

ORDINANCE NO. 3, 2021

**AN ORDINANCE OF THE CITY OF CATLETTSBURG, KENTUCKY ADOPTING THE REGULATIONS FOR THE LICENSING AND OPERATION OF ESTABLISHMENTS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY AND PROVIDING FOR THE RESPONSIBILITIES OF THE CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR, REPEALING ORDINANCE NO. 4, SERIES OF 2007, AND ANY AMENDMENTS THERETO.**

\* \* \* \*

**WHEREAS**, there was a local option election held in Boyd County at the General Election of November 2020 which resulted in a favorable vote for the sale of alcoholic beverages within the County, and

**WHEREAS**, on November 10, 2020 the Boyd County Board of Elections certified the results of the wet-dry vote.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CATLETTSBURG, KENTUCKY, AS FOLLOWS:**

**SECTION 1. SHORT TITLE.**

This Ordinance shall be known and may be cited as the "Alcoholic Beverage Control Ordinance" of the City of Catlettsburg ("City").

**SECTION 2. DEFINITIONS.**

Words used throughout this Ordinance, unless the context requires otherwise, shall have the same definitions as set out in the Kentucky Alcoholic Beverage Control Laws (Chapters 241, 242, 243 and 244 of Kentucky Revised Statutes) of the Commonwealth of Kentucky, and all amendments and supplements thereto.

**SECTION 3. SCOPE.**

The purpose of this Ordinance is to establish regulation for the licensing and sale of alcoholic beverages within the City pursuant to the authorization set out in KRS Chapters 241 through 244 and other applicable laws.

Irrespective of title or headings, the sections of this ordinance shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application.

Nothing in this Ordinance shall excuse or relieve a licensee or the agent or employee of any licensee located within the City, from the restrictions, requirements and penalties of any other Ordinance of the City or of any Statute of the Commonwealth of Kentucky relating to violations pertaining to alcoholic beverages. No regulation of the City shall become effective until it has first been approved by the City Council, and no such regulation shall be less stringent than the applicable statute or regulation of the ABC Board.

**SECTION 4. ADOPTION OF STATE ALCOHOLIC BEVERAGE CONTROL LAW.**

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

**SECTION 5. CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR - APPOINTMENT; SALARY.**

(a) The Mayor shall, consistent with the provisions of KRS 83A.130 (9) and KRS 241.170, appoint a City Alcoholic Beverage Control Administrator ("City Administrator") subject to approval of the City Council of the City of Catlettsburg ("City Council").

(b) The salary for said office shall be fixed from time to time by the City Council.

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

**LICENSES**

**SECTION 6. LICENSES.**

For the privilege of engaging in the sale of alcoholic beverages within the City pursuant to the authority set out in KRS 243.070 and other applicable section of Chapter 243, relevant to sale in cities establishing a corresponding licenses for each of the state licenses permitted in cities.

Pursuant to the provisions of KRS 243.070, 243.030 and 243.040 the City annual license fees shall be the maximum amounts permitted by statute.

In order to engage in sale or trafficking of alcoholic beverages in the City, a party must be a license holder of one or a combination of the licenses required hereunder.

(a) The following licenses with stated fees are hereby established:

- (1) Quota retail package license, per annum: \$1,000.00
- (2) Quota retail drink license, per annum: \$1,000.00.
- (3) Special temporary license, per event: \$166.66
- (4) Nonquota type 1 retail drink license, per annum: \$2,000.00
- (5) Nonquota type 2 retail drink license, per annum: \$1,000.00
- (6) Nonquota type 3 retail drink license, per annum: \$300.00
- (7) Special Sunday retail drink license, per annum: \$300.00
- (8) Nonquota retail malt beverage package license, per annum: \$200.00
- (9) Nonquota type 4 retail malt beverage drink license, per annum: \$200.00
- (10) Limited restaurant license, per annum: \$1,200.00
- (11) Qualified historic site license, per annum: \$1,030.00
- (12) Quota retail distilled spirits and wine package license: \$570.00
- (13) Caterer's license, per annum: \$820.00

(b) Entertainment. Any licensee under this section desiring to provide entertainment to patrons of such licensed premise must first obtain a separate entertainment license by application to the City Administrator under this section in the form approved by the Mayor or her/his designee.

