

**MCCRACKEN COUNTY FISCAL COURT
ORDINANCE NO. 2014-01**

**AN ORDINANCE ABOLISHING MCCRACKEN
COUNTY'S JUNE 27, 1952 ALCOHOLIC BEVERAGE
LICENSING ORDINANCE AND ESTABLISHING
LICENSING REQUIREMENTS FOR THE SELLING
AND MANUFACTURING OF DISTILLED SPIRITS,
WINE AND MALT BEVERAGES**

WHEREAS, McCracken County, Kentucky (hereinafter "County") permits the presence of alcohol manufacturing and sales within its territorial limits so long as such is done in accordance with all state and federal laws and local ordinances; and

WHEREAS, the McCracken County Fiscal Court now desires to adjust the County's regulations and requirements related to the sale, manufacture, and distribution of alcoholic beverages in order to comply with the licensing and regulatory requirements pursuant to KRS Chapters 241 through 244; and

WHEREAS, this Ordinance will repeal and supersede the County's June 27, 1952 alcoholic beverage licensing ordinance and establish new licensing requirements for the selling and manufacturing of distilled spirits, wine, and malt beverages.

NOW THEREFORE, be it ordained by the Fiscal Court of the County of McCracken, Commonwealth of Kentucky, as follows:

ARTICLE I. DEFINITIONS AND GENERAL PROVISIONS

- (1) All words and phrases in this Ordinance shall have the same meanings as those set out in the Kentucky Alcoholic Beverage Control laws (KRS Chapter 241 through 244) and all amendments and supplements thereto, unless the context indicates the contrary.
- (2) This Ordinance shall be construed to apply to the manufacture and trafficking in distilled spirits, wine and malt beverages. 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 any statutes of the Commonwealth relating to violations pertaining to alcoholic beverages.
- (3) Pursuant to this Ordinance, licensees shall be permitted to sell only such type of alcoholic beverage for which the licensee holds a license.

ARTICLE II. TERM AND ISSUANCE OF LICENSE

Section 1. License Required.

No person shall sell or dispense at retail or wholesale, or have in his possession for sale, any distilled spirits, wine or malt beverages, or manufacture the same in the County unless he shall first procure and have issued to him a license under the provisions of this Ordinance.

Section 2. Application.

Any person desiring to obtain a license required by this Ordinance shall make application to the McCracken County Clerk or his designee (hereinafter "County Clerk"). The application shall include the name and residence of the applicant and the physical address within the County where alcoholic beverages are to be sold or dispensed. County licensing fees shall be collected at the time at which the application is approved by the Commonwealth of Kentucky Alcoholic Beverage Control Board.

Section 3. Issuance Standards.

All licenses required by the Ordinance shall be issued by the County Clerk. If, in the judgment of the County Clerk, the applicant has complied with all requirements of the Commonwealth alcoholic beverage control laws, as well as the regulatory provisions of this Ordinance, the license shall be issued. In such case the County Clerk shall prepare and issue the license to the applicant upon payment of the license fee required by this Ordinance.

The standards for the issuance and renewal of all licenses required by this Ordinance shall be as follows:

- (1) The applicant has complied with all requirements of the Commonwealth's alcoholic beverage control laws as verified by the Commonwealth of Kentucky Alcoholic Beverage Control Board.
- (2) The applicant has complied with all regulatory provisions of this Ordinance.
- (3) The applicant has been issued an occupational business license and has paid all fees and taxes required by the same.
- (4) The applicant has paid all County ad valorem taxes which are due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.
- (5) The applicant has paid all fees required by this Ordinance.
- (6) The applicant has paid all County property maintenance liens due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.

Section 4. Refusal of Issuance.

- (1) The County Clerk shall refuse to issue a license if the applicant fails to comply with all of the terms and provisions set forth in Section 3 above.
- (2) Appeals of any such refusal by the County Clerk shall be taken before the Commonwealth of Kentucky Alcoholic Beverage Control Board as provided in KRS 241.200.

Section 5. Term of License.

- (1) All licenses required by this Ordinance shall be valid for a term of one (1) year. The expiration date for all licenses required by this Ordinance is the same date scheduled for the expiration of such licenses' statewide counterpart.
- (2) The fees set forth in Article III below shall be prorated commensurate with the number of months such license(s) shall be in effect during the calendar year.

