COMMONWEALTH OF KENTUCKY
CITY OF LONDON
ORDINANCE NO: 2016-02

AN ORDINANCE OF THE CITY OF LONDON, KENTUCKY, ESTABLISHING REGULATIONS AND REQUIREMENTS FOR THE LICENSING AND OPERATION OF ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF LONDON, KENTUCKY, AND PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE.

WHEREAS, pursuant to an election held on January 26, 2016, a majority of the voters of London, Kentucky were in favor of said City going "wet" and permitting alcohol sales;

WHEREAS, the City Council of London, Kentucky deems it necessary to regulate the sales of alcoholic beverages within its boundaries;

NOW THEREFORE, Be it Ordained by the City Council of London, Kentucky as follows:

SECTION 1: TITLE.

This Ordinance shall be known and may be cited as the "Alcoholic Beverage Control Ordinance" of the city.

SECTION 2: PURPOSE.

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 of KRS 241 through 244.

SECTION 3: DEFINITIONS.

The definitions of the words used throughout this Ordinance, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

SECTION 4: SCOPE.

This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this Ordinance shall excuse or relieve the licensee, or the owner, proprietor, employee, agent or person in charge of any licensed premises where alcoholic beverages are sold from the restrictions, requirements and penalties of any other ordinance or ordinances of the City or of any statutes of the state relating to violations pertaining to alcoholic beverages.

SECTION 5: ADOPTION OF STATE LAW.

The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

LICENSES; LICENSE FEES; REGULATORY LICENSE FEE; EXPIRATION OF LICENSE

SECTION 6: LICENSES GENERALLY.

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the City and pursuant to the authority of KRS 243.060, there is hereby established a corresponding City license for each of the licenses described in KRS 243.060. The fee for each City license shall be as set out in the

following schedule, and may be amended from time-to-time as authorized by law. Only those licenses set out in this subchapter shall be issued.

Distilled spirit license as set forth in KRS 243.030:

- Quota Retail package license, per annum $1,000.00
- Special temporary license, per event ..... $ 166.66
- Non-quota type 1 retail drink license $2,000.00
- Non-quota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum $1,000.00
- Non-quota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum ..... $ 300.00
- Distilled spirits and wine special temporary auction, license, per event . $ 200.00
- Special Sunday retail drink license, per annum ..... $ 300.00
- Extended hours supplemental license, per annum $2,000.00
- Caterer's license, per annum ..... $ 800.00
- Bottling house license $1,000.00

Malt beverage licenses as follows:

- Brewers license ..... $ 500.00
- Distributors license ..... $ 400.00
- Microbrewery license, per annum ..... $ 500.00
- Non-quota retail malt beverage package license, per annum ..... $ 200.00
- Non-quota type 4 retail malt beverage drink license, per annum ..... $ 200.00
- Malt beverage brew-on-premises, per annum ..... $ 100.00
- Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum $1,200.00
- Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum $1,200.00

SECTION 7: CERTAIN SPECIAL LICENSES DEFINED.

(A) Special temporary licenses. A special temporary license may be issued only as set out in KRS 243.260 and 804 KAR 4:250. This license shall authorize the licensee to exercise the privileges of a quota retail drink license and an NQ4 retail malt beverage licensee at designated premises for a specified and limited time, not to exceed 30 days, and shall expire when the qualifying event ends. All restrictions and prohibitions applying to a wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee.

(B) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell wine by the drink on the licensed premises for a

specified and limited time, not to exceed ten days. The temporary license may be issued in conjunction with any public or private event including but not limited to weddings, receptions, reunions, or similar occasions.

(C) All restrictions and prohibitions applying to regular retail drink and wine licenses and retail malt beverage licenses shall apply to the special licenses, unless otherwise provided by law.

(D) A special temporary license for a qualifying event shall not be issued unless the purported licensee can demonstrate to the City ABC Administrator that adequate safeguards will be in place to prevent persons who are under the age of 21 from purchasing or consuming alcoholic beverages and that adequate security will be present to prevent unruly or disruptive behavior.

SECTION 8: EXPIRATION OF LICENSE; PRORATION OF FEES.

All City licenses shall begin on May 1 of any year and shall expire on April 30 of the following year pursuant to 804 KAR 4:390. Any licenses issued after October 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 (½) the amount of the full fee for an annual license of that type.

SECTION 9: NO BUSINESS UNLESS LICENSE RENEWAL FEES PAID.

No licensee shall enter into or begin operating any business for which a City ABC license is required by this Ordinance until the license fee and license renewal fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Any licensee failing to pay the renewal fee when its current license expires, shall cease all trafficking in alcoholic beverages. Violation of this section may result in criminal prosecution.

