

**COMMONWEALTH OF KENTUCKY  
CITY OF LONDON**

**A SUMMARY OF CITY OF LONDON ORDINANCE NO. 2017-04  
“AN ORDINANCE GOVERNING THE SALE OF  
ALCOHOLIC BEVERAGES BY LICENSED NON-PROFIT GROUPS;  
CHANGING THE HOURS OF SALE FOR BOTH  
PACKAGE STORES AND RESTAURANTS;  
REGULATIONS; DEFINITIONS; RESTRICTIONS ON OUTSIDE EVENTS,  
INSURANCE REQUIREMENTS; RESPONSIBILITIES AND PENALTIES  
AND REPEALING PORTIONS OF  
ORDINANCE NO. 2016-08 AND ORDINANCE NO. 2016-09”**

This Summary is prepared pursuant to KRS 83A.060(4).

The following is intended to be a summary of Ordinance No. 2017-04 as herein above stated. This summary is prepared by Larry G. Bryson, the attorney for the City of London, Kentucky, who is authorized to practice law in the Commonwealth of Kentucky and who further states that this document is a true and correct summary of Ordinance No. 2017-04.

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage pursuant to authorization of KRS 241 through 244, and allow Temporary Licenses, repeal requirements of fencing and vegetation with patio and outdoor sales, to change the hours of sale for both package stores and restaurants, and change the penalties for violation of this Ordinance.

A special temporary license may be issued only as set out in KRS 243.260 and 804 KAR 4:250 which are limited to non-profit charitable organizations or for-profit individual, corporation, or organization, if the license will be used in conjunction with an organized civic or community sponsored event.

However, temporary licenses will not be granted at any time to anyone during the World Chicken Festival and caterers may not offer for sale any malt beverage, wine, or distilled spirit during the World Chicken Festival.

All persons employed in the selling and serving of alcoholic beverage by package or drink shall participate in and complete a City approved Responsible Beverage Server Training Program. All persons required to complete training, shall complete before the trainee serves or sells their first alcoholic beverage. The manager shall cause a report to be filed with the City ABC Administrator on January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup> of each year of all current employees. 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.

Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink. Restaurants are not required to have fencing or vegetation surrounding their outside patio. All alcoholic drinks taken to outside patios must be served in glasses; no disposable drink ware will be permitted. Alcoholic drinks are not to be taken outside of the exterior designated dining area of said restaurants.

All licenses issued under the Master File System expire August 31.

Premises for which there had been granted a license, the retail sales of alcoholic beverages either by the drink or in package stores, shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 midnight each day of the week.

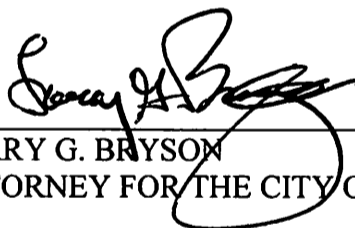
Any person who violates any provision of this Ordinance, Ordinance No. 2016-08, or Ordinance No. 2016-09 for which no specific penalty is provided shall in addition to other penalties provided by law, be subject to for the first offense, a fine not to exceed One Thousand Dollars (\$1,000.00); for any subsequent offense, a fine not to exceed Two Thousand Dollars (\$2,000.00) or confinement in jail not more than six (6) months, or both; and for a third offense, the offender's license will be revoked.

The General Assembly of the Commonwealth of Kentucky has passed and made effective on June 29, 2017 several changes in the laws of the Commonwealth of Kentucky. For clarification purposes, any change in the laws of this Commonwealth that are mandatory in a city such as London, when effective and in conflict with the Ordinance shall control over the language of this Ordinance.

Any Ordinances or parts of Ordinances in conflict with this Ordinance are repealed and this Ordinance is effective on publication.

The full text of the Ordinance is on file in the Office of the City of London Clerk, 501 South Main Street, London, Kentucky where it may be inspected.

