

**ORDINANCE NO. 09 - 2017**

**AN ORDINANCE OF THE CITY OF ELIZABETHTOWN, KENTUCKY  
AMENDING ORDINANCE NO. 21-2015 RELATING TO ALCOHOL BEVERAGE CONTROL**

BE IT ORDAINED by the City of Elizabethtown, Kentucky that from and after the passage, approval and publication of this ordinance, that Ordinance No. 21-2015 is amended as follows:

**LICENSE FEES:**

<del>[Distilled spirit licenses as set forth in KRS 243.030:]</del>	
<del>(a)</del> Distiller's license, per annum	\$500.00
<del>(b)</del> Rectifier's license:	
1. Class A, per annum	\$3,000.00
2. Class B (craft rectifier), per annum	\$960.00
<del>(c)</del> Wholesaler's distilled spirits and wine license, per annum	\$3,000.00
<del>(d)</del> Quota retail package license, per annum	\$1,000.00
Quota retail drink license, per annum	\$1,000.00
Special temporary, per event	\$50.00
Nonquota type 1 retail drink license <del>[(includes distilled spirits, wine and malt beverages)],</del> per annum	\$2,000.00
Nonquota type 2 retail drink license <del>[(includes distilled spirits, wine and malt beverages)],</del> per annum	\$1,000.00
Nonquota type 3 retail drink license <del>[(includes distilled spirits, wine and malt beverages)],</del> per annum	\$300.00
Special temporary alcoholic beverage auction license, per event	\$50.00
Special Sunday retail drink license, per annum	\$0.00
Extended hours supplements license, per annum	\$2,000.00
Caterer's license, per annum The fee for holders of a LR100 or NQ2 is \$0.00	\$800.00
Bottling house or bottling house storage license, per annum	\$1,000.00
<del>[Malt beverage licenses as follow:]</del>	
<del>(a)</del> Brewer's license, per annum	\$500.00
<del>(b)</del> Microbrewery license, per annum	\$500.00
<del>(c)</del> Malt beverage distributor's license, per annum	\$400.00
<del>(d)</del> Nonquota retail malt beverage package license, per annum	\$200.00
<del>(e)</del> Nonquota type 4 malt beverage drink license, per annum	\$200.00
<del>(f) [Malt beverage brew on premises license, per annum]</del>	<del>[\$100.00]</del>
Limited Restaurant license <del>[(includes distilled spirits, wine and malt beverages)],</del> per annum	\$1,200.00
Limited golf course license <del>[(includes distilled spirits, wine and malt beverages)],</del> per annum	\$1,200.00
<b>Qualified historic site license, per annum</b>	<b>\$1,030.00</b>

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

The City ABC Administrator shall transmit fees upon collection to the City Finance Department to be deposited into the appropriate designated account. City licenses shall be issued by the City ABC Administrator upon receipt of notice from the **State** ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact the ABC Board Administrator has approved the applicant's state license.

**CERTAIN SPECIAL LICENSES DEFINED:**

- E. NQ2 Retail Drink License (KRS 243.084): This license authorizes the licensee to purchase, receive and sell ~~[distilled spirits, wine and malt beverages]~~ **alcoholic beverages** at retail **by the drink** for consumption on **the licensed** premises ~~for a restaurant with minimum 50% of gross annual income from food sales and minimum seating capacity of 50 persons at tables. A NQ2 license may be issued to a motel/hotel with a minimum of 50 sleeping rooms, 25,000 square feet of parking, and maintain a restaurant with 50% food sales and minimum seating capacity of 50 people at tables. A~~ **NQ2 License can be issued to hotel with 50 sleeping units and 50% food sales from its total food and alcohol sales; a restaurant with 50% food sales from its food and alcohol sales; an airport; a riverboat; a distillery; or a business located within or adjacent to an entertainment destination center license premise.**
- F. NQ3 Retail Drink License (KRS 243.086): This license may be issued to ~~[a nonprofit charitable, civic, social, fraternal organization, or political club which has maintained a room from which the general public has been excluded for at least]~~ **a private club in existence for longer than** one (1) year; a dining car; **or** a bed and breakfast ~~[or a distiller].~~
- G. Special Temporary Licenses (KRS 243.260): This license shall authorize the licensee to exercise the privileges of a quota retail drink license and an NQ4 retail malt beverage drink license at designated premises for a specified and limited time and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink license or a NQ4 retail malt beverage drink license shall apply also to a special temporary event. A special temporary license will only be issued **to a nonprofit charitable organization or** in conjunction with a ~~[n-organized charitable,]~~ civic **event** or community sponsored event, i.e. fairs and festivals. Holidays such as Christmas, Easter and Lent are not considered events.

**APPLICATION/LICENSE:**

- H. Any licenses issued [~~after August 1~~] **for less than 6 months** of any year shall be assessed a fee **of ½ of license 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 that for a period of six months.~~]

**CONDITIONS, PROHIBITIONS AND RESTRICTIONS**

- I. The licensee shall post in a prominent place easily seen by patrons, a printed sign at least [~~eleven (11) inches by fourteen (14)~~] **eight and one-half inches (8 ½) by eleven (11)** inches in size, [~~with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and~~] with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). KRS 243.895.

BE IT FURTHER ORDAINED that the Mayor of the City of Elizabethtown and/or her designate be and she is hereby authorized and directed to take all steps necessary to perfect this Ordinance.

READ THE FIRST TIME, the 17<sup>th</sup> day of July, 2017.

READ, ADOPTED AND APPROVED this 7<sup>th</sup> day of August, 2017.

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Edna B. Berger, Mayor

ATTESTED TO:

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MARY CHAUDOIN, CITY CLERK