SECTION 10: REFUND OF FEES.

(A) 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 City shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the City 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.

(B) In the event a violation of this Ordinance occurs that results in the suspension or revocation of the license, the City shall not be required to refund any portion of the license fee.

SECTION 11: REGULATORY LICENSE FEE

(A) Pursuant to KRS 243.075, there is hereby imposed a regulatory license fee on the gross receipts of sale of alcoholic beverages of each license issued by the City ABC Administrator. In the case of retail sales of package distilled spirits and wine, the regulatory license fee shall be five percent (5%) of gross sales. The regulatory license fee shall be four percent (4%) on gross retail sales of package malt beverages. Thereafter, the London City Council shall adopt at the budget adoption for each subsequent fiscal year, such annual rate for the regulatory license fee as shall be reasonably estimated to ensure full reimbursement to the City for the cost of any additional policing, regulatory, or administrative expense related to the sale of alcoholic beverages in the City. Should the London City Council fail to address the regulatory license fee in any budget, then the regulatory license fee shall remain at the level at which it was last fixed until such time as the London City Council shall adjust the fee.

(B) Payment of such regulatory fee shall be remitted to the City and shall be held in a separate account maintained for the purpose of fully reimbursing the City for the estimated cost of any additional policing, regulatory or administrative expense related to the sale of alcoholic beverages in the City. The regulatory license fee shall be in addition to any other taxes, fees or licenses permitted by law. Payment of the regulatory license fee shall be made quarterly on

forms to be provided by the City, with payment in full for the year being due no later than April 30 of each calendar year, or at the surrender or revocation of a license or licenses, whichever occurs sooner. No license renewals shall issue unless and until the regulatory license fee has been paid in full.

(C) Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and subjects licensee to suspension or revocation.

(D) Penalty for failure to file a return and pay quarterly remittance by the due date is five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall the penalty be less than ten dollars ($10.00).

(E) Interest at the rate of eight percent (8%) per annum will apply to any late payments.

SECTION 12: DISPOSITION OF FEES.

The City shall transmit any fees received upon collection into the appropriate designated account.

OFFICE OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

SECTION 13: ESTABLISHED; DUTIES.

(A) Pursuant to KRS 241.110, there is hereby created the office of City Alcoholic Beverage Administrator.

(B) The Mayor shall serve as the City Alcoholic Beverage Control Administrator (hereinafter referred to as City ABC Administrator), unless the Mayor shall appoint someone else to fill the position pursuant to KRS 241.110.

(C) The Mayor may from to time appoint such additional personnel as is necessary to assist the City ABC Administrator in the administration of this Ordinance.

(D) The salary for the office of City ABC Administrator, if any, together with the salaries of any other personnel assisting the City ABC Administrator, shall be fixed from time to time by the London City Council.

(E) The functions of the City ABC Administrator shall be the same with respect to the City licenses and regulations as the functions of the Department of Alcoholic Beverage Control and the Alcoholic Beverage Control Board of the Commonwealth of Kentucky.

(F) No person shall be a City ABC Administrator, an investigator or an employee of the City under the supervision of the City ABC Administrator, who would be disqualified to be a member of the ABC Board under KRS 241.100.

(G) The City ABC Administrator shall have all authority as authorized under KRS Chapters 241 through 244. The City ABC Administrator and the City ABC Administrator's investigators may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

(H) Should the City ABC Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, LLC or other business organization, has a criminal record, he or she shall have the authority to require such person to appear in person at the London City Police Department for the purpose of having his or her fingerprints taken. Costs of fingerprinting shall be borne by the City.

(I) The City ABC Administrator before entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than one thousand dollars ($1,000.00). The City ABC Administrator may require any employee under the City ABC Administrator's supervision

to execute a similar bond in such penal sum as the City ABC Administrator deems necessary. The costs of any such bonds shall be borne by the City.

(J) Unless other appeal procedures are set forth herein, appeals from the orders of the City ABC Administrator may be taken to the state ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the City ABC Administrator. The Board shall hear matters at issue as upon an original proceeding. Appeals from orders of the City ABC Administrator shall be governed by KRS Chapter 13B.

(K) When any decision of the City ABC Administrator shall have been appealed and the ABC Board shall have made a decision regarding such appeal or protested application, the City ABC Administrator, upon receipt of notice of finality of the decision, shall enter such orders and take such action as required by the final order of the ABC Board. As provided by law, and as used herein, 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 said Board, unless an appeal is taken from the Board's order, in which case the "final order" is the order entered by the Board upon direction from the reviewing court of last resort in the final order of said reviewing court.

