

**GARRARD COUNTY FISCAL COURT
GARRARD COUNTY, KENTUCKY
ORDINANCE NO.
0-1-29-24-2**

**AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGE
CONTROL ESTABLISHING AN ALCOHOLIC BEVERAGE
CONTROL ADMINISTRATOR, ESTABLISHING LICENSE
FEES, PROHIBITING CERTAIN ACTIVITIES BY
ALCOHOLIC BEVERAGE LICENSEES AND
SETTING PENALTIES FOR VIOLATION**

WHEREAS, by and through a majority of registered voters, GARRARD County may now permit the sale of alcohol throughout the unincorporated limits of the County of GARRARD in accordance with all applicable local, state, and federal law; and

WHEREAS the County of GARRARD ("County"), therefore, wishes to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverages, pursuant to authorization under KRS Chapter 241 through 244 and all other applicable law.

Be it ordained by the fiscal court of the County of GARRARD, Commonwealth of Kentucky:

ARTICLE I. GENERAL

- A. 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 under KRS Chapters 241 through 244 and/or applicable law.
- B. The definitions of the words used throughout this chapter unless the context requires otherwise, shall have the same meaning as those set out in the alcoholic beverage control laws of the Commonwealth of Kentucky and all amendments and supplements thereto.
- C. This Ordinance shall be construed to apply to the sale and traffic of each malt beverages, distilled spirits and wine where the context permits such application. Nothing in this chapter shall excuse or relieve a licensee, an owner, proprietor, employee, agent, or person in charge of a licensed premises where alcoholic beverages are sold from the restrictions, requirements, and penalties of any other ordinance of the County, or of any statutes of the state relating to violations pertaining to alcoholic beverages.
- D. The provisions of the alcoholic beverage control laws of the Commonwealth of Kentucky (KRS Chapters 241 through 244 and KAR 804) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

ARTICLE II. LICENSE REQUIREMENTS

- A. **County Licenses.** For the privilege of causing permitting and engaging in the actions, business, and transactions authorized thereby in regard to the sale of alcohol beverages in the County and pursuant to the authority of KRS 243.060, there is established a corresponding County license for each of the state licenses described in KRS 243.060. The fee for each County license shall be as set out in the schedule set forth below. In the event KRS 243.60 shall hereafter be amended to authorize

additional County licenses, the fee for each County license shall be the maximum fee provided in the statute as amended.

(1)	Quota Retail Package License, per annum	\$ 1,000.00
(2)	Quota Retail Drink License, per annum	\$ 1,000.00
(3)	Non-quota Type 2 Retail Drink License, per annum	\$ 1,000.00
(4)	Non-quota Type 3 Retail Drink License, per annum	\$ 300.00
(5)	Special Temporary Drink License, per event	\$ 150.00
(6)	Special Sunday Retail Drink License, per annum	\$ 300.00
(7)	Non-quota Retail Malt Beverage Package License, per annum	\$ 400.00
(8)	Non-quota Type 4 Retail Malt Beverage Drink License, per annum	\$ 400.00
(9)	Limited Restaurant License, per annum	\$ 1,400.00
(10)	Limited Golf Course License, per annum	\$ 1,400.00
(11)	Authorized Public Consumption License, per annum	\$ 250.00
(12)	Qualified Historic Site, per annum	\$ 1,030.00
(13)	Distiller's License, per annum	\$ 500.00
(14)	Rectifier's License, per annum	\$ 3,000.00
(15)	Wholesaler's distilled spirits and wine license, per annum	\$ 3,000.00

B. The fee for each of the first five (5) supplemental bar licenses authorized by KRS 243.037 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.

C. The holder of a non-quota retail malt beverage package license may obtain a Non-quota type 4 malt beverage drink license for a fee of fifty dollars (\$50). The holder of a non-quota type 4 malt beverage drink license may obtain a non-quota retail malt beverage package license for a fee of fifty dollars (\$50).

D. **Expiration of License; Proration of Fees.** All County licenses, except temporary licenses, shall begin on May 1 of any year and shall expire on April 30 of the following year as set forth in KRS 243.090 and 804 KAR 4:390. Any licenses issued after November 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 one half (1/2) the amount of the full fee for an annual license of that type.