ARTICLE III. LICENSES REQUIRED

NOTE: The activities permitted by the licenses below are set forth in KRS Chapter 243, which is incorporated by reference as if set forth fully herein.

Section 1. Distilled Spirits and Wine Licences.

- (1) Quota Retail Liquor Package License \$630.00 per annum
 - a. The holder of this license may sell only distilled spirits and wine for consumption off of the premises.
 - b. The holder of this license must also obtain a Non-quota Malt Beverage Retail Package License in order to sell malt beverages for consumption off of the premises.
- (2) Quota Retail Liquor Drink License \$787.00 per annum
 - a. The holder of this license may sell only distilled spirits and wine by the drink.
 - b. The holder of this license must also obtain a Non-quota Type 4 Malt Beverage Retail Drink License in order to sell malt beverages by the drink.

Section 2. Distilled Spirit, Wine and Malt Beverage Combination Licenses.

(1) Non-quota Type 2 Retail Drink License (NQ-2) \$840.00 per annum

- a. The holder of this combination license may sell distilled spirits, wine and malt beverages by the drink. A second retail malt beverage license is not required.
- b. The NQ-2 license incorporates the following former license types:
 - i. Restaurant Drink license
 - ii. Motel Drink license
 - iii. Restaurant Wine license
 - iv. Airport Drink license
 - v. Riverboat license

(2) Non-quota Type 3 Retail Drink License (NQ-3) \$300.00 per annum

- a. The holder of this combination license may sell distilled spirits, wine and malt beverages by the drink. A second retail malt beverage license is not required.
- b. The NQ-3 license incorporates the former Special Private Club license.
- c. A NQ-3 licensee that qualifies as a special private club may not hold a non-quota retail malt beverage package license.

Section 3. Malt Beverages Licenses.

(1) Non-quota Type 4 Malt Beverage Retail Drink License (NQ-4) \$52.50 per annum

- a. The holder of this license may sell only malt beverages by the drink.
- b. For \$50.00 per annum, the holder of this license may add a Non-Quota Retail Malt Beverage Package License, allowing the sale of malt beverages for consumption off the premises.

(2) Non-quota Malt Beverage Retail Package License (NQ) \$52.50 per annum

- a. The holder of this license may sell only malt beverages for consumption off the premises.
- b. For \$50.00 per annum, the holder of this license may add a Non-quota Type 4 Malt Beverage Retail Drink License, allowing the sale of malt beverages by the drink.

Section 4. Special and Limited Purpose Licenses.

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| (1) Special Temporary License | \$90.00 per annum |
| a. Nonprofit organizations are exempted from the licensing fee above. | |
| (2) Special Sunday Retail Drink License | \$300.00 per annum |
| (3) Limited Restaurant License-LR100 & LR50 | \$840.00 per annum |
| (4) Limited Golf Course License | \$840.00 per annum |

ARTICLE IV. PROCEDURAL MATTERS

Section 1. Severability.

If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be effected.

Section 2. Effective Date.

This Ordinance shall be read on two separate days, published pursuant to KRS Chapter 242, and become effective on _____.

Section 3. Repeal of Ordinance.

Upon the publication and effective date of this Ordinance, McCracken County's June 27, 1952, alcoholic beverage licensing ordinance shall be repealed in its entirety and superseded by this Ordinance.

MCCRACKEN COUNTY FISCAL COURT

BY: _____
Van E. Newberry
McCracken County Judge Executive

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This Ordinance shall be read on two separate days, published pursuant to KRS Chapter 242, and become effective on February 10, 2014.

Section 3. Repeal of Ordinance.

Upon the publication and effective date of this Ordinance, McCracken County's June 27, 1952, alcoholic beverage licensing ordinance shall be repealed in its entirety and superseded by this Ordinance.

MCCRACKEN COUNTY FISCAL COURT

BY: Jerry W. Beyer
Jerry W. Beyer
McCracken County Judge Executive Pro-tem

ATTEST:

Jeff Ferrell
Jeff Ferrell, County Clerk

First Reading January 13, 2014
Advertised January 17, 2014
Second Reading and Adoption
February 10, 2014
Advertised February 14, 2014