

ORDINANCE AMENDING DISTILLED SPIRITS ORDINANCE (SECOND READING)

KOC NO. 410.202-3 AN ORDINANCE RELATING TO THE REGULATION OF THE SALE OF DISTILLED SPIRITS AND WINE BY THE DRINK, SALE OF PACKAGED LIQUOR AND MALT BEVERAGES WITHIN THE TERRITORIAL LIMITS OF NELSON COUNTY, KENTUCKY.

WHEREAS, the County of Nelson has passed three ordinances relating to the regulation of the sale of distilled spirits and wine by the drink and malt beverages, and

WHEREAS, the County of Nelson desires to repeal Ordinance Nos. 410.1, 410.2 and 410.201, and

WHEREAS, the Court after due advertisement held a first reading on May 19,

# Fiscal Court Orders

August 4, 2009  
REGULAR SESSION OF NELSON FISCAL COURT

Book 34  
Page 266

2009, and a second reading and adoption on August 4, 2009, after due consideration, upon motion of Sam Hutchins and seconded by Maynard Wimsett and a vote being had, the County Judge announcing motion carried,

NOW THEREFORE, by it ordained by the Fiscal Court of Nelson County, Commonwealth of Kentucky:

## SECTION 1: REPEAL PREVIOUS ORDINANCES.

That Ordinance Nos. 410.1, 410.2 and 410.201 are hereby repealed.

## SECTION 2: AID TO ECONOMIC GROWTH.

The fiscal court, after due consideration, hereby determines that

- A. An economic hardship exists within the boundary confines of Nelson County; and
- B. That permitting the sale of distilled spirits and wine by the drink on certain premises can aid the economic growth therein.

## SECTION 3: DEFINITIONS.

As used in this Ordinance, unless the context requires otherwise, words, phrases and terms shall be defined as provided in KRS 241.010.

## SECTION 4: TERRITORY APPLICATION.

In as much as the incorporated cities in the County of Nelson have the ability to adequately police the licensed premises in their respective areas, the establishments governed under the provisions of this Ordinance herein, relating to the sale of distilled spirits and wine by the drink or the sale of malt beverages in any restaurant or other similar establishment where such is not allowed by Section 9(C) below, shall include only those unincorporated areas located in the confines of Nelson County where the sale of distilled spirits and wine is not prohibited otherwise by law or is not prohibited by KRS 242.230 relating to dry territories. Section 9(C) below shall apply to all areas of Nelson County except those cities which have passed an ordinance regulating the sale of alcohol on Sunday.

## SECTION 5: LICENSES.

- A. A license issued by the County of Nelson shall be required before an establishment can sell distilled spirits and wine by the drink.
- B. No additional County license shall be necessary for any convenience store, grocery store and/or packaged liquor store to sell alcohol on Sunday as provided herein; provided such stores meet the requirements of all other laws governing the sale of alcohol.

## SECTION 6: REQUIREMENT FOR THE ISSUANCE OF A DISTILLED SPIRITS AND WINE LICENSE BY THE DRINK LICENSE.

- A. The license to sell distilled spirits and wine by the drink for consumption on premises shall only be issued to hotels, motels or inns containing not less than fifty (50) sleeping units and having a dining facility for not less than one hundred (100) persons or bona fide restaurants open to the general public having dining facilities for not less than one hundred (100) persons.
- B. In no event shall a license be issued for any qualified restaurant or any dining facility in a hotel, motel or inn, unless the applicant can demonstrate to the county alcohol administrator that gross receipts of the restaurant or the dining facility from the sale of food for consumption on the premises is reasonably estimated to be not less than fifty percent (50%) of the total gross receipts of such restaurant or dining facility for the license period.

# Fiscal Court Orders

August 4, 2009  
REGULAR SESSION OF NELSON FISCAL COURT

Book 34  
Page 267

## SECTION 7: SUNDAY SALES LICENSE.

An establishment may obtain a license to sell distilled spirits and wine by the drink provided it meets all the following criteria:

- A. It meets all the criteria for the issuance of a distilled spirits and wine by the drink license provided in Section 6 above, and
- B. It has been licensed to sell distilled spirits and wine by the drink, and
- C. It has paid the license fee provided below.

## SECTION 8: LICENSE REGULATORY FEES.

The following fees are established for the following licenses:

- A. License to sale distilled spirits and wine by the drink \$500.00 per year;
- B. Sunday sale add-on license to sell distilled spirits and wine by the drink \$150.00 per year.

## SECTION 9: HOURS OF OPERATION.

A. Except as provided in paragraph B and C below no establishment shall sell or give away any malt beverages or distilled spirits and wine by the drink between the hours of Midnight and 6:00 a.m. or anytime during the twenty four hours of Sunday or during the hours the polls are open on an Election Day.

B. Any establishment who has been issued a Sunday sales license add-on as provided in Section 7 above shall be allowed to sell distilled spirits and wine by the drink and malt beverages from the hours of 1:00 p.m. to 12:00 a.m. on Sundays. This subsection does not exempt establishments from observing all other conditions and requirements under any other ordinance or laws of the Commonwealth of Kentucky.

C. Convenience stores, grocery stores, restaurants, wineries and packaged liquor stores which have been granted a Restaurant Wine License, Small Farm Winery License, Retail Beer License and/or a Distilled Spirits and Wine Retail Package License by the Commonwealth of Kentucky shall be eligible to operate between the hours of 1:00 p.m. to 12:00 a.m. on Sunday.

## SECTION 9: PENALTY.

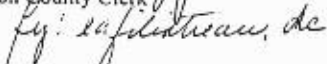
Any person who by himself or acting through other divisions or individually violates any provision of this ordinance shall be subject to the penalty as prescribed by KRS 244.990, and/or other applicable statutes.

NELSON COUNTY FISCAL COURT

  
County Judge Executive

ATTEST:

  
Nelson County Clerk



The foregoing ordinance was approved by unanimous vote of the Court.

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## DEPARTMENT REPORTS

\*\*EMS

The following bid report was submitted to Nelson Fiscal Court by EMS Director Joe Prewitt: