

ORDINANCE
OF
THE BOONE COUNTY FISCAL COURT

Ordinance No. 14-01

AN ORDINANCE RELATING TO THE BOONE COUNTY FISCAL COURT REPEALING ORDINANCE 340.5, ORDINANCE 410.7, ORDINANCE 05-03, ORDINANCE 08-08 AND ORDINANCE 13-10 IN THEIR ENTIRETY AND ENACTING AN ORDINANCE TO CORRESPOND WITH THE CHANGES IN THE COMMONWEALTH OF KENTUCKY ALCOHOL BEVERAGE CONTROL STATUTES, AFFIRMING A LICENSE FEE SCHEDULE, REVISING THE NAMES AND TYPES OF ALCOHOL LICENSES ISSUED, EXTENDING HOURS OF SALE, MODIFYING INFORMATION REQUIRED FOR LICENSE APPLICATIONS, MODIFYING THE ISSUANCE DATE, TERM AND DUE DATE FOR FEES DUE FOR ANNUAL ALCOHOL BEVERAGE CONTROL LICENSES, AND PROMULGATING OTHER RULES AND REGULATIONS PERTAINING TO SUCH.

WHEREAS, the Kentucky General Assembly has effectuated comprehensive revisions to state laws enacted in the 2013 special session of the General Assembly (Senate Bill 13) relating to alcoholic beverage control: and

WHEREAS, the Boone County Fiscal Court now desires to amend and update its local ordinances to ensure alignment and compliance with the new statutory ABC legislative framework, and

WHEREAS, there is a need for regulation of the sale of alcoholic beverages and the times of day alcohol may be sold.

WHEREAS, the Fiscal Court of Boone County, Commonwealth of Kentucky, deems it necessary to enact this Ordinance to protect and preserve the health, safety, welfare, and convenience of the inhabitants of Boone County pursuant to Fiscal Court authority under KRS 67.083.

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF BOONE COUNTY, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I

That the Boone County Fiscal Court hereby rescinds and repeals in its entirety Ordinance 340.5, Ordinance 410.7, Ordinance 05-03, Ordinance 08-08, and Ordinance 13-10.

SECTION II

No person or entity shall do any act authorized by any kind of license with respect to the manufacture, storage, sale, purchase, transport or other traffic in alcoholic beverages, within Boone County, Kentucky unless that person or entity holds the county license that authorizes such act. However, in the event said person or entity is required to obtain a license from a city/municipality located within Boone County for such activity, no county license is required.

SECTION III

Any person or entity conducting a place of business in Boone County, Kentucky, patronized by the public, who does not have a county license to sell alcoholic beverages, shall not permit the sale or trafficking of alcoholic beverages on the premises of the place of business.

Any person or entity conducting a place of business in Boone County, Kentucky, patronized by the public, which has only a license to sell alcoholic malt beverages and not the corresponding county license to sell liquor or distilled spirits shall not permit the sale or trafficking of liquor or distilled spirits on the premises of the place of business.

Any person or entity conducting a place of business in Boone County, Kentucky, patronized by the public and holding a county license to sell liquor or distilled spirits shall not permit any person to drink such beverages on the premises of the place of business unless a license to sell such beverages by the drink is obtained.

SECTION IV

An Alcoholic Beverage Control (ABC) Administrator shall be appointed by the Boone County Judge Executive and shall have the authority to approve all county licenses with respect to manufacturing, storing, selling, purchasing, transporting and trafficking in alcoholic beverages in Boone County.

The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by Boone County Fiscal Court upon the approval of the county ABC Administrator and subject to the provisions of this ordinance. The fees for each such license shall be:

<i>LICENSE TYPES AND FEES</i>	<i>FEE</i>
a. Quota Retail Package License (QP)	\$ 800.50
b. Quota Retail Drink License (QD)	\$ 800.50
c. Non-Quota (NQ) Retail Malt Beverage Package License (New Applicants) *	\$ 400.50
d. Non-Quota Type 4 (NQ4) Retail Malt Beverage Drink License (New Applicants) *	\$ 400.50
e. Non-Quota (NQ) or Non-Quota Type 4 (NQ4) Retail Drink License (Renewal) *	\$ 150.50
f. Non-Quota Type 2 (NQ2) Retail Drink License (includes distilled spirits, wine, and malt beverages)	\$ 995.50
g. Non-Quota Type 3 (NQ3) Retail Drink License (includes distilled spirits, wine, and malt beverages)	\$ 210.50
h. Special temporary license – (per event)	\$ 133.83
i. Special Sunday retail drink license	\$ 300.50
j. Limited restaurant license (includes distilled spirits, wine, and malt beverages)	\$1,200.50
k. Limited golf course license (includes distilled spirits, wine, and malt beverages)	\$1,200.50

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 Non-Quota (NQ) Retail Malt Beverage Package License may obtain a Non-Quota Type 4 (NQ4) Malt Beverage Drink License for a fee of fifty dollars (\$50). The holder of a Non-Quota Type 4 (NQ4) Malt Beverage Drink License may obtain a Non-Quota (NQ) Retail Malt Beverage Package License for a fee of fifty dollars (\$50).