This summary is intended to comply with KRS 83A.060(4) as a true and accurate summary of this Ordinance. The Summary of this Ordinance is certified pursuant to KRS 83A.060(9), by Attorney Larry G. Bryson, an attorney licensed to practice law in the Commonwealth of Kentucky and will be effective upon publication of the Summary



LARRY G. BRYSON  
ATTORNEY FOR THE CITY OF LONDON

**COMMONWEALTH OF KENTUCKY  
CITY OF LONDON  
ORDINANCE NO: 2017-04**

**AN ORDINANCE GOVERNING THE SALE OF  
ALCOHOLIC BEVERAGES BY LICENSED NON-PROFIT GROUPS;  
CHANGING THE HOURS OF SALE FOR BOTH  
PACKAGE STORES AND RESTAURANTS;  
REGULATIONS; DEFINITIONS; RESTRICTIONS ON OUTSIDE EVENTS,  
INSURANCE REQUIREMENTS; RESPONSIBILITIES AND PENALTIES  
AND REPEALING PORTIONS OF  
ORDINANCE NO. 2016-08 AND ORDINANCE NO. 2016-09.**

WHEREAS, the City of London wishes to allow the sale of alcohol by licensed non-profit entities, and “for profit” entities in conjunction with civic and community events and it is otherwise necessary to repeal portions of Ordinance No. 2016-08 and Ordinance No. 2016-09, as specifically set out herein; and

WHEREAS, the City imposes certain restrictions, regulations, and license fees upon retail establishments that sell alcoholic beverages;

WHEREAS, the City wishes to change the hours of sale for both package stores and restaurants;

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 “An Ordinance Governing The Sale Of Alcoholic Beverages By Licensed Non-Profit Groups; Regulations; Definitions; Restrictions On Outside Events, Insurance Requirements; Responsibilities And Penalties And Repealing Portions Of Ordinance No. 2016-08 And Ordinance No. 2016-09.”

**SECTION 2: PURPOSE.**

The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage pursuant to authorization of KRS 241 through 244, and allow Temporary Licenses, repeal requirements of fencing and vegetation with patio and outdoor sales, to change the hours of sale for both package stores and restaurants, and change the penalties for violation of this Ordinance.

**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: INCORPORATION OF STATE LAW**

(A) The provisions of the State Alcoholic Beverage Control laws contained in KRS Chapters 241, 242, 243, and 244, pertaining to licenses and regulations of the State Alcoholic Beverage Control Board, including definitions contained therein, as well as amendments and supplements thereto, are hereby adopted as part of the alcoholic beverage control law of the City, except as otherwise lawfully provided herein.

(B) No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverage in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this Ordinance and other City of London Ordinances. Penalties for violation thereof are in Section 11 herein.

## 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 and made applicable to this Ordinance except as otherwise lawfully provided herein.

## SECTION 6: TEMPORARY LICENSE

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

The fee for a Special Temporary License application is \$166.66.

3. An application for a special temporary license pursuant to KRS 243.260 and shall be on a Special Temporary License Application form, incorporated by reference in 804 KAR 4:410.
4. The applicant shall complete and submit the form to the City of London ABC Department in sufficient time to act on the application prior to submitting the same to the Department of Alcoholic Beverage Control; it is required that the applicant submit their application to the Kentucky Department of Alcoholic Beverage Control no later than five (5) working days prior to the date for which the license is requested. The timeliness of the application is the entire responsibility of the Applicant.
5. For purposes of the issuance of special temporary licenses pursuant to KRS 243.260, in such are limited to:

(A) Non-profit charitable organizations, or

(B) A for-profit individual, corporation, or organization, if the license will be used in conjunction with an organized civic or community sponsored event in keeping with KRS 243.260.

(C) Temporary Licenses will not be granted at any time to anyone during the World Chicken Festival. Caterers may not set up inside or outside of the World Chicken Festival perimeter, or offer for sale any malt beverage, wine, or distilled spirit.

6. Application for a temporary alcoholic beverage license shall be made to the City ABC Department. All restrictions and prohibitions applying to regular retail drink distilled spirits and wine licenses and retail malt beverage licenses shall apply to the special licenses, unless otherwise provided by law. A special temporary license for a qualifying event shall not be issued unless the purported licensee can demonstrate to the City ABC Department 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. All plans are to be reviewed and approved by the City ABC Department before submitting the application to the Department of Alcoholic Beverage Control.
7. If the event is outdoors, the following is required for the issuance of a Special Temporary License:
  - A. There must be a clearly defined marked perimeter around the area in which alcohol is being sold and consumed. The area may include the entire event area (so that those who have purchased alcohol can take it elsewhere within the event. In this case, the event area must have signs posted

prominently around the event perimeter or exit points with a notice reading “No Alcohol Beyond This Point” or “No Open Containers Beyond This Point”, or the area may also consist of a fenced beer garden with the rest of the event area open.

