

**CHAPTER 111: SALE OF ALCOHOLIC BEVERAGES**

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***Statutory reference:***

*Alcoholic beverages, see KRS Title XX*

**§ 111.01 DEFINITIONS.**

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**"ALCOHOL."** Ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced.

**"ALCOHOLIC BEVERAGE."** Every liquid or solid, whether patented or not, containing alcohol in an amount in excess of that permitted under KRS 242 and capable of being consumed by a human being. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing alcohol or not. It does not included the following products if they are unfit for use for beverage purposes: medicinal preparations manufactured in accordance with formulas prescribed by the United States pharmacopoeia, national formulary, or the American Institute of Homeopathy, patented, patent, and proprietary medicines, toilet, medicinal, and antiseptic preparations and solutions, and flavoring extracts and syrups.

**"BUILDING CONTAINING LICENSED PREMISES."** The licensed premises themselves and includes any part of any building in which the premises are contained, and any part of any other building connected with the building by direct access or by a common entrance.

**"CITY ADMINISTRATOR."** The City of Florence Alcoholic Beverage Control Administrator.

**"CONVICTED" or "CONVICTION."** A finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment.

"DISTILLED SPIRITS" or "SPIRITS." Any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by distilling, mixed with water or other substances in solution, except wine.

"DISTRIBUTOR." Any person who distributes malt beverages for the purpose of being sold at retail.

"LICENSE." Any license issued pursuant to this chapter.

"LICENSEE." Any person to whom a license has been issued, pursuant to this chapter.

"MALT BEVERAGE." Any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and having an alcoholic content greater than that permitted under KRS 242.

"PREMISES." The land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. It shall not include as a single unit two separate businesses as a enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

"RETAIL SALE." Any sale where delivery is made in Kentucky to any person not holding a license.

"RETAILER." Any person who sells at retail any alcoholic beverage for the sale of which a license is required.

"SALE." Any transfer, exchange, or barter for consideration, including all sales made by any person, whether principal, proprietor, agent, servant, or employee of any alcoholic beverage.

"SELL." Solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage.

"WHOLESALE SALE." A sale to any person for the purpose of resale.

"WHOLESALER." Any person who sells at wholesale any alcoholic beverage for the sale of which a license is required, except a distiller, rectifier, brewer, or vintner.

"WINE." The product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine, and seasonal conditions. It includes champagne and sparkling and fortified wine of an alcoholic content not to exceed 24% by volume.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

### **§ 111.02 LICENSE REQUIRED.**

No person, firm, or corporation shall do any act authorized by any kind of license provided for in this chapter with respect to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless the person, firm, or corporation holds the kind of license from the city which authorizes such act. No person, firm, or corporation which conducts a place of business patronized by the public and which does not hold a license to sell distilled spirits, and wine or malt beverages shall permit any person to sell, barter, loan, give away, or drink distilled spirits, wine, or malt beverages on the premises of his place of business.

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

### **§ 111.03 TYPES OF LICENSES; FEES.**

(A) The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the city and the fees for each license shall be:

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| Distilled Spirit Licenses as set forth in KRS 243.030: |       |
| (a) Distiller's license, per annum                     | \$500 |
| (1) Class A, per annum                                 | \$500 |
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|---|-------------------------------|
| (2) Class B per annum   | (craft distillery)<br>\$1,000 |
| (b) Rectifier's license, per annum  | \$3,000                       |
| (c) Wholesaler's distilled spirits and wine license, per annum  | \$3,000                       |
| (d) Quota retail package license, per annum   | \$800                         |
| (e) Quota retail drink license, per annum   | \$800                         |
| (f) Special temporary license, per event  | \$133.33                      |
| (g) Nonquota type 1 retail drink license (includes distilled spirits, wine and malt beverages), per annum | \$2,000                       |
| (h) Nonquota type 2 retail drink license (includes distilled spirits, wine and malt beverages), per annum | \$1,000                       |
| (i) Nonquota type 3 retail drink license (includes distilled spirits, wine and malt beverages), per annum | \$300                         |
| (j) Distilled spirits and wine special temporary auction license, per event                               | \$200                         |
| (k) Special Sunday retail drink license, per annum  | \$300                         |
| (l) Extended hours supplemental license, per annum  | \$2,000                       |
| (m) Caterer's license, per annum  | \$800                         |
| (n) Bottling house or bottling house storage license, per annum   | \$1,000                       |

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|---|-------|
| Malt Beverage Licenses as follows:                                |       |
| (a) Brewer's license, per annum                                   | \$500 |
| (b) Microbrewery license, per annum                               | \$500 |
| (c) Malt beverage distributor's license, per annum                | \$400 |
| (d) Nonquota retail malt beverage package license, per annum      | \$200 |
| (e) Nonquota type 4 retail malt beverage drink license, per annum | \$200 |
| (f) Malt beverage brew-on-premises license, per annum             | \$100 |
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| Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum | \$1,200 |
| Limited golf course license (includes distilled spirits, wine and malt beverages), per annum | \$1,200 |

(1) The fee for each of the first five supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.

