

SPECIAL MEETING

ORDERS

SPENCER COUNTY FISCAL

COURT

REGULAR TERM REGULAR DAY 9th DAY OF November 2009

Pledge Allegiance to the flag.

Prayer by Esq. Judd before court began.

County Judge Jenkins informed the court that the mandatory server and drive thru window sections discussed during the previous Fiscal Court meeting have been added to the ordinance drafted by County Attorney Ruth Hollan.

Esq. Drury asked the court to consider some additions to the ordinance based on other counties ordinances. Most of the issues brought up were either in the counties draft for the ordinance or covered by state laws, with two exceptions.

On motion of Esq. Drury, second by Esq. Judd, all members of the court present voting "Aye" it is hereby ordered by the court to add 'no regulations of county ABC administrator shall become effective until approved by Fiscal Court' to section 2.02 Functions, Duties, and Powers.

On motion of Esq. Drury, second by Esq. Henry, all members of the court present voting "Aye" it is hereby ordered by the court to add items A,B,C,I,J,& M (in reference to Shelby County's Ordinance under section 110.07 Conditions, Prohibitions, and Restrictions) to the county's ordinance.

(B) The licensee may not sell or dispense alcoholic beverages during the 24 hours of a Sunday, unless specifically authorized by statute.

(B) Upon a licensee being granted a license for Sunday sales pursuant to this chapter, it shall be permitted to sell or dispense alcoholic beverages only between the hours of 1:00 p.m. and 9:00 p.m. on Sundays.

(C) All delivery of alcoholic beverages in the County shall be made during normal business hours, Monday through Saturday. No delivery shall occur on Sunday.

(D) The licensee shall not sell or dispense alcoholic beverages during the hours that the polls are open on any regular or primary election day.

(E) The licensee shall remain closed during the hours the polls are open on any regular or primary election day, unless it can provide a separate locked department in which all stock of distilled spirits, wine and malt beverages are kept during the hours the polls are open.
KRS 244.290

§ 110.07 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 the licensee's premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on the premises.

(B) It shall be unlawful for any licensee licensed under this chapter to have or maintain any radio receiving apparatus on the premises which is intentionally adjusted so as to receive police messages broadcast from any law enforcement agency in Shelby County, as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the Sheriff or the County A.B.C. Administrator shall have the authority to confiscate any and all radio receiving apparatus.

(C) The licensee shall be responsible for maintaining security on his or her 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 premises. 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 chapter 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.

(E) The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age.

- (F) (1) The licensee shall display at all times in a prominent place, a sign at least 8 inches by 11 inches in 30-point or larger type which states as follows:
- (2) Persons under the age of 21 are subject to a fine of up to \$100 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; and
 - Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.
- (G) 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.
- (H) (1) 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.
- (2) The licensee shall post in a prominent place easily seen by patrons a printed sign at least 11 inches by 14 inches in size, with letters at least 1 inch high, supplied by the A.B.C. commission, and with gender neutral language supplied by the Cabinet for Health and Family Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defect.
- (3) A person who violates this section shall be subject to a fine of not less than \$10 nor more than \$50. (KRS 243.895.)
- (I) Any off premises signage advertising the sale of alcoholic beverages is prohibited.
- (J) No wholesaler or distributor shall sell any alcoholic beverages to any person in the County for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.
- (K) (1) No licensee shall knowingly employ in connection with his or her business, in any capacity whatsoever, any person who:
- Has been convicted of any felony, misdemeanor or offense directly attributable to the use of alcoholic beverages, within the last 2 years;
 - Is under the age of 20 years who will be serving alcoholic beverages.
 - Within 2 years prior to the date of his or her employment, has had any County license under this chapter revoked for cause.
- (2) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.
- [(L) All persons who shall be serving alcoholic beverages shall undergo any training required by the state A.B.C. Office, the cost of which shall be the responsibility of the licensee.]
- (M) All restaurants and dining shall distribute alcoholic beverages only during times in which their kitchen is open and their food staff is on duty.
- (N) All alcoholic beverages must be served by the drink and consumed on the premises.
- (O) No licensee shall require a minimum cover charge or charge admission to the premises.

§ 110.08 ENFORCEMENT.

~~County Sheriff's deputies~~ All certified law enforcement officers and the County A.B.C. Administrator are authorized to enforce this chapter for alleged violations.

§ 110.09 EFFECTIVE DATE.

This chapter shall take effect upon its passage and approval and publications as required by law.

LICENSING

§ 110.20 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.
- (1) The advertisement shall state the name and address of the members of 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 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.
- (2) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided by KRS 424.170

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Sheriff Steve Coulter pointed out that section 5.07 Inspections, only named the State and County Police.

Agreement amongst the court that the sheriff and city police should be added to section 5.07

Esq. Drury requests that all changes/additions be corrected in the draft and highlighted so they're easy to find.

Agreement amongst the court that the updated draft ordinance will have its first reading at the next Fiscal Court meeting, November 16, 2009.

On motion of Esq. Henry, second by Esq. Drury, all members of the court present voting "Aye" it is hereby ordered by the court that this meeting of this Fiscal Court be adjourned.

DAVID JENKINS, SPENCER COUNTY JUDGE EXECUTIVE