- B. Event patrons who may lawfully purchase alcohol during an event must be identified with a nontransferable wrist band on the right wrist. It is the event organizer’s responsibility to have enough wrist bands. If the wrist bands run out, no new event patrons may be served alcohol.
- C. No alcohol that is sold within the designated alcohol area may leave that area and no outside alcohol may be brought into the designated alcohol area. Every entrance and exit point must be staffed to enforce this policy.
- D. For any events after dusk, lighting is required. The lighting shall be of a subdued nature and not imposing on any adjacent property.
- E. The licensee shall at all times ensure that the operation of an outdoor event does not unreasonably interfere with the quiet enjoyment of neighboring properties.
- F. All event organizers and/or vendors/applicants must be insured for any type of liability and have a “Host Liquor Provision” stated on the insurance policy. The City of London does not provide insurance coverage for this event. No minor (under 21 years of age) shall be served or permitted to consume alcoholic beverages. The applicant must submit a Certificate of Insurance evidencing General Liability insurance covering the use of City property within minimum limits of \$1,000,000.00 per occurrence, naming the City of London, its officers, directors, employees, agents, members, Councilpersons, and Mayor as additional insureds on the General Liability policy. A copy of the Applicant’s liability insurance must be submitted to the City ABC Department with the application and reviewed for approval in advance of the requested date of use. The Certificate of Insurance must be signed.
- G. The event organizers and/or vendor/applicant agrees by submitting an application for the same to assume all responsibility, risks, liabilities, and hazards incidental to the activities applied for (including, but not limited to the sale or serving of alcoholic beverages), and hereby releases and forever discharges the City of London, Mayor, its officers, directors, employees, agents, members, and Councilpersons, present, past, and future, from any and all claims, costs, causes of action, and liability for personal injury or death and damage to or destruction of property arising from the use of the facility or property and its appurtenances. The event vendor/applicant hereby further agrees that alcohol beverages that are sold or served at the event shall not be served or allowed to be provided to minors and shall only be provided to or served to adults in a responsible manner.
- H. Any violation of this Ordinance shall be cause to refuse the issuance of such a special purpose license or permit to such applicant, person, or organization, for a period of three (3) years.

## **SECTION 7: MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING**

A. All persons employed in the selling and serving of alcoholic beverage shall participate in and complete a City approved Responsible Beverage Server Training Program. For a responsible beverage server training program to be approved by the City of London, it must effectively train its participants in the identification of false age documents and recognition of characteristics of intoxication. This training must also follow the Commonwealth of Kentucky Alcohol Beverage Control Requirements. 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 paragraph (A) above shall complete before the trainee serves or sells their first alcoholic beverage. All persons completing the training required by this section shall be recertified in responsible beverage service training, by a City approved program not less than once every three years thereafter. When a new business is licensed to serve alcoholic beverages all employees selling or serving alcoholic beverages must be trained prior to the opening of the business.

C. The manager and/or licensee of the restaurant or store shall be responsible for compliance with these training requirements and shall maintain on premises for inspection by the City ABC Administrator or his designee a record or file on each employee that shall contain the pertinent training information. The manager shall cause a report to be filed with the City ABC Administrator on January 1<sup>st</sup>, April 1<sup>st</sup>, July 1<sup>st</sup> and October 1<sup>st</sup> of each year of all current employees. This report shall include the employee name, date of birth; hire date, driver license number, position held, server trained and training

date. 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.

#### **SECTION 8: PATIO AND OUTDOOR SALES.**

(A) Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink. Restaurants are not required to have fencing or vegetation surrounding their outside patio. All alcoholic drinks taken to outside patios must be served in glasses; no disposable drink ware will be permitted. Alcoholic drinks are not to be taken outside of the exterior designated dining area of said restaurants.

(B) Licensees may request to be permitted as sidewalk cafes that serve food and alcoholic beverages as an adjunct to the primary and adjacent licensed premises. In the case of permitted sidewalk cafes, they shall be deemed part of the licensed premises. Any food establishment which operates a restaurant and is licensed under this Ordinance and the provisions of the state ABC code, may, upon application to the local ABC administrator, ask permission to expand the operation of that restaurant onto a part, and only that part, of the public sidewalk which immediately adjoins the licensed premises (hereinafter referred to as "sidewalk café").