APPLICATION FOR LICENSE; MAINTENANCE OF LICENSE

SECTION 14: APPLICATION.

(A) Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements, of KRS Chapter 424.

(B) The advertisement shall state the name and addresses of the individual applicant, or members of a partnership or limited liability company if the applicant is either, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, as well as the name and addresses of the corporation itself, the location of the premises for which the license is sought, and the type of license for which application is made. The notice shall state the date the application will be filed and shall contain the following statement: "Any person, association, corporation, or body politic may protest the granting of the license by writing the Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, within thirty (30) days of the date of legal publication." Any protest received after the thirty (30) day period has expired shall not be considered a valid legal protest

(C) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170, along with a non-refundable application fee of fifty dollars ($50.00).

(D) All licenses granted under this Chapter shall be approved by the City ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the Kentucky Department of Alcoholic Beverage as amended and supplemented from time to time.

(E) The application shall be verified and shall set forth in detail such information requested in the application for the applicant and the premises for which the license is sought as required by the Kentucky Revised Statutes.

(F) The City ABC Administrator may rely upon the information furnished in the application or in the supplemental statement connected with the application. This information, as against the licensee or applicant, shall be conclusively presumed to be correct. The information required to be furnished in the application or supplemental statement shall be deemed material in any prosecution for perjury.

(G) Each application shall be accompanied by a certified or cashier's check, or a postal or express money order for all fees.

(H) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator or assistant ABC Administrator(s).

(I) All City ABC licenses issued shall be on the form prescribed by the City ABC Administrator and shall contain:

(1) The name and address of the licensee;
(2) The number of the licenses;
(3) The type of license;
(4) A description by street and number, or otherwise, of the licensed premises;
(5) The name and address of the owner of the building in which the licensed premises are located;
(6) The expiration date of the license; and
(7) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

(J) All licenses approved by the City ABC Administrator and issued by the City shall begin on May 1 of any year and shall expire on April 30 of the following year. Any licenses issued after October 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 that for a period of six months.

(K) The renewal by the City ABC Administrator 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.

(L) In the event a violation of this Chapter occurs that requires the revocation of the license, the City shall not be required to refund any portion of the license fee

(M) In addition to the information contained in the application the City ABC Administrator may require such other information as the City ABC Administrator may in his/her discretion deem desirable, reasonable or appropriate to the consideration of the application.

(N) An applicant who has been refused a license by the City ABC Administrator may appeal the refusal to the ABC Board pursuant to KRS 241.200.

SECTION 15: OTHER CONDITIONS.

In addition to any other inquiries, conditions or considerations required or permitted by law:

(A) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the City ABC Administrator; and

(B) No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the City at the time of issuing the license, nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes, bills, or fees due the City. Further, if a licensee becomes delinquent in the payment of any taxes, bills, or any fees due the City at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

(C) No person, whether an applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the City ABC Administrator, or any member of his or her 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 section is not intended to stifle expressions of opinion; however, it is intended to make clear that the City and State 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 City 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 section. This section shall not 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.

SECTION 16: MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING.

(A) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a City-approved responsible beverage service training program. For a responsible beverage service training program to be approved by the City, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. The City will not require enrollment in particular classes, but only that the training be obtained from a recognized program meeting the goals expressed in this Ordinance.

(B) All persons required to complete training under section (A) of this section shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. 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 City ABC Administrator, a record or file on each employee that shall contain the pertinent training information. Each premise licensed hereunder must at all times when alcoholic beverages are being served have at least one person currently certified in responsible beverage service training on duty.

(D) All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the City not less than once every three years thereafter.

SECTION 17: SIGNS AND ADVERTISING.

(A) All signage shall be in compliance with any and all other existing rules, regulations, and Ordinances of the City of London, including but not limited to, the Development Ordinance as currently enacted, and/or as may be amended in the future.

(B) No flashing lights shall be used to illuminate the exterior of any premises licensed under this Ordinance.

(C) Any advertising by any licensee under this chapter shall be in compliance with KRS 244.130 and regulations promulgated thereunder.

(D) No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or use the terms such as "high test", "high proof", or "extra strong") or depicting activities that tend to encourage excessive consumption.

(E) No licensee shall erect or allow to be erected any banner that displays any particular brand of alcoholic beverage on the outside of the building or on the property.

SECTION 18: CHANGE OF INFORMATION.

(A) If after a license to individuals or to a sole proprietor has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing giving notice of the change shall be filed with the City ABC Administrator within ten (10) days of the change.

