

CITY OF SOMERSET

AMENDMENTS TO THE CITY'S ALCOHOL BEVERAGE CONTROL ORDINANCE

Ordinance 15- 04

Amendments to City Ordinance 13-19.

ORDINANCE NUMBER 15-_____

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, ADOPTING THE FOLLOWING AMENDMENTS IN FULL FOR THE CITY'S CURRENT REGULATIONS AND REQUIREMENTS CONCERNING ALCOHOL BEVERAGE CONTROL, KNOWN AS THE CITY OF SOMERSET'S "ALCOHOLIC BEVERAGE CONTROL ORDINANCE" (ORDINANCE 13-19); AND

WHEREAS, THE CITY OF SOMERSET, BY AND THROUGH A MAJORITY OF REGISTERED VOTERS, PERMITS THE PRESENCE OF ALCOHOL, MANUFACTURING OF ALCOHOL, AND SALES OF ALCOHOL WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET SO LONG AS SUCH IS IN FULL CONCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAW; AND

WHEREAS, THE CITY OF SOMERSET THEREFORE HAS ESTABLISHED UNIFORM REGULATIONS AND REQUIREMENTS FOR THE LICENSING AND REGULATION OF ALCOHOLIC BEVERAGES, MANUFACTURING, AND SALES PURSUANT TO AUTHORIZATION UNDER KRS CHAPTERS 241 THROUGH 244, AND ALL OTHER APPLICABLE LAW;

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SOMERSET, KENTUCKY, THAT THE FOLLOWING AMENDMENTS TO THE CITY'S ABC REGULATIONS AND REQUIREMENTS SET FORTH IN ORDINANCE 13-19 ARE HEREBY ADOPTED AS SET FORTH BELOW, AND SHALL HEREAFTER REPLACE IN FULL THE BELOW REFERENCED SECTIONS OF THE CITY'S ABC ORDINANCE:

Amendments of the City's ABC Ordinance 13-19 are hereby adopted by the Council as follows:

I. AMENDMENTS; RESTATEMENT OF EXISTING PENALTIES FOR VIOLATIONS:

- A. The below stated "section (1.)" of Article V. shall replace the existing referred to section in full as follows:

ARTICLE V HOURS OF SALE AND DELIVERY

1. Hours for Sale and Delivery.

(a) Any licensee eligible to sell distilled spirits, wine and/or malt beverages in any form other than retail package shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages between the hours of 6:00 a.m. until 1:00 a.m. Monday -Saturday. Said licensee shall not be permitted to sell or dispense distilled spirits, wine and/or malt beverages after the hours of 1:00 a.m. (on Saturday evening/Sunday morning) to 12:00 a.m. (midnight on Sunday) with the noted exceptions below:

- 1. A licensee whose premise(s) is licensed to serve alcoholic beverages in any form other than retail package shall be permitted to sell or dispense distilled spirits, wine and/or*

malt beverages on Sunday during the hours of 11:00 a.m. until 1:00 a.m. (on Monday morning).

2. A licensee for distilled spirits, wine and/or malt beverages shall be permitted to sell or dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week January 1 shall fall upon, provided that the appropriate licenses and approvals have been obtained from both the City and the state ABC Board.

(b) Retail package distilled spirits, wine sales, and package malt beverage sales shall be permitted from 6:00 a.m. until 1:00 a.m. the following day, each day of the week.

- B. The below stated "section (6.)" of Article VI. shall replace the existing referred to section in full as follows:

ARTICLE VI. CONDITIONS, PROHIBITIONS AND RESTRICTIONS

6. Underage Sales.

The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age. The licensee shall check all photo ID's for persons who appear to be under the age of 35 years old in order to reasonably assure that every person attempting to purchase or consume alcoholic beverages is at least 21 years of age. Individual licensees shall be fully responsible for creating internal policies and/or procedures within their own establishment to meet this ID check requirement.

- C. The below state Penalties section (1.) of Article XI. shall remain as follows, and is included in this Amendment as a reiteration of the applicable penalties for violations of the ABC Ordinance, and any adopted Amendments made of said Ordinance:

ARTICLE XI. PENALTIES

1. Penalties.

(a) In addition to any criminal prosecution instituted in Pulaski District Court against an alleged violator, the City ABC Administrator may assess the fines and penalties authorized in KRS 243.480, including the per diem assessments for ongoing violations. Should the fines or penalties assessed by the state change under KRS 243.480, then the fines or penalties under this article shall be adjusted accordingly to mirror the fines or penalties imposed by state law. Payment of all fines shall be remitted to the City ABC Administrator, who shall then transmit the fines to the City Clerk for deposit in the appropriate designated account.

(b) Any person, firm or corporation who violates any of the provisions of this chapter, for which no other penalty is hereby provided, shall be guilty of a Misdemeanor, and subject to prosecution in the Pulaski County Court System, as follows: for the first offense, be fined not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or imprisoned for not

more than six (6) months, or both; and for the second and each subsequent violation, he shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00), or imprisoned for not more than six months, or both. The penalties provided for in this subsection shall be in addition to the revocation or suspension of the offender's license. If the offender is a corporation, LLC, joint stock company, association or other business organization, or a fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

**II. IMPLEMENTATION OF ORDINANCE AMENDMENT PROVISIONS;
SEVERABILITY:**

A. Implementation of Changes in Ordinance Provisions.

The Somerset City Council may promulgate rules and regulations, and/or amendments thereto, as is in its discretion in order to ensure the proper implementation of this Ordinance. Such will be done as according to local, state, and federal law.

B. Severability.

If any section of this Ordinance, including but not limited to, any section, subsection, paragraph, sentence, clause, phrase, or any other portion of this Ordinance, is declared illegal or unconstitutional, or otherwise invalid by a Court of competent jurisdiction, such declaration shall not affect the remaining portions hereof.

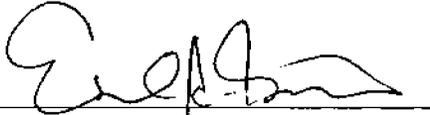
C. Effective Date of Ordinance Amendments/Provisions.

The above stated Ordinance Amendments shall take effect immediately after Passage and Publication by law.

FIRST READING: JANUARY 12, 2015

SECOND READING: JANUARY 26, 2015

APPROVED


EDWARD R. GIRDLER, MAYOR

ATTEST:


NICK BRADLEY, CITY CLERK