

ORDINANCE NO. **BG2016 - 41**

ORDINANCE AMENDING CODE OF ORDINANCES

ORDINANCE AMENDING CHAPTER 4
(ALCOHOLIC BEVERAGE CONTROL) OF THE
CITY OF BOWLING GREEN CODE OF
ORDINANCES TO MAKE ADMINISTRATIVE
AMENDMENTS RELATED TO CHANGES IN THE
KENTUCKY REVISED STATUTES

WHEREAS, the 2016 Kentucky General Assembly adopted revisions in the statutes regarding alcoholic beverages that impact Chapter 4 (Alcoholic Beverage Control) of the City of Bowling Green Code of Ordinances; and,

WHEREAS, it is in the best interests of the City to amend Chapter 4 (Alcoholic Beverage Control) of the City of Bowling Green Code of Ordinances to reflect these changes and to make other administrative revisions to comply with State statutes.

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:

...

4-5 CLASSES OF LICENSES AND FEES.

4-5.01 License Fees Charged for Each Location.

The City may issue those licenses at the specified fees which are listed below:

- (1) Distiller's license, per annum five hundred (\$500.00) dollars;
- (2) Rectifier's license: [~~per annum three thousand (\$3,000.00) dollars;~~]
 - (a) Class A, per annum three thousand (\$3,000.00) dollars; and
 - (b) Class B (craft rectifier), per annum nine hundred and sixty (\$960.00)

dollars;

- (3) Wholesaler's Distilled [~~Distiller's~~] Spirits and Wine license, per annum three thousand (\$3,000.00) dollars;

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- (4) Quota Retail Package license, per annum one thousand (\$1,000.00) dollars;
- (5) Quota Retail Drink license, per annum one thousand (\$1,000.00) dollars;
- (6) Special Temporary license, per event:
 - (a) twenty-five (\$25.00) dollars for beer only;
 - (b) fifty (\$50.00) dollars for wine only; and,
 - (c) fifty (\$50.00) dollars for distilled spirits;
- (7) Nonquota Type 1 Retail Drink license, per annum two thousand (\$2,000.00) dollars;
- (8) Nonquota Type 2 Retail Drink license, per annum one thousand (\$1,000.00) dollars;
- (9) Nonquota Type 3 Retail Drink license, per annum three hundred (\$300.00) dollars;
- (10) [~~Distilled Spirits and Wine~~] Special Temporary Alcoholic Beverage Auction license, per event two hundred (\$200.00) dollars;
- (11) Special Sunday Retail Drink license, per annum three hundred (\$300.00) dollars;
- (12) Extended Hours Supplemental license, per annum two thousand (\$2,000.00) dollars;
- (13) Caterer's license, per annum eight hundred (\$800.00) dollars;
- (14) Bottling House or Bottling House Storage license, per annum one thousand (\$1,000.00) dollars;
- (15) Limited Golf Course license, per annum one thousand two hundred (\$1,200.00) dollars;
- (16) Supplemental Bar license, per annum for the first five (5) Supplemental Bar licenses shall be the same as the fee for the primary drink license obtained with no charge for each

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Supplemental Bar license issued in excess of five (5) to the same licensee at the same premises;

(17) Brewer's license, per annum five hundred (\$500.00) dollars;

(18) Microbrewery license, per annum five hundred (\$500.00) dollars;

(19) Malt Beverage Distributor's license, per annum four hundred (\$400.00) dollars;

(20) Nonquota Retail Malt Beverage Package license, per annum two hundred (\$200.00) dollars;

(21) Nonquota Type 4 Retail Malt Beverage Drink license, per annum two hundred (\$200.00) dollars;

(22) Malt Beverage Brew-on-Premises license, per annum one hundred (\$100.00) dollars;

(23) Nonquota Type 4 Retail Malt Beverage Drink license, per annum for a licensee also holding a Nonquota Retail Malt Beverage Package license fifty (\$50.00) dollars; and,

(24) Nonquota Retail Malt Beverage Package license, per annum for a licensee also holding a Nonquota Type 4 Retail Malt Beverage Drink license fifty (\$50.00) dollars.

4-5.02 More Than One Classification on Any Location.

License fees in the amounts herein provided shall be charged for each location in which any person engages in any classification of business authorized pursuant to State law and this Chapter, and if more than one (1) classification of business is conducted at any location, a license fee shall be charged for each of the privileges exercised.

4-5.03 Duration.

Applications for renewals of licenses required by this Chapter shall be made for each fiscal year upon the date established by the State Alcoholic Beverage Control Board for the expiration of State licenses issued in the City [~~beginning the first day of July and extending through the last day of June of the succeeding year~~]. Applications for renewal are to be filed with the City Alcoholic Beverage Control

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Administrator fifteen (15) days prior to expiration.