(B) Since licenses issued by the City may be in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the City ABC Administrator. The City ABC Administrator can, therefore, investigate the person to

whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

- As used with regard to 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. Transfer of more than ten percent (10%) of the total ownership or stock shall require a new license.

- The following information will be required concerning any new manager, partner or LLC member, new director, officer, or person securing any interest in alcoholic beverage license:

(a) Name and address;
(b) Nature of interest;
(c) Whether or not a citizen of the United States;
(d) Date of birth and Social Security Number;
(e) Date residence was established in Kentucky, if a resident of Kentucky. If a London City resident, indicate when residence was established;
(f) Whether or not he or she has any interest in any other license or in any LLC, corporation, partnership or other business organization holding a license under this act;
(g) Extent of stock or company ownership;
(h) Whether or not he or she has any interest in any license or in any LLC, corporation, partnership or other business organization holding a license in any other state or province.

- This information shall be filed with the City ABC Administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten (10) days of any change of required information.

SECTION 19: RENEWAL OF LICENSE.

(A) Every year each licensee shall renew its license. All renewal licenses must be on file with the City ABC Administrator no less than thirty (30) days prior to the expiration of the license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition or threatened acquisition of the premises by any federal, state, city or other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew exiting lease; provided that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the City ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the City ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(B) The renewal by the City ABC Administrator 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.

SECTION 20: LOST OR DESTROYED LICENSE.

When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the City ABC Administrator after the City ABC Administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee of ten dollars ($10.00) for the duplicate license.

SECTION 21: REVOCATION OR SUSPENSION.

(A) Any license may be revoked or suspended by the City ABC Administrator if the licensee shall have violated any of the provisions of KRS Chapters 241,242, 243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages 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 now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of the City heretofore in existence or authorized by the terms of Kentucky Revised Statutes Chapters 241, 242, 243 and 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 instructions, or any such license may be revoked or suspended for any cause which the City ABC Administrator in the exercise of his or her sound discretion deems sufficient, including, but not limited to, acts of moral turpitude.

(B) A license may be revoked for any of the reasons for which the City ABC Administrator would have been required to refuse a license if the facts had been known.

(C) In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

- Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.
- Making any false, material statements in an application for a license.
- If within a period of two (2) consecutive years, any licensee or any clerk, servant, agent or employee of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 242, 243 or 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any clerk, servant, agent or employee of the license shall have twice been convicted of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of any felony of any type.
- Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this Ordinance or acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.
- Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

SECTION 22: PROCEEDINGS FOR REVOCATION OR SUSPENSION OF LICENSE; NOTICE AND OPPORTUNITY TO CONTEST; APPEAL; EFFECT OF REVOCATION OR SUSPENSION.

(A) Upon the verified complaint of any person, or on the initiative of any certified peace officer or of the City ABC Administrator, the City 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 certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given 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 receipted for or claimed. Failure of the licensee to attend the date of the hearing, unless good cause is shown or a continuance is granted, shall conclude the matter.

(B) The hearing shall be conducted before City ABC Administrator and shall be informal. The licensee may present evidence and the City ABC Administrator is authorized to swear

witnesses. Counsel for the licensee is permitted to attend. In conducting the hearing, the City ABC Administrator shall be limited to determining whether or not the licensee committed an alleged violation.

(C) Within thirty (30) days after conclusion of a hearing, the City ABC Administrator shall an order which makes a finding whether the licensee committed an alleged violation, and if so, the penalty to be imposed for the violation. The order shall be 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.

(D) A licensee has thirty (30) days to appeal any order of the City ABC Administrator to the Alcoholic Beverage Control Board. The timely filing of an appeal shall stay further proceedings for revocation.

(E) When a license has been revoked or suspended, the former licensee may, with prior approval of the City ABC Administrator, dispose of and transfer his stock of alcoholic beverages to an appropriate entity.

(F) If a license is revoked or suspended by an order of the City ABC Administrator, and the decision is not appealed, the licensee shall at once surrender its City ABC license and suspend all operations authorized under his or her license. Upon the entry of a final order of the ABC Board sustaining or ordering revocation or suspension on appeal, the licensee shall at once suspend all operations authorized under this license.

SECTION 23: TRANSFER OR ASSIGNMENT.

No license issued under this Ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the City ABC Administrator and not then until a payment of one hundred dollars ($100.00) shall be made to the City.

(1) For purpose of this section, "transfer" means:

- The transfer to a new person or entity of ten percent (10%) or more ownership interest in any license issued under KRS 243.020 to 243.670;or
- The transfer in bulk, and not in the ordinary course of business, of a major part of the fixtures, materials, supplies, merchandise, or other inventory of a licensee's business.