(1) Term of such license shall be concurrent with the retail drink license.

(2) Fee for such license shall be one hundred dollars (\$100.00).

(3) This license shall be subject to the same sanctions as the retail rink license.

The purpose of this section is to provide City review of the type of such entertainment to promote the public health, safety, morals and welfare, and such licenses will not be unreasonably withheld, but periodic review will occur to protect those interests of the community set out herein.

#### **SECTION 7. REGULATORY LICENSE FEE.**

The City pursuant to the provisions of KRS 243.075 is authorized and shall impose a regulatory license fee not to exceed five (5%) per cent upon the gross receipts of the sale of alcohol beverages of each establishment located in the City licensed to sell alcoholic beverages.

(a) The regulatory license fee may be levied at the beginning of each budget period at a percentage rate that is reasonably estimated to fully reimburse the City for the estimated costs of additional policing, regulatory, or administrative expenses 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, but a credit against such fee shall be allowed in an amount equal to the license or fee imposed hereunder and such regulatory fee shall be applied annually from July 1 to June 30.

(b) Payment of such fee shall accompany the tax returns approved for such use by the Mayor or his designee and shall be submitted to the City Administrator by the 20th day of each month for the preceding month's sales one-twelfth (1/12) of the fee required under Section 17 shall be deducted each month as credit.

(c) Failure to pay such monthly remittance within ten (10) days of the due date shall constitute a violation and subject the offending licensee to suspension or revocation.

(d) Penalty for the failure to file a return and/or to pay monthly remittance by its due date is five percent (5%) of the tax owed for each thirty 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 \$10.00.

(e) Interest at the rate of eight percent (8%) per annum shall be applied to any late payments.

#### **SECTION 8. APPLICATION.**

(a) Any applicant shall have the notice of intention to apply for a license to sell alcoholic beverage placed in a newspaper meeting the requirements of KRS Chapter 424.

The advertisement shall state the name and addresses of the members of the partnership if the applicant is a partnership, 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 officers 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 to be applied for.

The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

(b) All licenses granted under this Ordinance must be approved by the City 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 State ABC Department and/or the City Administrator as amended and supplemented from time to time.

The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as state statute and ABC Board by regulation requires. The City application shall be in such form as designated by the City Administrator. Each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee. Promptly upon receipt thereof the City Administrator shall pay the same to the City Treasurer. The furnishing of false information on an application hereunder shall constitute cause for denial or revocation of a license.

#### **SECTION 9. INVESTIGATION OF APPLICANTS.**

Applications made pursuant to KRS 243.380 and KRS 243.390 shall first be submitted to the City Administrator for review and action prior to submission to the State. Applications shall be fully compliant with cited statutes including all supportive documentation and fees submitted therewith.

Should the City Administrator at any time have reasonable grounds to believe that any employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he/she shall have the authority to require such person to appear in person, with satisfactory photo identification (military identification card, passport, driver's license) at the police department of the City for the purpose of having his or her fingerprints taken.

No license application will be approved for any person, firm or corporation who is delinquent in payment of accounts with the City, including but not limited to property taxes, water bills, business privilege and net profit fees, occupational taxes, and outstanding loan payments to any City entity.

The City may require such additional information regarding the applicant as it deems appropriate, considering the nature of the business, including review of past payment history, credit information and criminal record, and may conduct an appropriate investigation regarding the information provided by an applicant to assist the City Administrator in his/her review thereof.

#### **SECTION 10. PERSONS WHO MAY NOT BE LICENSED.**

No person shall become a licensee who for reasons or causes set out in KRS 243.100.

#### **SECTION 11. REFUSAL OF LICENSE.**

A City license shall be refused or causes set out in KRS 243.450.

#### **SECTION 12. HEARING.**

Should the applicant or licensee request the City Administrator to hold a hearing, the procedures shall generally follow the Kentucky Rules of Civil Procedure.

Appearances. Any applicant or licensee may appear and be heard in person, or by or with duly appointed attorney, and may produce under oath evidence relative and material to matters before the board.