Pursuant to KRS 243.600, the Boone County Clerk shall issue the County License and collect a fee of fifty cents (\$.50) for his/her services for each license issued. The county clerk shall report and pay to the County Treasurer at the end of each month such fees collected. The fee schedule above includes these fees.

SECTION V

The issuance of all new licenses and/or changes to current licenses shall be as follows:

- a) Application for the issuance of all licenses provided for in this Ordinance shall be made in the Judge Executive's Office to the Alcohol Beverage Control (ABC) Administrator on such applications as prescribed by the State Alcohol Beverage Control Office. The license fee shall be due immediately after receiving the state license.
- b) No license shall be issued without the approval of the ABC Administrator.
- c) All new and renewal of annual licenses shall be filed and fees paid in the County Clerk's Office not later than 15 days prior to the issuance date.
- d) If after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the ABC Administrator within ten (10) days after the change.
- e) All license fees collected pursuant hereto shall be placed in the General Fund of the County.

The issuance date and due date for fees for all annual licenses shall be as follows:

- a) The issuance date for all such license for which, as of the effective date of this Ordinance and the licensee holds a valid corresponding state license shall be before November 30th of each year. The license fee shall be due at the time of issuance.
- b) All new licenses shall be issued when approved under the provisions of the State guidelines and the fee shall be due at the time of issuance. Fees due when issued after one-half of a year (May) will be one half of the fee for new applicants under NQ and NQ4 fees for malt beverage. No proration will be given for distilled spirits or wine.
- c) Applications for renewal of annual license shall be filed in the County Clerk's Office not later than 15 days prior to the issuance date.

SECTION VI

The sale of alcoholic beverages shall occur only during the hours hereinafter set out for each license as follows:

- a) Distilled spirits package licenses: During the period between 6:00 a.m. to 1:00 a.m. daily, except Sunday and from 11:00 a.m. to midnight on Sunday.
- b) Distilled spirits drink licenses: During the period between 6:00 a.m. to 2:30 a.m. daily except Sunday and from 1:00 p.m. to midnight on Sunday.
- c) Retail Malt beverage drink licenses: During the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday.

During all times when a licensed premises is open and the licensee is not permitted to sell alcoholic beverages, a licensee shall provide a separate area within the licensed premises capable of being locked, closed off or otherwise properly separated, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with the business as a licensee, and said area shall be kept locked or separated.

SECTION VII

Before commencing or doing any business for the time 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 may readily see the license.

No licensee shall post the license, or permit it to be posted, upon premises other than the licensed premises or upon premises where traffic of alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

SECTION VIII

No person being the owner, occupant or otherwise in possession of any property located in the county, shall knowingly allow any person under the age of twenty-one (21) years, (except members of his or her immediate family, spouse or children), to remain on such property while such person under the age of twenty-one (21) years is in the possession of or consuming any alcoholic beverage.

SECTION IX

Any person or entity in violation of any provision of this Ordinance shall be fined not less than Fifty Dollars (\$50.00) or more than Five Hundred Dollars (\$500.00). Each day that such a violation continues shall constitute a separate offense for which a citation may be issued and a fine imposed.

SECTION X

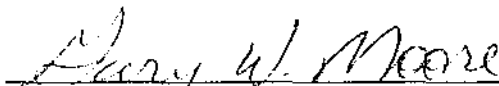
That the provisions of this Ordinance are severable; and the invalidity of any portion of this Ordinance shall not affect the validity of any other provision; and such other provisions shall remain in full force and effect so long as they remain in the absence of those provisions determined to be invalid.

SECTION XI

That this Ordinance shall take effect and be in full force when passed, published and recorded according to the law.


Introduced and given First Reading on the 17th day of December, 2013.

Adopted by the Fiscal Court of Boone County after Second Reading at a regular meeting on the 7th day of January, 2014, and on the same occasion signed in open session by the County Judge/Executive as evidence of his approval, attested by the County Fiscal Court Clerk and declared to be in full force and effect.



GARY W. MOORE, BOONE COUNTY
JUDGE/EXECUTIVE

ATTEST:



Daphne Kornblum
Fiscal Court Clerk