E. **Payment of License Fees; Delinquency.** No licensee shall enter or begin operating any business for which a license is required by this Ordinance until the license fee has been paid in full. The fee

for renewal of any license shall be paid with the renewal application. Failure to pay any license fee within ten (10) days after it becomes due shall result in a penalty equal to ten percent (10%) of the license fee. Any licensee failing to pay the fees, including penalties, within ten (10) days after such fees are due may be subject to revocation of the license and to other penalties as provided in this Ordinance.

F. Refund of Fees.

- (1) Should any licensee under this Ordinance be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the Commonwealth with reference to alcoholic beverages or other cause outside licensee's control, then the County shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on business if the licensee provides sufficient proof to the County ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee.
- (2) In the event a violation of this Ordinance occurs that results in the suspension or revocation of the license, the County shall not be required to refund any portion of the license fee.

G. Disposition of Fees and any other type or payment to the County. The County ABC Administrator shall transmit all fees and any other types of payment made to the County, upon collection, to the County Treasurer, or his/her designee, for deposit into the appropriate designated account.

H. Regulatory License Fee

Pursuant to KRS 243.075(1)(a), all sales of alcohol shall be subject to a regulatory license fee not to exceed 5 percent upon the gross receipts of sale of alcoholic beverages whether by the drink or through package sales.

ARTICLE III. COUNTY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

A. Alcoholic Beverage Control Administrator.

- (1) Pursuant to KRS 241.110, there is hereby created the duties of the County of GARRARD Alcoholic Beverage Control Administrator.
- (2) The County Judge-Executive shall serve as the County Alcoholic Beverage Control Administrator (hereinafter referred to as County ABC Administrator) unless the County Judge-Executive shall appoint someone else to fill the position pursuant to KRS 241.110.
- (3) The County ABC Administrator may from time to time appoint such additional personnel, such as Alcohol Beverage Control investigator(s), as is necessary to assist him or her in the administration of this Ordinance with approval of the Fiscal Court.
- (4) The functions of the County ABC Administrator shall be the same with respect to the County 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.

- (5) To prevent potential conflicts of interests, no person shall be a County ABC Administrator, an investigator, or an employee of the County, under the supervision of the County ABC Administrator, who would be disqualified to be a member of the ABC Board under state law set forth in KRS 241.100.
- (6) The County ABC Administrator shall have authority delegated by the Fiscal Court, and as authorized under KRS Ch. 241 through 244. The County ABC Administrator, along with any designated investigator(s), shall have full police powers of law enforcement, and their jurisdiction shall be that portion of the County which lies outside the corporate limits of any city that has appointed its own city ABC administrator. The County ABC Administrator and/or his or her investigators as a condition of continued licensing, may inspect any premises where alcoholic beverages are manufactured, sold, stored, or otherwise trafficked in, without first obtaining a search warrant.
- (7) The County ABC administrator and his or her investigators shall have available at all reasonable times for their inspection all books and records required to be maintained by licensee under KRS 244.150 and the County ABC Administrator shall be provided copies of all reports submitted by licensee to the State Alcoholic Beverage Control Board.

B. Appeals.

- (1) Appeals from the orders of the County ABC Administrator may be taken to the state ABC Board by filing a notice of appeal with the Board within thirty (30) days after the decision or order of the County ABC Administrator is mailed or delivered by personal service. The notice of appeal shall specify the County administrator by name and shall identify the decision or order, or part of the decision or order, being appealed. The notice shall contain a certificate that a copy of the notice has been served on the County ABC Administrator and County Attorney shall be accompanied by a copy of the decision or order being appealed. Matters at issue shall be heard by the board as upon an original proceeding. Appeals from decisions or orders of the County administrator shall be governed by KRS Chapter 13B.
- (2) When any decision of the County ABC Administrator has been appealed, or when a protest has been lodged against an application for any license within the County, and the ABC Board has made a decision regarding such appeal or protested application, the County ABC Administrator, upon receipt of notice of finality of the decision, shall enter the orders and take action as required by the final order of the ABC Board. No order of the ABC Board is final until all appeals or appeal times shall have been exhausted. A "final order" of the ABC Board is the order entered by the Board. If a court appeal is taken from the Board's order, the "final order" is the order entered by the Board upon direction from the final order of the reviewing court of last resort.