Decisions. All decisions made by the City Administrator resulting from such hearing shall be reduced to writing and shall be based upon the evidence developed at the hearing, and applicable law.

**SECTION 13. ISSUANCE OF CITY LICENSE.**

The City Administrator shall transmit fees upon collection to the City Treasurer. City Licenses shall be issued by the City Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 241.200; KRS 243.360, et seq.

**SECTION 14. FORM OF LICENSES.**

All City licenses shall be in such form as may be prescribed by the Mayor or his designee and shall contain:

- (a) The name and address of the licensee;
- (b) The number of the license;
- (c) The type of the license;
- (d) A description by street and number, or otherwise, of the licensed premises;
- (e) The expiration date of the license; and
- (f) 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.

Each kind of license shall be printed so as to be readily distinguishable from the other types of licenses.

**SECTION 15. POSTING OF LICENSES.**

Before commencing or doing any business for the time for which a license has been issued, the license shall be posted at all times and displayed in a conspicuous place pursuant to the provisions of KRS 243.620.

**SECTION 16. PAYMENT OF LICENSE FEES.**

The annual license fee and/or regulatory tax for every license issued under this Ordinance shall be payable by the person making application for such license and/or licensee, and no other person, firm or corporation shall pay for any license issued under this Ordinance.

**SECTION 17. EXPIRATION DATE; DATE FEES DUE; FRACTIONAL FEES.**

(a) All City licenses shall expire on June 30 of each year. The renewal by the City Administrator of the license shall not be construed to be a waiver or condonement of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the license therefore.

(b) Application for a license made after July 1 of any year, shall result in a charge, if the license is issued, of an amount equal to one-twelfth of the annual license fee for each calendar month or part thereof, including the month in which the license is granted, until the following July 1, except that no license issued shall be charged for a shorter period than six (6) months. No abatement of license fees shall be permitted to any person who held a license of the same kind

for the same premises in the preceding license period and who was actually doing business under the license during the last month of the preceding license period.

(c) All renewal of licenses must be on file with the City Administrator within thirty (30) days after the expiration of the licenses 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 due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; 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 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 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.

#### **SECTION 18. REVOCATION OR SUSPENSION.**

Any license may be revoked or suspended by the City Administrator for causes set out in KRS 243.500

#### **SECTION 19. NOTICE TO LICENSEE; SURRENDER OF LICENSE; STOCK; HEARING.**

(a) The City Administrator shall furnish to licensee a copy of this Ordinance at the time the City license is issued and a receipt for same shall be executed by the licensee. Any changes or amendments to same shall be forwarded to licensee at address on the license. Failure to receive or review such changes or amendments or review the Ordinance shall not be an excuse or justification for any violation or prevent, remit or decrease any penalty for a violation.

(b) All restrictions and prohibitions relating to retail package and drink licenses under this Ordinance and KRS Chapter 241, 242, 243, 244 and rules and regulations promulgated by the ABC Board shall have application to the club licenses.

(c) Within three (3) days after any order of revocation of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice 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. The licensee shall at once surrender his license to the City Administrator. If the revoked license is not forthwith surrendered by the licensee, the Chief of the Police at the request of the City Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the City Administrator.

(d) When a license has been revoked the former licensee may, with prior approval of the City Administrator dispose of and transfer his stock of alcoholic beverages to a licensee, but such a disposition of stock on hand shall not be delayed longer than ninety (90) days in the case of wholesalers or distributors nor longer than twenty (20) days in the case of retailers.

(e) Hearings conducted by the City Administrator relating to suspension or revocation shall be conducted in the manner prescribed herein. Notice of such hearing shall be mailed to

licensee at the address on his application by pre-paid certified mail return receipt requested. Notice shall set the time and place for such hearing and contain charges of violations.

(f) Appeal from the decision of the City Administrator shall be to the ABC Board.

(g) If a license is revoked or suspended by an order of the City Administrator, the licensee shall at once suspend all operations authorized under his license.

#### **SECTION 20. 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 Administrator and shall be in compliance with the provisions set out in KRS 243.630.