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

(Ord. 0-5-58, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-42-78, passed 11-28-78; Am. Ord. O-10-79, passed 4-11-79; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-36-94, passed 1-10-95; Am. Ord. O-9-99, passed 6-15-99)

(B) Issuance date for new licenses: The issuance date and due date for fees for all annual licenses shall be as follows:

(1) All new licenses shall be issued when approved under the provisions of this chapter and the fee shall be due at the time of issuance. Fees due for partial years shall be calculated in accordance with § 111.06 of this chapter.

(2) The issuance date for all such licenses for which, as of the effective date of this section, the licensee holds a valid corresponding state license, shall be December 1. The license fee shall be due at the time of issuance.

(3) Applications for renewal of annual licenses shall be filed in the Finance Department not later than 15 days prior to the issuance date.

(C) If the applicant for any city alcoholic beverage license is indebted to the city for any reason such as unpaid taxes, assessments, fees or fines, or similar obligations, the license applied for shall not be issued until all of such indebtedness, together with any penalty or interest associated therewith, shall have been paid in full.

(D) If any section, paragraph or clause of this section is held by a proper Court to be invalid, such invalidity shall not effect the remaining sections, paragraphs or clauses, it being hereby expressly declared that the remainder of this section would have been passed despite such invalidity.

(Ord. O-34-82, passed 9-2-82; Am. Ord. O-9-99, passed 6-15-99; Am. Ord. O-02-03, passed 2-4-03; Am. Ord. O-21-12, passed 12-18-12; Am. Ord. O-12-13, passed 10-8-13; Am. Ord. O-3-14, passed 1-14-14)

**Statutory reference:**

*City licenses; fees, see KRS 243.070*

**§ 111.04 ISSUANCE OF LICENSE.**

Application for the issuance or renewal of all licenses provided for in this chapter shall be made to the Finance Department for approval by the City Alcoholic Beverage Control Administrator on forms as may be prescribed by the City Administrator. Licenses shall be issued or renewed and fees collected by the Finance Department. No license shall be issued without the approval of the City Administrator. Licenses shall be issued in such form as may be prescribed by the City Administrator. All license fees collected pursuant hereto shall be placed in the general fund of the city.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03; Am. Ord. O-12-13, passed 10-8-13)

**§ 111.05 INFORMATION REQUIRED IN APPLICATION.**

(A) All applications for licenses shall be on forms furnished by the city. They shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as the City Administrator may require.

(B) In addition to such other information as the City Administrator may require, every application for the issuance of a license shall be given under oath.

(C) If, after a license has been issued, there is a change in any of the facts required to be set forth in the application, a verified supplemental statement in writing giving notice of the change shall be filed with the City Administrator within ten days after the change.

(D) In giving any notice or taking any action in reference to a license, the City 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.

(Ord. 5, passed 7-22-58; Am. Ord. 0-16-71, passed 7-13-71; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82; Am. Ord. O-12-13, passed 10-8-13)

#### **§ 111.06 TERMS OF LICENSE.**

(A) All licenses issued hereunder shall expire on November 30 of each year. The renewal of any alcoholic beverage license shall not be construed to be a waiver or condonement of any violation which occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee therefor.

(B) When any person applies for a license authorized to be issued hereunder, on or after June 1 of any year, he shall be charged, if the license is issued, an amount equal to one-half of the annual license fee, until the following December 1. 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.

(Ord. 5, passed 7-22-58; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82; Am. Ord. O-12-13, passed 10-8-13)

#### **§ 111.07 DISPLAY OF LICENSE**

(A) Before commencing or doing any business for the time for which a license has been issued, the license shall be posted and at all times displayed 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.

(B) No licensee shall post the license or permit it to be posted upon 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.

(Ord. 5, passed 7-22-58; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82; Am. Ord. O-12-13, passed 10-8-13)

#### **§ 111.08 STATE LICENSE REQUIRED.**

(A) No license provided for hereunder shall be issued, renewed, or transferred to any person, firm, or corporation until the person, firm, or corporation shall have obtained the issuance, renewal, or transfer of the state license corresponding thereto. In each instance the licensed premises covered by the city license must be the same as the licensed premises covered by the corresponding state license.

