enter licensed premises to buy, or have served to them, alcoholic beverages.
- (B) Possess, purchase, attempt to purchase, or get another to purchase alcoholic beverages.
- (C) Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages."

(Ord. 21-64, passed 1-5-1965; Ord. 23-2005, passed 9-6-2005) Penalty, see § 111.99

Statutory reference:

Licensee to display notice as to sale to minors, see KRS 244.083

NUDE OR NEARLY NUDE ACTIVITIES

§ 111.45 PURPOSE.

(A) Business establishments with a retail drink liquor license and/or retail malt beverage license from the city through its duly appointed Alcoholic Beverage Control Officer may, or in fact, are providing adult entertainment for patrons such as nude or nearly nude dancing. The City Council determines such conduct or activities as injurious to the citizens of the city.

(B) The City Council determines that this subchapter is necessary:

- (1) To protect property value;
- (2) To prevent the blight and deterioration of the city's neighborhoods and business districts;
- (3) To promote a climate conducive to the establishment and return of legitimate business to the respective business areas and neighborhoods of the city;
- (4) To enhance the quality of life within the city; and
- (5) To decrease the incidence of crime, disorderly conduct and juvenile delinquency.

(Ord. 2-84, passed 2-21-1984)

§ 111.46 DEFINITIONS.

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

BUSINESS ESTABLISHMENTS. A business within the city where liquor, beer and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or retail malt beverage liquor license that has been issued by the Alcoholic Beverage Control Administrator of the city.

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

LICENSEE. Any person to whom a retail drink liquor license or a retail malt beverage liquor license has been issued by the city including the officers and agents of the licensee.

LIQUOR ADMINISTRATOR. The duly appointed Alcohol Beverage Control Administrator of the city.

PERSON. A human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government or a governmental authority.

PREMISES. The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

RETAIL LICENSEE. Any licensee, including its officers and agents, who sells at retail any alcoholic beverage for the sale of which an occupational license is required.

(Ord. 2-84, passed 2-21-1984)

§ 111.47 PERFORMING NUDE OR NEARLY NUDE ACTIVITIES.

It shall be unlawful for and a person is guilty of performing nude or nearly nude activities when that person appears on a business establishment's premises in such a manner or attire as to expose to view any portion of the pubic area, anus, vulva or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such a manner or attire as to expose to view that portion of the breasts referred to as the areola, nipple or simulation thereof.

(Ord. 2-84, passed 2-21-1984) Penalty, see § 111.99

§ 111.48 PERMITTING NUDE OR NEARLY NUDE ACTIVITIES.

A retail licensee is guilty of permitting nude or nearly nude activity when having control of the business establishment's premises, which it knows or has reasonable cause to know, is being used by any person to appear on the premises in such a manner or attire as to expose to view portions of the pubic area, anus, vulva or genitals or any simulation thereof; or used by any female to appear on the premises in such a manner or attire as to expose to view any portion of the breasts referred to as the areola, nipple or any simulation thereof, it permits the activity or fails to make reasonable and timely effort to halt or abate the activity or use.

(Ord. 2-84, passed 2-21-1984)

§ 111.49 REVOCATION OR SUSPENSION OF LIQUOR LICENSE FOR VIOLATIONS.

(A) In the event that a violation of § 111.47 and/or § 111.48 occurs, the City Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 and other appropriate provisions of the Kentucky Revised Statutes, to determine whether the liquor license, at whose business establishment the activity prohibited by this subchapter occurred, shall have his or her or its license suspended or revoked.

(B) In the event two or more violations of §§ 111.47 and/or 111.48 occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink license or retail malt beverage liquor license or both.

(Ord. 2-84, passed 2-21-1984)

§ 111.50 REVOCATION OR SUSPENSION OF OCCUPATIONAL LICENSE FOR VIOLATIONS.

(A) In the event that a violation of §§ 111.47 or 111.48 occurs, the City Chief of Police shall prefer charges against the retail/occupational licensee and after notice and hearing, the occupational license shall either be revoked or suspended.

(B) In the event that two or more violations of §§ 111.47 or 111.48 occur at a business establishment within a 12-month period, after notice and hearing, the City Chief of Police shall revoke the occupational license of the retail licensee.

(Ord. 2-84, passed 2-21-1984)

§ 111.99 PENALTY.

(A) Any person who, by himself or herself or acting through another, directly or indirectly violates § 111.04 shall be guilty of a misdemeanor, for the first offense, be fined not less than \$100 and not more than \$200, or be confined in jail for not more than six months, or both. For the second and each subsequent violation he or she shall be fined not less than \$200, nor more than \$500, or be confined for not more than 12 months, or both. Each day during which any violation continues shall be considered a separate violation. These penalties shall be in addition to the enforcement by injunction provisions contained in § 111.04.

(B) Any person who himself or herself or by his or her agent or employee shall violate any provision of this chapter for which another penalty is not already provided, shall upon conviction thereof be punished according to, and with the same penalties for each violation thereof as is provided under the statute laws of the state, and under the Alcoholic Beverage Control Law.

(C) Any person, firm or corporation violating any provision of §§ 111.30 through 111.34, shall be guilty of a violation and fined not less than \$10, nor more than \$100. Each violation shall constitute a separate offense. Any minor, under the age of 18 years, who violates any provision of §§ 111.30 through 111.34, shall be dealt with in accordance with the procedure prescribed by statute for minors charged with the commission of a public offense. The fines imposed under this section shall be in addition to and independent of any action which may be taken by the City Alcohol Beverage Administrator.

(D) (1) Performing nude or nearly nude activities as set forth in § 111.47 or permitting such activities as set forth in § 111.48 shall constitute a Class B Misdemeanor and punishment shall be fixed as set forth in the Kentucky Revised Statutes.

(2) The second violation of §§ 111.47 or 111.48 within a 12-month period shall constitute a Class A Misdemeanor with punishment as set forth in the Kentucky Revised Statutes.

(Ord. 125, passed 4-21-1959; Ord. 10-1960, passed 5-17-1960; Ord. 21-64, passed 1-5-1965; Ord. 2-84, passed 2-21-1984)

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