

ORDINANCE NO. **BG2011 – 14**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 4
(ALCOHOLIC BEVERAGE CONTROL) OF THE
CITY OF BOWLING GREEN CODE OF
ORDINANCES TO RESCIND LANGUAGE
RELATING TO THE POSSESSION OF DEADLY
WEAPONS ON PREMISES LICENSED FOR THE
SALE OF ALCOHOLIC BEVERAGES AND TO
MAKE OTHER ADMINISTRATIVE AMENDMENTS

WHEREAS, the City of Bowling Green has adopted an ordinance regulating the sale of alcoholic beverages; and,

WHEREAS, Section 4-9.03 of the Code of Ordinances prohibits the possession of deadly weapons on premises licensed for the sale of alcoholic beverages within the City; and,

WHEREAS, KRS 244.125 already prohibits the possession of a loaded firearm in a room where alcoholic beverages are being sold by the drink; and,

WHEREAS, KRS 65.870 prohibits the City from occupying any part of the field of regulation of the transfer, ownership, possession, carrying or transportation of firearms, ammunition, or components of firearms or combination thereof; and,

WHEREAS, at least a portion of the language in Section 4-9.03 appears to be in conflict with state law and it is in the best interests of the City to rescind this Section; and,

WHEREAS, certain other provisions of this Chapter need to be amended to reflect current Kentucky law.

NOW, THEREFORE, BE IT ORDAINED by the City of Bowling Green, Kentucky as follows:

1. Chapter 4 (Alcoholic Beverage Control) is hereby amended as follows:

4-4 APPLICATION, ISSUANCE, FORM, DORMANT LICENSES.

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4-4.03 Approval or Denial of Application.

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If upon review of the application, the City Administrator determines that the applicant has complied with all requirements of the Alcoholic Beverage Control Law, as well as all regulatory provisions of this Chapter, that the location is one that can be approved, ~~including but not limited to the requirements of KRS 243.220 and 4-3.02;~~ so that a license may be issued within the quota limits fixed by the State Alcoholic Beverage Control Board, the Board of Commissioners and City Administrator, and that there are no other causes for denial of the license, the Administrator shall approve the application.

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4-8 PROHIBITIONS, RESTRICTIONS AND REGULATIONS.

All prohibitions, restrictions and regulations pertaining to alcoholic beverages found at ~~KRS 244.010--244.600~~ 990 shall apply to alcoholic beverage use in the City of Bowling Green.

4-9 ADDITIONAL LOCAL REGULATIONS.

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~~4-9.03 — Deadly Weapons on Premises, Disorderly Conduct, Penalty and Fine, Owner Responsibility and Exception.~~

~~a. Deadly weapons on premises. Any person who carries onto the premises of any business licensed for the sale of alcoholic beverages within the City, any deadly weapon shall be considered guilty of the crime of disorderly conduct and shall be fined not less than two hundred fifty (\$250.00) dollars and not exceeding five hundred (\$500.00) dollars or confined to jail for not more than six (6) months, or both so fined and imprisoned.~~

~~b. Owner responsibility. It shall be the duty of any person who holds a license to sell alcoholic beverages in Bowling Green, Kentucky, or their employees, upon having reasonable grounds to believe that a person is in violation of this Chapter, to immediately notify the police department of the violation. Failure to do so shall constitute grounds for revocation of the license.~~

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~~c. Exception. Paragraph a. of this Section shall not apply to a person who owns a license to sell alcoholic beverages within Bowling Green, Kentucky, or to his lessee or employees, provided they have no felony convictions.~~

4-9.043 Entertainment Activity.

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4-9.054 Persons Under Age Twenty-One Not Allowed on Licensed Premises.

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4-9.065 Unlawful for Persons Under Twenty-One Years of Age to Possess or Consume Alcohol on Licensed Premises.

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4-9.076 Administrator to Conduct Hearing in Event of Violation of 4-9.054 and 4-9.065.

a. In the event a violation of Sections 4-9.054 and/or 4-9.065 occurs, the City Administrator shall forthwith conduct a hearing pursuant to KRS 243.520 (in conjunction with 241.160 and 241.190), to determine whether the licensee, at whose business establishment the activity prohibited by the aforementioned sections occurred, may have his license suspended or revoked.

b. In the event three or more violations of Section 4-9.054 and 4-9.065 above occur at a business establishment within a twelve (12) month period, the City Administrator, after a hearing, shall suspend or revoke said license.

4-9.087 Keg Registration.

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4-9.098 Mandatory Server Training.

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2. The provisions of this Ordinance are hereby declared to be severable, and if any section,

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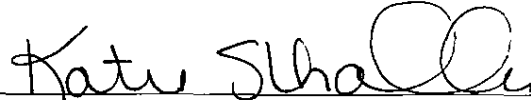
phrase or provision shall for any reason be declared invalid, such declaration of invalidity shall not affect the validity of the remainder of this Ordinance.

3. All prior Municipal Orders or Ordinances or parts of any Municipal Order or Ordinance in conflict herewith are hereby repealed.

4. This Ordinance is adopted pursuant to KRS 83A.060 in that it was introduced on march 15, 2011, and given final reading on April 5, 2011, and said Ordinance shall be in full force and effect as of April 1, 2011, and upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

ADOPTED: April 5, 2011

APPROVED: 
Mayor, Chairman of Board of Commissioners

ATTEST: 
City Clerk

SPONSORED BY: Bruce Wilkerson, Commissioner, 03/08/2011, 10:00 a.m.