(2) Any license issued under KRS 243.020 to 243.670 to any person for any licensed premises shall not be transferable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, unless a transfer or assignment is authorized by the City ABC Administrator in the exercise of his sound discretion. For the purposes of this section, each railroad dining car shall be deemed premises to be separately licensed.

(3) A licensee shall not acquire or otherwise dispose of any interest in a licensed premises or any license issued by the department, by sale of assets, stock, inventory, control or right of control, or activities on the licensed premises without prior approval of the City ABC Administrator. The City ABC Administrator shall grant approval if the person acquiring the interest meets the qualifications for a new applicant.

(4) Any acquisition of interest in a license without prior authorization shall be void.

(5) All applications for approval of a transfer shall be made in writing to the City ABC Administrator.

(6) Applications for approval of a transfer shall be made under oath or affirmation, shall be signed by both the transferor and the transferee, and shall contain such other information from the transferee as is required for a new applicant for license.

(7) The notice and publication requirements for a proposed transfer shall be the same as those set forth in Section 10.024.

(8) No licensee or other person seeking to acquire an interest in an existing license shall transfer control or assume control of any licensed premises by agreement or otherwise without the written consent of the City ABC Administrator.

(9) A licensee shall not transfer his or her license or any interest in the license while any proceedings against the license or the licensee for a violation of any statute or regulation which may result in the suspension or revocation of the license are pending.

(10) A licensee shall not transfer his or her license or any interest he or she has in the license if the licensee owes a debt on the inventory to a wholesaler responsible for the collection and payment of the tax imposed under KRS 243.884.

(11) A licensee shall not transfer his or her license or any interest in the license if the licensee owes the City for any unpaid license fees or license regulatory fees under this Ordinance.

SECTION 24: REVIEW OF LICENSE; BOOKS, RECORDS AND REPORTS.

(A) Applicants to whom a license is issued pursuant to this Ordinance shall provide periodic information demonstrating compliance with the conditions of any license, such as, but not limited to, the continuing requirement that a minimum percentage of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. The City shall provide the form schedule to the licensee. The licensee's acceptance of a license to manufacture or traffic in alcoholic beverages shall constitute consent to the filing of the quarterly report. In the case of caterer filing, the quarterly report shall identify each catered event by type of event, date and address of the event, and shall provide a per event breakdown of sales and the ratio of food sales to alcohol sales during the reporting period. This requirement for filing of reports notwithstanding, the City ABC Administrator may at any time come upon the premises of any licensee and examine the books, audio and visual recordings and records to determine whether the licensee is in compliance with all parts of this Ordinance. Licensee shall be required to maintain all available video/audio recordings for a minimum of 30 days. In the event the conditions of any license requirement are not met during any particular quarter, the City ABC Administrator shall have discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the City ABC Administrator may apply an accounting period of at least one (1) year in determining whether or not the food sale percentage requirement has been met.

(B)

- Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records, including audio and video recordings, of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Licensee shall be required to maintain all video/audio recordings for a minimum of 30 days. Such books and records shall be available at all reasonable times for inspection by the City ABC Administrator and such City employees who may assist the City ABC Administrator in his or her review.

- For the purpose of assisting the City ABC Administrator in enforcement of this Ordinance, every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the City ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by statute shall be furnished to the City ABC Administrator.

SECTION 25: DORMANCY.

(A) It is necessary that a licensee actually conduct the business authorized by such a license or else the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.

(B) Any license under which no or substantially no business is transacted during a period of ninety (90) days shall be deemed inactive and, unless the conditions set forth in section (D) below are proved to the satisfaction of the City ABC Administrator, the license shall be surrendered to the City ABC Administrator. If the license is not voluntarily surrendered, it shall be revoked by the City ABC Administrator.

(C) For purposes of the preceding section, "no or substantially no business" means that there were either no alcohol transactions during the ninety (90) day period in question, or by using comparable data, the City ABC Administrator determines in his or her discretion that the license is being underutilized to a significant degree. Comparable data available to the City ABC Administrator may include, but not be limited to, sales data from comparable businesses and past sales data of the licensee in question.

(D) The provisions of section (B) of this section shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, whether acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Prior to the expiration of ninety (90) days of inactivity, such licensee shall furnish to the City ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business, for any of the specific reasons set forth herein, and the City ABC Administrator may grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted there within twelve (12) months from the date of notice to the City ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City ABC Administrator deems appropriate in exercise of his or her sound discretion. The provisions of section (B) of this section shall also not apply to licensees whose business operations are "seasonal" and who may experience extreme downturns in revenue during certain calendar periods such that it is not economically feasible to remain open.