(B) The city license issued to any person, firm, or corporation shall remain valid only so long as the state license corresponding thereto, issued to the person, firm, or corporation, shall be valid. Any revocation, suspension, nonrenewal, or other action which makes the state license null and void shall operate to revoke, suspend, make nonrenewable, or null and void the city license corresponding thereto. Any city license which is revoked, suspended, not renewed, or so made invalid shall be immediately surrendered to the City Administrator.

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

#### **§ 111.09 HOURS WHEN SALES PERMITTED.**

(A) A licensee may sell alcoholic beverages or do any act authorized by the licensee's license with respect to the sale of alcoholic beverages only during the hours hereinafter set out for each such license.

(1) Distilled spirits package license: During the period between 6:00 a.m. to 1:00 a.m. daily, except Sunday and from 11:00 a.m. to midnight on Sunday.

(2) Distilled spirits drink license: During the period between 6:00 a.m. to 2:30 a.m. daily except Sunday and from 1:00 p.m. to midnight on Sunday.

(3) Distilled spirits and wine wholesaler's license and malt beverage distributor's license: During the period between 6:00 a.m. and midnight every day except Sunday.

(4) Retail malt beverage licenses: During the period between the hours of 6:00 a.m. to 2:30 a.m. daily except Sunday and from 11:00 a.m. to midnight on Sunday.

(5) Extended hours supplemental license: During the period between 6:00 a.m. to 4:30 a.m. daily except Sunday and from 1:00 p.m. to 2:30 a.m. on Sunday.

(B) If a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages and all fixtures and apparatus connected with his business as a licensee, and this department is kept locked during all times when his premises are open and he is not authorized to sell alcoholic beverages hereunder, he shall be deemed to have complied with this section.

(Ord. 0-64-60, passed 5-24-60; Am. Ord. 0-39-72, passed 11-14-72; Am. Ord. 0-4-77, passed 3-8-77; Am. Ord. 0-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03; Am. Ord. O-30-04, passed 12-7-04; Am. Ord. O-21-12, passed 12-18-12; Am. Ord. O-12-13, passed 10-8-13)

***Statutory reference:***

*Related provisions, see KRS 244.290*

**§ 111.10 VIOLATIONS OF STATE OR FEDERAL LAW.**

Nothing herein shall be construed to condone the violation by any person, firm, or corporation within the city of any federal or state statute, law, or regulation, now, heretofore or hereafter in effect applicable to any person, firm, or corporation relating to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages. Any violation of any statute, law, or regulation shall be deemed a violation of this chapter. If any clerk, agent, servant, or employee of any licensee shall violate any provision of this chapter, or such statute, law, or regulation, the violation shall be a violation by the licensee. Any license issued hereunder may be revoked by the City Alcoholic Beverage Control Administrator if the licensee shall have violated any provision of this chapter or any provision of any statute, law, or regulation.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82)

**§ 111.11 CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR.**

(A) The duties of the office of the City Alcoholic Beverage Control Administrator are assigned to the City Coordinator or his or her designee.

(B) The City Administrator, before entering upon his duties, shall take the oath prescribed in § 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000.

(C) The City Administrator may require any city employee under his supervision to execute a similar bond in the penal sum he deems necessary. The cost of bonds given under this section shall be borne by the city.

(D) The functions of 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 with respect to state licenses and regulations.

(Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03)

**§ 111.12 [RESERVED]**

### **§ 111.13 MINORS.**

It shall be unlawful for any person, firm or corporation who is the owner, occupant or who is otherwise in possession of any property located in the city to knowingly allow any other person under the age of 21 years, except members of the immediate family (spouse or children) of such owner, occupant or possessor, to remain on such property while in the possession of any alcoholic beverage or while consuming any alcoholic beverage.

(Ord. O-11-87, passed 6-2-87) Penalty, see § 111.99

### **§ 111.99 PENALTY.**

(A) Pursuant to KRS 83A.065(2) the offense of violating any provision of O-34-82 or O-11-87 or O-02-03 is designated as a misdemeanor and a criminal fine not to exceed the amount set forth in KRS 534.040(2)(a), or a term of imprisonment not to exceed the periods set forth in KRS 532.090(1), or both, may be imposed on any person, firm or corporation who, acting by himself or through another, directly or indirectly, commits the offense.

(B) All ordinances, laws, or resolutions of the city relating to alcoholic beverage control are, subject to the provisions of § 111.12, repealed. However, the repeal of any ordinance, law, or resolution shall not prevent the prosecution, conviction, and imposition of penalties after the date of passage hereof of any person, firm, or corporation which violated such ordinance, law, or resolution prior to the date of passage hereof.

(Ord. 5, passed 7-22-58; Am. Ord. O-4-77, passed 3-8-77; Am. Ord. O-34-82, passed 9-2-82; Am. Ord. O-02-03, passed 2-4-03)