(C) The issuance of a permit shall be subject to the following conditions and restrictions; provided, however, that the ABC Administrator may without adverse hearing procedures impose additional reasonable restrictions or withdraw approval upon the operation of any sidewalk café where necessary in the judgment of the said Administrator to protect the public health, safety or welfare or to prevent a nuisance from developing or continuing.

(D) No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of thirty-six (36) inches must be maintained on the public sidewalk at all times. The sidewalk café shall not be permitted in any manner to obstruct the entrance/exit to the restaurant.

(E) No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used for the sidewalk café during any period when the sidewalk café is not open and being operated. They shall be removed at the end of each business day at the hour specified in the permit. Umbrellas, tables, chairs, and other portable appurtenances shall be confined to the area shown on the approved Permit. While such café is in operation, all tables and chairs shall be kept in a clean, sanitary condition.

(F) The use of a portion of the public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over said use of the public sidewalk at all times.

(G) The licensee shall, in addition to all other requirements of law, insure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not by passersby or persons who are not of age or who are obviously or apparently intoxicated.

(H) No disposable cups or drinking vessels may be used and the licensee shall not permit any alcoholic beverages to be taken off premises by patrons, customers or guests.

(I) The licensee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the premises.

(J) The permit for sidewalk café may not be assigned or transferred.

(K) No sidewalk café permit shall be effective unless the licensee has filed with the ABC Administrator evidence of insurance, insuring the licensee against liability imposed by law arising out of the ownership, maintenance or operation of such sidewalk café, in an amount of not less than the same amount of liability insurance coverage of the City of London. The City, Mayor, City Council, and its agents and employees shall be named an additional insureds in the policy required. Such insurance policy shall further provide expressly that it may not be canceled except upon ten (10) day's written notice (or more) filed with the ABC Administrator.

**SECTION 9: EXPIRATION OF LICENSE**

All licenses issued under the Master File System expire August 31.

**SECTION 10: HOURS OF SALE**

(A) Retail Sale on Licensed Premises. Premises for which there had been granted a license, the retail sales of alcoholic beverages either by the drink or in package stores, shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 midnight each day of the week, except as stated below.

(B) Extended Hours are no longer permitted in the City of London and the Extended Hours Supplemental License is not offered in the City of London.

(C) The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Years Eve occurs, provided that the appropriate licenses have been obtained from both the City and State ABC Commission.

(D) Control of Premises during Closing Hours. During the closing hours, the premises of any license for the sale of alcoholic beverages by the drink must be closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises for business purposes only. Alcoholic beverages shall not be sold, given away, delivered or consumed by anyone in any room of the premises during the closing hours and no parties, private or public, shall be held on the premises. The premises shall not be loaned, rented or leased to anyone during closing hours for a party or for any other purposes.

**SECTION 11: PENALTIES**

Any person who violates any provision of this Ordinance or Ordinance No. 2016-08 and Ordinance No. 2016-09 for which no specific penalty is provided shall in addition to other penalties provided by law, be subject to the following penalties:

- (1) For the first offense, a fine not to exceed One Thousand Dollars (\$1,000.00)
- (2) For any subsequent offense, a fine not to exceed Two Thousand Dollars (\$2,000.00) or confinement in jail not more than six (6) months, or both.
- (3) For a third offense, the offender's license will be revoked.

**SECTION 12: ENFORCEMENT.**

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

**SECTION 13: CONFLICTS, SEVERABILITY, RECORD OF PROCEEDINGS AND APPEAL**

(A) Any Ordinance, particularly Ordinance No. 2016-08 and Ordinance No. 2016-09, that are in conflict with this Ordinance are expressly repealed.

(B) 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.

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

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

(E) 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 14: 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.

The General Assembly of the Commonwealth of Kentucky has passed and made effective on June 29, 2017 several changes in the laws of the Commonwealth of Kentucky. For clarification purposes, any change in the laws of this Commonwealth that are mandatory in a city such as London, when effective and in conflict with the Ordinance shall control over the language of this Ordinance.

**SECTION 15: EFFECTIVE DATE AND CONFLICT.**

This Ordinance shall be effective immediately upon publication in accordance with the applicable provisions of Kentucky law.

FIRST READING: June 5, 2017  
 SECOND READING: June 14, 2017  
 PUBLICATION: June 19, 2017

  
 TROY RUDDER, MAYOR

ATTEST:   
 CAROLYN ADAMS, CITY CLERK