MISCELLANEOUS PROVISIONS

SECTION 26: HOURS FOR SALE.

(A) Any licensee eligible to sell distilled spirits, wines, and/or malt beverages in retail package stores shall be permitted to sell distilled spirits, wine, and/or malt beverages between the hours of 6:00 a.m. until 1:00 a.m. Monday – Saturday. Said licensee shall not be permitted to sell distilled spirits, wine, and/or malt beverages after the hours of 1:00 a.m. (on Saturday evening/Sunday morning) to 12:00 a.m. (midnight on Sunday) with the exceptions noted below:

- A licensee whose premise(s) is licensed to sell alcoholic beverages in retail package shall be permitted to sell distilled spirits, wine, and/or malt beverages on Sunday during the hours of 11:00 a.m. until 1:00 a.m. (on Monday morning).
- A licensee whose premises is licensed to sell distilled spirits, wine, and/or malt beverages, shall be permitted to sell alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week January 1 shall fall upon, provided that the appropriate licenses and approvals have been obtained from both the City and the state ABC Board.

(B) If any establishment licensed to sell distilled spirits, malt beverages, and wine remains open during a prohibited sale time, any displays of malt beverages must have a sign with lettering not less than two inches in height reading "NO SALES AFTER 1:00 A.M. WEEKDAYS OR SUNDAYS AFTER 12:00 A.M." (This sign must be atop every display and in cases where establishments have aisles of malt beverages, a larger sign, with letters not less than four inches in height, must be placed at the entrance and exit of each aisle.)

(C) A licensee shall not sell, give away, or deliver any alcoholic beverage or permit any alcoholic beverage to be sold, given away, or delivered on the licensed premises during non-permitted hours for sale and delivery.

(D) Alcohol sales at golf courses, private clubs, distilleries, etc located within the City shall be allowed to sell distilled spirits, wine, or malt beverages by the drink between the hours of 6:00 a.m. until 12:00 (midnight) on Mondays through Saturdays. Sunday sales shall only be permitted between the hours of 2:00 p.m. until 12:00 (midnight). Notwithstanding the foregoing, sales by the drink on December 31st, regardless of the day of the week upon which it might fall, may continue until 2:00 a.m. on January 1st.

(E) Any licensee permitted to sell distilled spirits, malt beverages, and wine on Sunday pursuant to this section, shall first obtain a Special Sunday retail drink license.

SECTION 27: CONDITIONS, PROHIBITIONS AND RESTRICTIONS.

(A) No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance are prohibited and shall not be kept on such premises.

(B) It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus (including an application on a mobile device) on such premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency. In addition to other penalties provided for the violation of this section, any certified peace officer or the City ABC Administrator, or his or her designated investigator, shall have the authority to confiscate any and all such radio receiving apparatus.

(C) The licensee shall be responsible for maintaining security on his 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.

(D) It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages nor shall any licensee give away any alcoholic beverage in any quantity for less than a full monetary consideration.

(E) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee sell alcoholic beverages to any person who is actually or apparently under the influence of alcoholic beverages, or known to the seller or server to be an habitual drunkard or any person known to the seller or server to have been convicted of drunkenness as many as three (3) times within the most recent twelve (12) month period. No licensee shall permit any person who is actually or apparently under the influence of alcoholic beverages to remain on the licensed premises. As used herein, whether a person is actually or apparently under the influence of alcoholic beverages shall be determined by the licensee or server with specific reference to the principles and guidelines established in mandatory alcohol server training as to the signs of alcohol intoxication.

(F) The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age. The licensee shall check all identifications to ascertain that every person attempting to purchase or consume alcoholic beverages is at least 21 years of age.

(G) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

Persons under the age of twenty-one (21) are subject to criminal prosecution if they:

- Enter licensed premises to buy, or have served to them, alcoholic beverages.
- Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.
- Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.

(H) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license. The

licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(I) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) 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.

(J) No wholesaler or distributor shall sell any alcoholic beverages to any person in the City for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. No retail licensee shall sell to a purchaser for any consideration except for cash at time of purchase.

(K) No licensee shall knowingly employ in connection with his or her business any person who:

- Has been convicted of any felony within the last two (2) years;
- Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;
- Is under the age of twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute;
- Within two (2) years prior to the date of his or her employment, has had any license revoked for cause.

(M) 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 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 City.

(N) No license shall be issued for any premises to operate a vehicle "drive-through" outlet for the sale of alcoholic beverages, nor shall any person or licensee operate or permit such a vehicle drive-through outlet. This prohibition shall not apply to a drive-up window at any premises licensed for retail package liquor, wine or malt beverage, including retail beer, where the primary sales area is arranged for and utilized by persons entering the premises on foot and manually carrying out the products purchased therein.