#### **SECTION 21. CHANGE OF INFORMATION.**

(a) Since a license may be issued in the name of a corporation or limited liability company, it is necessary that ownership changes in such corporation/LLC be reported to the City Administrator. The City Administrator can therefore, investigate the person to whom the interest is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(b) As used herein, the word "change" is construed to include any change in directors or officers of the corporation/LLC, or a change in ownership interest therein. Transfer of more than ten percent (10%) of the total interest shall require a new license.

(c) The following information will be required concerning any new director, officer, or person who secures any interest in an alcoholic beverage license:

- (1) Name and address.
- (2) Nature of interest.
- (3) Whether or not a citizen of the United States.
- (4) Date of birth.
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Catlettsburg resident, indicate when residence established.
- (6) Whether or not he has any interest in any other license or corporation holding a license under this act.
- (7) Extent of stock ownership.

This information shall be filed with the City Administrator as an amendment of the application pursuant to which the license was granted, and shall be provided to the City Administrator within thirty (30) days of the effective date of the reflected change.

#### **SECTION 22. DORMANCY.**

(a) When no business is transacted under a license for a period of ninety (90) days, the license shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the City Administrator.

(b) Except that the provisions of subsection (a) hereof 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, acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease. Such licensee

shall furnish to the City Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the City 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 under within twelve (12) months from the date of notice to the City Administrator. Such extension may not extend beyond the renewal date but may be for such times as the City Administrator deems appropriate in exercise of his sound discretion.

## **PREMISES**

### **SECTION 23. APPROVAL OF PREMISES.**

The City Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until said applicant and his place of business shall have been approved by the county health department, city building inspector, city and/or state fire Marshal and all other inspections required by the Kentucky Building Code.

### **SECTION 24. PREMISES THAT MAY NOT BE LICENSED.**

No license for the sale of alcoholic beverages shall be issued for any premises unless the applicant for the license is the owner of the premises or is in possession of the premises by a written lease for a term of not less than the license period.

### **SECTION 25. APPLICATION OF ZONING REGULATIONS.**

(a) For the purpose of regulating the location of retail package or retail drink licenses in the City the various zones or districts as fixed and established by the Catlettsburg Zoning Ordinance, as the same may from time to time be amended, are hereby adopted as part of this Ordinance.

(b) No license shall be issued to any person, firm or corporation for selling any alcoholic beverages at any premises or location where such business is prohibited under the zoning ordinances or any other ordinance of the City. Any license issued in violation of this subsection shall be void.

### **SECTION 26. DISORDERLY PREMISE.**

No person licensed to sell alcoholic beverages shall cause, suffer, or permit the licensed premises to become disorderly. Acts which constitute disorderly premises are set out in KRS 244.120.

### **SECTION 27. DELINQUENT TAXES.**

No license to sell alcoholic beverages shall be granted to any person, firm, or corporation who or which is delinquent in the payment of any taxes due to the City at the time of issuing said license; nor shall any license be granted to sell upon any premises or property, owned and/or occupied by the licensee, upon which there are any delinquent taxes due to the City whether owed by the licensee or other third party.



**SECTION 28. BOOKS, RECORDS AND REPORTS.**

(a) Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the rules and regulations of the ABC Board. Such books and records shall be available at all reasonable times for inspection by the City Administrator and such City employees or agents who may assist the City Administrator in his/her review.

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

**SECTION 29. ENFORCEMENT.**

The City Administrator shall have concurrent jurisdiction with the City Police Officers, state alcoholic beverage control administrators and field representatives to enforce the provisions of this Ordinance and Kentucky Revised Statutes, Chapters 241, 242, 243, 244 and applicable KARs.

**SECTION 30. HOURS FOR THE SALE AND DELIVERY.**

(a) Restaurant/By the Drink and malt beverage licensed premises may remain open for business daily from 9:00 a.m. until 2:00 a.m. prevailing time, Monday through Saturday and shall have their "last call for drinks" at 1:30 a.m., except that no sale of alcoholic beverages may be made from 2:00 a.m. on Sunday until 1:00 p.m. on Sunday or when prohibited by state statute. Sunday operating hours shall be from 1:00 p.m. to 1:00 a.m. on Monday and, shall have their "last call for drinks" at 12:30 a.m. on Monday. Licensed premises may be open outside of the hours stated herein so long as the licensee secures the alcoholic beverages in a locked manner denying access to customers.