ARTICLE IV. APPLICATION AND MAINTENANCE OF LICENSE

- A. **Advertisement.** In accordance with KRS 243.360, before an application for a license shall be considered, the applicant must publish a notice of its intent to apply for an alcoholic beverage license in a newspaper meeting the requirements of KRS 243.360 and Chapter 424. The applicant shall produce with its application to the County Administrator, a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

- B. **Protest.** When an applicant publishes a notice of its intent to apply for an alcoholic beverage license, the public may file a protest within thirty (30) days from the date of publication. The protest must be filed with State ABC and the County ABC Administrator. If a protest is received after the thirty (30) day period has expired it shall not be considered a valid legal protest.
- C. **Form of Application.** All licenses granted under this chapter shall be approved by the County ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms or in the electronic systems provided by the Kentucky ABC Board and/or the County, both of which may be amended and supplemented from time to time by each respective agency. Each application shall be accompanied by the funds necessary to satisfy the applicable license fee. In addition to the above-specified information, the applicant shall file, with the application, responses to any additional questions as may be posed or prescribed by the County ABC Administrator. In addition to the applicable license fee, the County shall impose a nonrefundable application fee of \$50 per new application.
- D. **Other Condition.** In addition to any-other inquiries, conditions or considerations required or permitted by law:
- (1) The County ABC Administrator may refuse to issue a license for any reason listed in KRS 243.450, 243.490 and 243.500, any violation of a County Ordinance regarding alcohol beverage licensing, sales or the administration thereof, any act for which a revocation of license would be authorized under local, state, or federal law; or making any false material statement in his or her application. An applicant who has been refused a license by the County ABC Administrator may appeal the refusal to the ABC Board pursuant to KRS 241.140 and Article III.
 - (2) No license to sell alcoholic or malt beverages may be granted or renewed to any person who is delinquent in the payment of any property taxes, both real and personal, any other taxes due to the County, fees of any type, or charges due to any department of the County at the time of issuing the license, nor may any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any of the above delinquent payments due and owing to the County. Further, if a licensee becomes delinquent in the payment of any of the above at any time during the license period, the license to sell alcoholic or malt beverages may be subject to revocation or suspension.
 - (3) No person, whether applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence, or intimidate the County ABC Administrator, or any member of the County's staff, or any state ABC Administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This provision is not intended to stifle expressions of opinion; however, it is intended to make clear that the ABC Administrators are public officials charged with the administration and enforcement of the law, both local and state. Any person applying for a license, or contesting the revocation or suspension of a license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a County or state ABC Administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations, or suspensions under this Ordinance. Nothing in this Ordinance shall be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where the Ordinance and applicable statutes allow for such payments in settlement.

E. Change of Information.

- (1) If, after a license has been issued, there is a change in any fact required to be set forth in the application, an application to amend the licensee's file to reflect the change shall be filed with the County ABC Administrator within ten (10) days of the change for which the County Administrator shall charge a non-refundable \$50 application fee.
- (2) As used regarding a partnership, corporation, LLC or other business organization herein, the word "change" is construed to include any change in managers, partners or LLC members, directors or officers of the corporation, or change in ownership or stock whereby any person secures ten percent (10%) of the outstanding ownership or stock.

F. Renewal of License.

- (1) Every year, except in the case of temporary licenses, each licensee shall renew its license. Applications for same shall be filed with the County ABC Administrator no less than thirty (30) days prior to the expiration of the license. The County ABC Administrator is hereby authorized to extend the time for filing of a renewal; provided, however, the licensee shall pay a license fee from the expiration date of the former license or licenses.
- (2) The renewal 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.

G. Revocation or Suspension.

- (1) Any license may be revoked or suspended by the County ABC Administrator if the licensee shall have violated any of the provisions of KRS Ch. 241 to 244, or any rule or regulation of the ABC Board, or of the Kentucky Department of Revenue, 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 relating to the regulation of the manufacture, sale, and transportation, or taxation, of alcoholic beverages, or any rules or regulations of the County in existence or authorized by the terms of KRS Ch. 241 to 244 to be created irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his or her instructions, or any such license may be revoked or suspended for any cause which the County ABC Administrator in the exercise of his or her sound discretion deems sufficient.
- (2) A license may be revoked for any of the reasons for which the County ABC Administrator would have been required to refuse a license if the facts had been known.
- (3) Upon proceedings for the revocation of any license, the County ABC Administrator may in his or her discretion order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of KRS 243.490 and 243.500. However, the licensee may have the alternative, subject to the approval of the County ABC Administrator, to pay in lieu of part or all of the days of any suspension period as set forth in RRS 243.480.