(O) Retail premises shall not be disorderly.

- A retail licensee, a patron, or the, licensee's agents, servants, or employees shall not cause, suffer, or permit the licensed premises to be disorderly.
- Acts which constitute disorderly premises consist of causing, suffering, or permitting patrons, the, licensee, or the licensee's servants, agents, or employees to cause public inconvenience, annoyance or alarm or create a risk through:
- Engaging in fighting or in violent, tumultuous, or threatening behavior;
- Making unreasonable noise;
- Refusing to obey an official order to disperse issued to maintain public safety in dangerous proximity to a fire hazard or other emergency;
- Creating a hazardous or physically offensive condition by any act that serves no legitimate purpose;
- Creating a public nuisance which is further defined by KRS 241.010(39);
- Engaging in criminal activity that would constitute a capital offense, felony, or misdemeanor: or

- Failing to maintain the minimum health, fire, safety, or sanitary standards established by the state or local government, or by state administrative regulations, for the licensed premises.

SECTION 28: POSSESSION BY MINORS PROHIBITED; NO PERSON SHALL AID POSSESSION BY MINORS.

(A) Except as specifically authorized under KRS 241 through 244, 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, 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. For purposes of this prohibition, "premises" specifically encompasses the entire lot upon which a licensed establishment is situated, including any drive-up window. The prohibition contained in this section (B) shall not apply to premises where the usual and customary business of the establishment is a gas station, convenience store, grocery store, drugstore, or similar establishment.

(C) No person shall knowingly allow, aid, assist, induce, cause or otherwise encourage any minor to be in possession of or use or consume alcoholic beverages. All licensees shall require proof of age of all persons attempting to purchase or consume alcoholic beverages on the licensee's premises.

(D) No person being the owner or occupant or otherwise in possession or control of any property located within the City shall knowingly allow any minor to remain on such property while in possession of, using or consuming alcoholic beverages.

(E) It shall be a defense to any prosecution under this section if the person charged, upon discovery of said minor individuals, manifests a proper effort to enlist the aid of and cooperate with law enforcement personnel in stopping the minor individuals' possession, consumption or use of alcoholic beverages, or that the minor individuals' possession of alcoholic beverages was exempted by KRS 244.087.

SECTION 29: MALT BEVERAGE KEG REGISTRATION.

- As used in this section, "KEG" is defined as a container designed and capable of holding six (6) or more gallons of malt beverage.

- All retail licensees (herein after referred to as "licensee") operating within City of London who sell malt beverages in kegs for consumption off the premises of the licensee shall attach a control label. The label must have a control number, and the name of the business. Each label must be affixed to each keg at the time of sale and shall require the purchaser to complete and sign a keg registration form for the keg stating the following:

  - The purchaser is of legal age to purchase, possess and use the malt beverage;
  - The purchaser is not purchasing the keg for resale and will not allow any person under the age of twenty-one (21) to consume the malt beverage;
  - The purchaser will not remove, obliterate or allow to be removed or obliterated the identification label;
  - The purchaser will state the property address where the keg will be consumed and physically located; and
  - The purchaser is aware of his/her duty to maintain a copy of the keg registration form visible and readily accessible from the location of the keg.

(C) The licensee shall obtain the name, address and telephone number of the purchaser and shall require the purchaser to produce a valid driver's license number and, if that is not available, to produce at least one other valid form of identification.

(D) The licensee shall retain copies of the keg registration forms for a period of one year and shall make the keg registration form available for inspection by state and local alcoholic beverage control officers and other enforcement officers.

(E) The keg registration form shall be forwarded to the City ABC Administrator within five (5) working days in all situations when the keg is not returned or is returned with the identification label removed or obliterated.

(F) The City ABC Administrator is authorized to develop appropriate rules and regulations and to develop and make available keg registration forms.

(G) All licensees that sell or offer for sale kegs shall post on the licensed premises a notice provided by the City concerning the provisions of this section.

(H) It shall be unlawful for any licensee to sell or offer for sale kegs without the identification labels attached and the keg registration form completed. It shall also be unlawful for any person to remove or to obliterate the identification label or to fail to have the declaration form visible and readily accessible from the location of the keg.

SECTION 30: CONSUMPTION ON LICENSED PACKAGE PREMISES PROHIBITED; CONGREGATING ON CERTAIN ABC LICENSED PREMISES AND VACANT PREMISES PROHIBITED.

