

COUNTY OF BRECKINRIDGE, KENTUCKY
ORDINANCE NO. 2019-0715

AN ORDINANCE RELATING TO THE AMENDMENT OF ORDINANCE NO. 2013-1125 PERTAINING TO THE COMPREHENSIVE REGULATION OF THE SALE AND DISTRIBUTION OF ALCOHOLIC BEVERAGES WITHIN THE COUNTY OF BRECKINRIDGE, KENTUCKY, AND REPEALING ORDINANCE NO. 2016-0613.

Whereas, the Breckinridge Fiscal Court desires to amend Ordinance No. 2013-1125; and

NOW THEREFORE, BE IT ORDAINED BY THE FISCAL COURT OF THE COUNTY OF BRECKINRIDGE, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:

SECTION I: That Section 3.03 of Ordinance No. 2013-1125 is hereby amended as follows:

3.03 TYPE OF LICENSES AND FEES

The County shall have the power and authority to issue the following types of license for the sale of alcoholic beverages:

- A. Quota retail package license, per annum: \$1,000.00
- B. Quota retail drink license, per annum: \$1,000.00
- C. Nonquota type 2 retail drink license, per annum: \$1,000.00
- D. Nonquota type 3 retail drink license, per annum: \$300.00
- E. Special temporary license, per event: \$100.00
- F. Nonquota retail malt beverage package license, per annum:
\$400.00
- G. Nonquota type 4 retail malt beverage drink license, per annum:
\$400.00
- H. Limited restaurant license, per annum: \$1,400.00

- I. Limited golf course license, per annum: \$1,400.00
- J. Authorized public consumption license, per annum: \$250.00
- K. Qualified historic site license, per annum: \$1,030.00

L. The fee for each of the first five (5) supplemental bar license 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 (5) to the same licensee at the same premises.

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

SECTION II: That Section 3.11 of Ordinance No. 2013-1125 is hereby amended as follows:

3.11 PAYMENT OF FEES

(A) Upon approval of the application by the Administrator, the applicant shall pay to the County Clerk the amount of the license fee provided in this ordinance in the form of a certified check, check or money order. Payment shall be held on by the County pending State license approval and issuance of the license by the State Administrator.

(B) New licenses take the State ABC Office approximately 30-60 days to process. If your license is not issued for any reason, you must submit a written request for refund to the County. The County will retain \$25 of your application fee for processing costs.

SECTION III: That Section 4.02 of Ordinance No. 2013-1125 is hereby amended as follows:

4.02 HOURS OF SALE

(A) Premises for which there has been granted a license for the sale at retail of distilled spirits and wine by the package shall be permitted to remain open during the hours of 6:00 a.m. and 12:00 midnight Central Time, but shall remain closed during the twenty-four (24) hours of Sunday and Christmas.

(B) Premises for which there has been granted a license for other retail sales of alcoholic beverages by the drink shall be permitted to remain open between the hours of 6:00 a.m. and 12:00 midnight Central Time, but shall be closed during the twenty-four (24) hours of each Sunday and Christmas. However, if the licensee provides a separate department within the licensed premises capable of being locked and closed off, within which is kept all stocks of alcoholic beverages, and if the department is kept locked during the aforesaid time for licensee is not permitted to remain open to sell alcoholic beverages, the licensee shall be deemed to have complied with subsection.

(C) Retail sales of malt beverages may be made between the hours of 6:00 a.m. and 12:00 midnight Central Time each day except that no such sale shall be made during the twenty-four (24) hours of each Sunday and Christmas. Premises for which a malt beverage license has been issued shall be permitted to remain open during the periods such sales are prohibited if all iced or chilled malt beverages are locked up and/or unchilled malt beverages are properly placarded indicating that the sale of such goods is prohibited.

(D) Any licensee for sale of alcoholic beverages by the drink or package who violates the preceding section shall be deemed guilty of a misdemeanor, shall be punished in accordance with the provisions of this ordinance, and the license shall be subject to revocation or suspension within the discretion of the Administrator.

(E) During the time a licensee's business is actually closed, the premises of any licensee for the sale of alcoholic beverages by the drink or package must be closed to and vacant of all customers and all persons except the licensee and 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.

(F) Wholesalers shall not deliver alcoholic beverages on Sunday.

SECTION IV: That section 4.09 of Ordinance No. 2013-1125 is hereby amended as follows:

4.09 MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

(A) "Server" for purposes of this section shall mean any person employed or working in any capacity, whether as an employee, volunteer help or as a working proprietor, in any premises licensed for the sale of alcoholic beverages where alcoholic beverages are sold or dispensed by the drink or where malt beverages are sold for consumption on the premises and whose job

duties include the sale, dispensing, or service of alcoholic beverages or the management of the licensed premises.

(B) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a responsible beverage service training program which has been approved by the Alcoholic Beverage Control Administrator. For a responsible beverage service training program to be approved by the County, it must effectively train its participants in the identification of false age documents and the recognition of characteristics of intoxication. The County 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.

(C) All persons required to complete training under paragraph (A) above shall complete that training within sixty (60) days of the date on which the person first becomes subject to the training requirement. All persons completing the training required by this section shall be re-certified in responsible beverage service training from a program approved by the County not less than once every three (3) years thereafter.

(D) The manager of the restaurant shall be responsible for compliance with the training requirements and shall maintain for inspection by the Administrator a record or file on each employee that shall contain the pertinent training information.

SECTION V: All provisions set out in full in Ordinance No. 2013-1125 and not amended hereby shall remain in full force and effect.

SECTION VI: All motions, ordinances, orders, resolutions, and parts thereof, in conflict herewith, are hereby repealed to the extent of such conflict.

SECTION VII: Ordinance No. 2016-0613 relating to the amendment of Ordinance No. 2013-1125 pertaining to the comprehensive regulation of the sale and distribution of alcoholic beverages within the county of Breckinridge, Kentucky is hereby repealed in its entirety.

SECTION VIII: This Ordinance shall become effective immediately upon its passage.

Introduced and given first reading by the Fiscal Court on the 15th day of July, 2019.

Given second reading, passed and enacted by the Fiscal Court on the 19th day of August, 2019.

APPROVED
BY *[Signature]*
COUNTY JUDGE/EXECUTIVE

ATTEST:

Kathina Beebe
CLERK OF FISCAL COURT

RECORDED IN BRECKINRIDGE COUNTY
CLERKS OFFICE IN Fiscal Court Order
BOOK NO. _____ PAGE _____

FILED September 18 2019
BRECKINRIDGE COUNTY CLERKS OFFICE
Jared Butler by *[Signature]* CLERK