

**RESOLUTION NO. 2013- 29**

**A RESOLUTION CONCERNING SMALL FARM WINERY LICENSEES LOCATED  
IN FARMERS' MARKETS IN THE CITY OF SOMERSET**

WHEREAS, the City Council of the City of Somerset enacted Ordinance 12-09 known as the Alcoholic Beverage Control Ordinance; and

WHEREAS, Ordinance 12-09 established a corresponding City license for each of the state licenses concerning alcoholic beverages set forth in KRS 243.070; and

WHEREAS, Ordinance 12-09 created the position of Alcoholic Beverage Control Administrator ("ABC Administrator") to enforce the provisions contained in Ordinance 12-09, including the approval or denial of applications for licenses set forth in KRS 243.070; and

WHEREAS, KRS 243.070 does not contain the license of a "small farm winery;" and

WHEREAS, KRS 243.155 authorizes a small farm winery licensee to perform certain functions without obtaining any license that is set forth in KRS 243.070; and

WHEREAS, KRS 243.155(2)(d) provides that: "(2) A small farm winery license shall authorize the licensee to perform the following functions without having to obtain separate licenses, except that each small farm winery off-premises retail site shall be separately licensed: . . . (d) Sell by the drink or by the package on premises, at small farm winery off-premise retail sites, and at fairs, festivals, and other similar types of events, wine produced on the premises of the small farm winery or produced by a licensed small farm winery, at retail to consumers if all sales sites are located in wet territory;" and

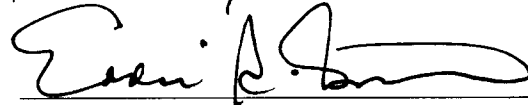
WHEREAS, the General Assembly of the Commonwealth of Kentucky has not defined what constitutes "fairs, festivals, and other similar types of events" as set forth in KRS 243.155(2)(d), so that what constitutes such "fairs, festivals, and other similar types of events" is not clearly established.

NOW, THEREFORE, the City Council finds it necessary in the good faith exercise of its discretion to determine whether farmers' markets located in the City of Somerset constitute "fairs, festivals, and other similar types of events" as set forth in KRS 243.155(2)(d), so be it Found and Resolved by the City Council of the City of Somerset, Commonwealth of Kentucky, as follows:

Based upon findings of fact that the farmers' markets located in the City of Somerset are different from the "fairs, festivals, and other similar types of events" set forth in KRS 243.155(2)(d) including but not limited to the that fact that these farmers' markets are open for business on regularly scheduled days and hours of the week for a majority and/or throughout the year, it is hereby determined that farmers' markets located in the City do not constitute "fairs, festivals, and other similar types of events" as set forth in KRS 243.155(2)(d).

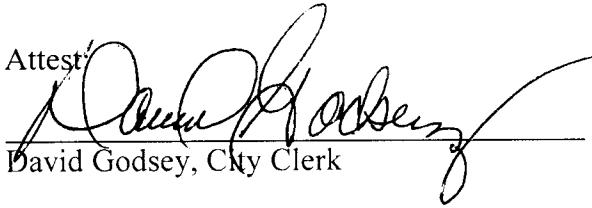


ENACTED AND ADOPTED by motion and affirmative vote at a duly convened meeting of the City Council of the City of Somerset this 13~~th~~ day of MAY, 2013.



Eddie Girdler, Mayor

Attest:



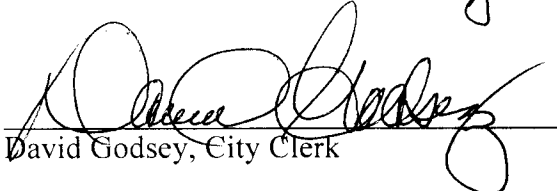
David Godsey, City Clerk



CERTIFICATION

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Somerset and as such City Clerk, I further certify that the foregoing is a true, correct and complete copy of a Resolution as appears to me in City of Somerset's records, duly adopted by said City Council at a duly convened meeting held on the date set forth therein, signed by the Mayor, duly filed, recorded and indexed in my office and now in force and effect, and that all action taken in connection with such Resolution was in compliance with the requirements of Kentucky law, all as appears from the official records of said City Council in my possession and under my control.

IN WITNESS WHEREOF, I have hereunto set my hand this 13<sup>th</sup> day of May, 2013.

  
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David Godsey, City Clerk