4-5.04 Pro-ration; No Refund.

Pro-ration of fees shall be as provided for State licenses as set out in the Kentucky Revised Statutes. In the event any licensee shall cease doing business for any reason, no refund of the City license fee shall be granted [~~to him~~].

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4-8 ADDITIONAL LOCAL REGULATIONS.

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4-8.04 Persons Under Age Twenty-One (21) Not Allowed on Licensed Premises.

a. Licensee. No person holding any license for on-premises consumption of distilled spirits, wine or malt beverages, or any of his clerks, servants, agents or employees shall permit any person under the age of twenty-one (21) years on the licensed premises and shall post notice of this restriction at all entrances, unless such premises is a restaurant, convention center, convention hotel complex, racetrack, golf course, grocery store, convenience store, drug store, hotel, motel, private club, park, fair, church, school, theater, bowling alley, racquetball complex, tennis complex, pool-hall complex, athletic complex, athletic arena, place where live sports or athletic events are scheduled, small farm winery, distillery or brewery or winery tour, [or] upon premises for a temporary licensed event, including plays or bona fide concerts or similar establishments as authorized by State law. For the purpose of this Section, a "pool-hall complex" is defined as an establishment, the principal purpose of which is the playing of pool and/or pocket billiards, with a minimum of five (5) regulation-sized pool tables. No person holding a retail package license, or any of his clerks, servants, agents or employees shall permit any person under the age of twenty-one (21) unless accompanied by parent or legal guardian to enter his facility, structure, building or other area wherein the retail sale of distilled spirits, wine or malt beverages are either sold or stored unless the licensed premise's usual and customary business is a

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convenience store, grocery store, drugstore or similar establishment and shall be required to post notice of this restriction on all facility, structure, building or other area entrances wherein the public is granted access.

b. Minor. No person under the age of twenty-one (21) years shall enter premises licensed for on-premise consumption of distilled spirits, wine or malt beverages, unless such premises is a restaurant, convention center, convention hotel complex, racetrack, golf course, grocery store, convenience store, drug store, hotel, motel, private club, park, fair, church, school, theater, bowling alley, racquetball complex, tennis complex, pool-hall complex, athletic complex, athletic arena, place where live sports or athletic events are scheduled, small farm winery, distillery or brewery or winery tour, [œ] upon premises for a temporary licensed event, including plays or bona fide concerts or similar establishments as authorized by State law. A “pool-hall complex” is defined hereinabove. No person under the age of twenty-one (21) unless accompanied by parent or legal guardian shall enter a facility, structure, building or other area of a premises licensed for retail package sales wherein the retail sale of distilled spirits, wine or malt beverages are either sold or stored unless the licensed premise’s usual and customary business is a convenience store, grocery store, drugstore or similar establishment.

c. Minors do not remain in barroom or dance area of restaurants. Minors not accompanied by parent or legal guardian shall not remain on a licensed premises classified herein as a restaurant after the local hour of 10:00 p.m. unless the minor remains only in the designated restaurant area which is clearly separated from both the barroom area and area provided for dancing. The term “restaurant” for the purpose of this Subsection means an establishment the principal business of which is the furnishing of meals to the public. The incidental sale of sandwiches and/or other food items shall not render any licensed premises a “restaurant” within the meaning of this Subsection. The restaurant shall be required to display in a conspicuous place a notice informing minors of the provisions of this Subsection pertaining to remaining in the barroom or dance area of the restaurant after the local hour of

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10:00 p.m.

d. The prohibitions set forth in Subsections (a), (b) and (c) above shall not apply to persons under the age of twenty-one (21) who are working on the premises, either as an employee or an independent contractor, which persons may enter and remain on said premises while they are working, and at no other time.

e. Violation of this Section shall be subject to penalties authorized by State law.
[misdemeanor and, upon conviction, shall result in the following penalties:]

~~[1. For the first offense a fine of up to one hundred (\$100.00) dollars.]~~

~~[2. For each subsequent offense a fine of up to two hundred fifty (\$250.00) dollars or confinement in jail for up to one hundred twenty (120) days, or both.]~~

...

2. The provisions of this Ordinance are hereby declared to be severable, and if any section, 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 December 6, 2016, and given final reading on December 20, 2016, and said Ordinance shall be in full force and effect upon signature, recordation and publication in summary pursuant to KRS Chapter 424.

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ADOPTED: December 20, 2016

APPROVED: Bruce Wilkerson
Mayor, Chairman of Board of Commissioners

ATTEST: Kate Schaller Ward
City Clerk

SPONSORED BY: Kevin D. DeFebbo, City Manager, 11/29/2016, 8:30 a.m.