(A)

- No licensee of a package store, whether trafficking in distilled spirits, wine or malt beverages, shall permit consumption of alcoholic beverages on the premises. A licensee shall post a prominent notice on the premises stating that consumption of alcoholic beverages on premises is prohibited.
- This restriction regarding on premises consumption shall not prohibit sampling as allowed for microbreweries and wineries under the provisions of KRS Chapter 243, or where sampling is permitted for a retail distilled spirits and wine licensee under the provisions of KRS 244.050, or beer tastings as permitted in 804 KAR 11:030.

(B) No person or entity operating a package liquor store, whether trafficking in distilled spirits, wine or malt beverages, including retail package beer licensees, shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of the licensed premises so as to constitute a public nuisance.

(C) No person or entity being the owner or otherwise in possession or control of any vacant property shall knowingly allow or permit habitual congregating of persons on the unenclosed portion of such property so as to constitute a public nuisance.

- No persons shall congregate for the purposes, under the circumstances, or in the places proscribed in sections (A) and (B) of this section.
- It shall be a defense to any prosecution under section (A) or (B) of this section if such licensed vendor or property owner shall post or permit law enforcement to post and maintain a legible, painted or printed sign in at least two (2) separate prominent places in such area, in letters of not less than three (3) inches in height, stating that congregating of persons is prohibited and that violators shall be prosecuted for trespass pursuant to KRS 511.080.
- As used in this section, the term:
- "HABITUAL" shall mean consistent, that is, by frequent practice or use, but not necessarily constant or exclusive;
- "PACKAGE LIQUOR STORE" shall mean a retail establishment selling distilled spirits, wine and malt beverages in package containers pursuant to licenses issued for those purposes;
- "PUBLIC NUISANCE" shall mean any activity that endangers or interferes with the general use and enjoyment of neighboring property, passers-by or the health, safety and welfare of the public; and
- "VACANT PROPERTY" shall mean a vacant lot on which no building or other structure exists or property on which any structure is unoccupied or unused, or which otherwise reflects abandonment by the owner or person with the right of occupancy.

SECTION 31: ENFORCEMENT.

All certified peace officers and the City ABC Administrator are authorized to enforce this Ordinance for alleged violations.

SECTION 32: CONFLICTS, SEVERABILITY, RECORD OF PROCEEDINGS AND APPEAL

(A) If any of the provisions of this Ordinance are found to be in conflict with applicable statutes or regulations, the applicable statutes and/or regulations shall control.

(B) The invalidity of one or more provisions of this Ordinance shall not affect the applicability or enforceability of the remaining provisions.

(C) Upon exhaustion of administrative measures, any party aggrieved may seek appropriate relief in a court of competent jurisdiction.

(D) Any hearing conducted pursuant to this Ordinance, whether by the City ABC Administrator or the London City Council shall be recorded to preserve all evidence.

SECTION 33: PENALTIES.

(A) In addition to any criminal prosecution instituted in Laurel District or Circuit Court against an alleged violator pursuant to subsection (B) of this provision or under other state law, the City ABC Administrator may assess the penalties authorized in KRS 243.480, including the per diem fine assessments for ongoing violations. Payment of all fines imposed by the ABC Administrator shall be made to the City to be deposited in the appropriate designated account. For any violation of this Ordinance for which civil fines under KRS 243.480 are not applicable or appropriate, the City ABC Administrator may impose a fine of between fifty ($50.00) dollars to one hundred ($100.00) dollars, per violation, per day. Civil fines issued under this subsection may be appealed to the London City Council in the same manner as set out in Section 13 of this Ordinance. If the offending licensee is a partnership, LLC, corporation, or any other business entity, the fines may be levied against the organization or against the principal officers or agents responsible for the violation.

(B) Any person, firm or corporation who violates any of the provisions of this Ordinance, for which no other penalty is hereby provided, shall, for the first offense, be fined not less than one hundred dollars ($100.00) nor more than two hundred dollars ($200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he or she shall be fined not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00) or imprisoned in the county jail for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. Each day that an offending condition is present shall constitute a separate offense. If the offender is a corporation, LLC, joint stock company, association or other business organization, or a fiduciary, the principal officer or officers responsible for the violation may be fined, imprisoned, or both.

SECTION 34: SEVERABILITY.

This ordinance and the various parts thereof are hereby declared to be severable. Should any section of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall not affect the validity of the ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

SECTION 35: EFFECTIVE DATE AND CONFLICT.

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law. Any Ordinances or part of Ordinances in conflict herewith are hereby repealed.

Troy Rudder
TROY RUDDER, MAYOR

ATTEST: Carolyn Adams
CAROLYN ADAMS, CITY CLERK

FIRST READING: March 7, 2016
SECOND READING March 11, 2016
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