H. **Proceedings for Revocation or Suspension of License.**

- (1) Upon the verified complaint of any person, or on the initiative of any law enforcement officer, or of the County ABC Administrator, the County ABC Administrator may institute proceedings to revoke or suspend any license granted under this Ordinance. A license may be revoked or suspended only after the licensee, shall have been given written notice, by personal service upon the licensee or any owner, manager or employee over the age of 18 years that may be found upon the licensed premises and/or certified, registered or regular mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given the opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the application, whether or not the mailing is received for or claimed.
- (2) A decision of the County ABC Administrator revoking or suspending a license may be appealed as provided in KRS 241.140 and Article III of this Ordinance.
- (3) Within three (3) days after any order of revocation or suspension 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 or her license to the County ABC Administrator. If the revoked or suspended license is not forthwith surrendered by the licensee, any law enforcement agency with jurisdiction, at the request of the County ABC Administrator, shall immediately cause one of his or her officers to take physical possession of the license and return it to the County ABC Administrator.
- (4) When a license has been revoked or suspended, the former licensee may, with prior approval of the County ABC Administrator, dispose of and transfer his or her stock of alcoholic beverages to an appropriate entity.
- (5) Appeal from the decision of the County ABC Administrator revoking or suspending a license shall be to the ABC Board. The timely filing of an appeal shall stay any penalty imposed by the order until conclusion of the Board appeal and any subsequent court appeals.

I. **Transfer or Assignment.** No license issued under this chapter shall be transferred or assigned either as to licensee or location except with prior approval of the County ABC Administrator and the ABC Board.

J. **Review of License; Books, Records and Reports.** Every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the County ABC Administrator. Copies of any and all reports and correspondence to the ABC Board required by statute shall be furnished to the County ABC Administrator.

ARTICLE V. HOURS OF SALE

A. Hours of Sale.

- (1) By the Drink - Distilled spirits, wine, and malt beverages, by the drink, unless otherwise provided herein, may be sold, or delivered only during the following days and times:
 - a. Between the hours of 1:00 pm Sunday through 1:00 am Monday (provided the licensee holds a Special Sunday license); and
 - b. Between the hours of 6:00 am and 1:00 am the following day, Monday through Saturday.
- (2) By the Package - Malt Beverages, by the package, unless otherwise provided herein, may be sold, or delivered only during the following days and times:
 - a. Between the hours of 1:00pm Sunday through 1:00am Monday; and
 - b. Between the hours of 6:00 am and 1:00 am the following day, Monday through Saturday.
- (3) By the Package - Distilled Spirits and wine, by the package, unless otherwise provided herein, may be sold, or delivered only during the following days and times:
 - a. Between the hours of 1:00 pm and 1:00 am on Sunday (except when Christmas Eve or New Year's Eve fall on a Sunday and on such Sundays, between the hours of 6:00 am and 1 am Monday); and
 - b. Between the hours of 6:00 am and 1:00 am the following day, Monday through Saturday.
- (4) Licensed premises whose primary business is not the sale of alcoholic beverages, may remain open for business during hours in which alcoholic beverages are not allowed to be sold for the purpose of conducting its primary business, so long as the licensee keeps all distilled spirits, wine, and iced and cooled malt beverages in a locked or closed off compartment.

ARTICLE VI. CONDITIONS, PROHIBITIONS AND RESTRICTIONS

- A. **Security.** 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 premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.
- B. **Underage Sales.** No licensee shall sell or dispense alcoholic beverages to any person who is under 21 years of age.

- C. **Sign Requirements-Notice to Persons under the Age of Twenty-One (21).** The licensee shall display at all times in a prominent place a sign at least 8"x11" in thirty (30) point or larger type font 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.
- D. **License to be Displayed.** The licensee shall display their license, and all statutorily required signage in a conspicuous place so that all persons may readily see the license, in accordance with KRS 243.895.
- E. **Employment Restrictions.** Licensees shall be in compliance with KRS 244.090 with regard to employment restrictions.
- F. **Nudity and Adult Entertainment Activities Prohibited.** 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 premises. No licensee shall sponsor or permit wet t-shirt or wet clothing contests, lingerie fashion shows, mud wrestling, Jello wrestling or similar activities, nor 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 County.