(b) Premises licensed permitting the package sale at retail may operate for business daily from 9:00 a.m. until Midnight, prevailing time, Monday through Saturday and from 1:00 p.m. to 11:00 p.m. on Sunday.

(c) All deliveries of alcoholic beverages in the City shall be made between the hours of 6:00 a.m. and Midnight. No deliveries shall occur on Sunday.

**SECTION 31. LOCKED OR CLOSED OFF DEPARTMENT.**

If a licensee provides on his/her licensed premises a separate department in which is kept all stocks of alcoholic beverages and all apparatus connected with the sale of alcoholic beverages, and said department is kept locked during the period in which the sale of alcoholic beverages is not permitted, he/she shall be deemed to have complied with this Ordinance.

If any distilled spirits or malt beverages are found on the outside of a locked or closed off department of any licensed premises to sell distilled spirits, wine or malt beverages at retail at any hours during which the licensee is prohibited by the Kentucky Revised Statutes or by this Ordinance from selling said distilled spirits, wine or malt beverages, a prima facie presumption shall arise that such distilled spirits, wine or malt beverages were kept on the outside of the locked or closed off department for the purpose of sale in violation of this Ordinance and/or

Kentucky Revised Statute and shall be grounds for revocation or suspension of the license, and in addition to other penalties provided for violation of this section the City Administrator or the City Police Department shall be and are hereby authorized to confiscate such distilled spirits, wine or malt beverages.

**SECTION 32. CONDITIONS, PROHIBITIONS AND RESTRICTIONS.**

All licenses granted under this Ordinance shall be subject to the following conditions, prohibitions and/or restrictions and all other provisions of KRS Chapters 241, 242, 243 and 244 other ordinances and regulations of the City applicable thereto:

(a) No gambling or game of chance shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(b) It shall be unlawful for any licensee under this Ordinance to permit the sale, use and/or storage of controlled substances defined in KRS Chapters 218A.050, 070, 090, 110 and 130 with the exception of possession of properly prescribed medications upon the licensed premises. It shall be unlawful for any licensee, except licensed drug stores, to keep or sell or permit to be sold or used on the licensed premises any narcotic or barbiturate drugs. In addition to other penalties set out in this Ordinance for the violation of this section, the City Administrator shall also have the authority to revoke the license issued to said premises.

(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) No licensee or agent or employee of a licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(e) No licensee or agent or employee shall permit any person or persons, other than employees of the licensee, to open any bottle of distilled spirits, wine or malt beverages, and no container of distilled spirits, wine or malt beverage shall be opened nor its contents consumed on the licensed premises unless the licensee holds a retail drink license.

(f) As used in this section: "Premises" means the place of business of a person licensed to sell alcoholic beverages including, in the case of drive-in establishments, the entire lot upon which the business establishment is situated.

(g) No person under 21 years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages.

(h) No person under 21 years of age shall possess for his or her own use or purchase or attempt to purchase or have another purchase for him or her any alcoholic beverages. No person shall aid or assist any person under 21 years of age in purchasing or having delivered or served to him or her any alcoholic beverages.

(i) No person under 21 years of age shall misrepresent his or her age for the purpose of inducing any licensee, or other employee of any licensee, to sell or serve any alcoholic beverages to such person.

(j) No person under 21 years of age shall use or attempt to use any false, fraudulent, or altered identification card or paper or any document to purchase or attempt to purchase or otherwise obtain any alcoholic beverage.

(k) It shall be unlawful for any person under the age of twenty-one (21) years to possess in the City, any alcoholic beverages outside of the confines of his, or her, abode or residence. Any alcoholic beverages found in possession of such person shall be seized as contraband.