ARTICLE VII. MINORS

- A. No person under the age of 21 may possess alcoholic beverages or enter onto any licensed premises for the purpose of acquiring alcoholic beverages.
- B. As provided in KRS 244.085 and 804 KAR 5:070. No person under the age of 21, except in the company of a parent or guardian, may enter any premises licensed for the package sale of alcoholic beverages. No person under the age of 21, may enter any premises licensed for drink sales of alcoholic beverages unless permitted by the provisions of state law.
- C. No person shall knowingly permit, aid, assist, induce, cause, or otherwise encourage any minor to be in possession of, use or consume alcoholic beverages.

ARTICLE VIII. CONSUMPTION AT PACKAGE PREMISES PROHIBITED

No package licensee shall permit consumption of alcoholic beverages on the premises unless it also holds the appropriate drink license. The licensee shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.

ARTICLE IX. CIVIL AND CRIMINAL PENALTIES

- A. The criminal penalties that may be imposed by the District Court for violations of the provisions of this Ordinance that correspond to the alcoholic beverage laws set forth in KRS Chapters 241 through 244, shall be the same as provided by such chapters. Criminal penalties for violation of the provisions of this Ordinance that do not correspond to the alcoholic beverage laws set forth in KRS Chapters 241 through 244 are punishable by a fine of not more than \$200.
- B. Any person under the age of 18 years who violates any provisions of this Ordinance shall be dealt with in accordance with the procedures prescribed by statute for minors charged with the commission of criminal offenses.
- C. Any criminal penalties imposed by the District Court for violations of this Ordinance shall be independent of and in addition to any action taken by the County ABC Administrator under Article IV hereof.

ARTICLE X. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

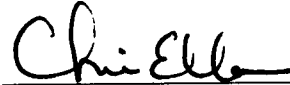
- A. All persons employed in the selling and/or serving of alcoholic beverages shall participate in and complete a server training course by the Kentucky Department of Alcoholic Beverages Control or other County-approved alcoholic beverage server training program.
- B. All persons required to complete training shall complete training within thirty (30) day of employment. »When a new business is licensed to serve alcoholic beverages, all employees must be trained prior to the opening of the business.
- C. Each licensee shall be responsible for compliance with the training requirements and shall maintain for inspection by the County ABC Administrator a record or file on each employee that shall contain the pertinent training information. Each premise licensed must have at least one person currently certified in responsible beverage service training on duty when alcoholic beverages are being served.
- D. All persons completing the training required by this section shall be re-certified not less than once every three (3) years thereafter.

ARTICLE XI. IMPLEMENTATION OF ORDINANCE PROVISIONS; SEVERABILITY

- A. **Implementation of Changes in Ordinance Provisions.** The GARRARD County Fiscal Court may promulgate rules and regulations and/or amendments thereto in its discretion in order to ensure the proper implementation of this Ordinance. Such will be done according to local, state and federal law.
- B. **Severability.** If any section of this Ordinance, including but not limited to, any section subsection, paragraph, sentence, clause, phrase, or any other portion of this Ordinance, is declared illegal or unconstitutional, or otherwise invalid by a Court of competent jurisdiction such declaration shall not affect the remaining portions hereof.
- C. Any Ordinance or Ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

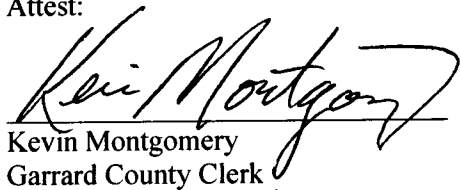
This Ordinance is ADOPTED pursuant to KRS 67.077 in that it was published in summary form on the 29th day of January, 2024, and was introduced and read on the January 29, 2024 and was given final reading on the 12th day of February 2024, and said ordinance shall be in full force and effect upon signature, recordation, and publication in summary pursuant to KRS chapter 424 and KRS 67.077 Subsection 3.

Approved this 12th day of February, 2024.



CHRIS ELLEMAN
Garrard County Judge Executive

Attest:



Kevin Montgomery
Garrard County Clerk

Dated: 2/12/2024

First Reading: 1/29/2024

Second Reading: 2/12/2024