(l) It shall be the duty of every retail licensee to display it at all times in a prominent place a printed card at least eight (8) inches by eleven (11) inches in size which shall show, in thirty (30) point or large type, substantially as follows:

### **WARNING TO MINORS**

Persons under the age of twenty-one (21) are subject to a fine of up to one hundred (\$100.00) dollars if they:

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

(m) Persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack malt beverages by the package, under the supervision of an adult. Delivery of malt beverages away from the parking area of the licensed premises shall not be performed by any under the age of twenty (20) years.

(n) No licensee shall knowingly or willfully allow in, upon or about his licensed premises lewd, immoral or obscene entertainment, activities or advertising materials.

(o) No malt beverages shall be sold or purchased for consumption on a premise with a carry-out package license. No malt beverages shall be sold or purchased to be carried out of a premise with a restaurant or hotel/motel by-the-drink license.

### **SECTION 33. EMPLOYEE PROHIBITIONS.**

A person holding a license shall not knowingly employ in connection with the licensed business, any person for any cause or reason set out in KRS 244.090.

### **MISCELLANEOUS**

#### **SECTION 34. PENALTIES.**

In addition to any administrative action taken for violation of this ordinance, criminal prosecution may be instituted in Boyd District Court alleging a violation which may result in penalties as set out in KRS 534.040.

#### **SECTION 35. SEVERABILITY.**

Action by a Court of competent jurisdiction declaring any section, subsection, phrase or word of this ordinance to be invalid, unconstitutional and/or void shall not affect the remainder of this Ordinance which shall remain in full force and effect.

#### **SECTION 36. REPEAL**

That Ordinance No.4, Series of 2007, and all amendments thereto, are hereby repealed.

**SECTION 37. FORCE AND EFFECT.**

This Ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

  
\_\_\_\_\_  
MAYOR

ATTEST:

  
\_\_\_\_\_  
CITY CLERK

**ADOPTED BY THE CITY COUNCIL:**  
**READOPTED BY THE CITY COUNCIL:**  
**PUBLISHED**

2/8/21

2/25/21

3/10/21

AN ORDINANCE OF THE CITY OF CATLETTSBURG, KENTUCKY, FIXING THE REGULATORY LICENSE FEE AT 3% OF THE GROSS RECEIPTS FROM THE SALE OF ALCOHOLIC BEVERAGES WITHIN SAID CITY DURING THE FISCAL YEAR JULY 1, 2021 THROUGH JUNE 30, 2022, AS AUTHORIZED AND IMPOSED BY SECTION 7 OF ORDINANCE NO. 3, SERIES OF 2021, KNOWN AND CITED AS THE ALCOHOLIC BEVERAGE CONTROL ORDINANCE FOR THE CITY OF CATLETTSBURG, SUCH PROCEEDS TO BE USED TO REIMBURSE THE CITY FOR EXPENSES RELATED TO THE SALE OF ALCOHOLIC BEVERAGES THEREIN.

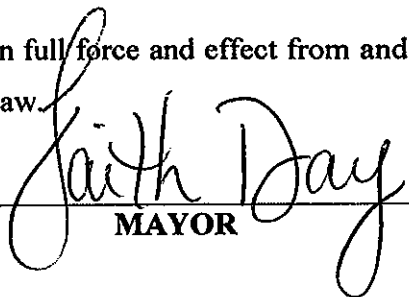
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BE IT ORDAINED BY THE CITY OF CATLETTSBURG, KENTUCKY:

**SECTION 1.** That pursuant to the provisions of KRS 243.975(1)(b) there is hereby fixed and levied during the fiscal year beginning July 1, 2020 and extending through June 30, 2021, the regulatory license fee at three percent (3%) of the gross receipts from the sale of alcoholic beverages to fully reimburse the City of Catlettsburg for the estimated costs of any additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages, to be paid as provided in Ordinance No. 3, series of 2021, being an ordinance fixing the regulations for control, licensing, operation, administration and enforcement of the sale of alcoholic beverages in the limited sale precincts within the City of Catlettsburg.

**SECTION 2.** All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

**SECTION 3.** This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

  
MAYOR

ATTEST:  


ADOPTED : 6/7/21  
READOPTED : 6/28/21  
PUBLISHED : 7/7/21