

Fiscal Court Orders

Dec. 18, 2018
REGULAR SESSION OF NELSON FISCAL COURT

Book 40
Page 323

Shelburne, Eric	New Officials Training	5025577 · Magistrates Travel	345.90
W W Grainger	Geothermal pump maint	5081334 · Justice Center Maint Supplies	62.48
Total 01 General Fund			2,324.43
02 Road Fund			
Kimball Midwest	Cleaner	6105427 · Garage supplies	25.90
Total 02 Road Fund			25.90
03 Jail Fund			
Boone's Electric Motor	Motor replaced - rooftop exhaust	5101334 · Building Maintenance	173.76
Total 03 Jail Fund			173.76
09 Ambulance Fund			
Mago Construction	Parking lot paving	5140742 · EMS Building	1,408.53
Pat's Alterations	Uniform alterations	5140481 · Staff Uniforms	10.00
Patrons Home Center	Bulbs	5140334 · Building maintenance	8.78
Total 09 Ambulance Fund			1,427.31
Total Additional Bills			\$ 3,951.40

NELSON COUNTY FISCAL COURT
Paid Bills and Transfers for Court Approval
December 18, 2018

Fund/Vendor	Description	Account	Amount
PAID BILLS			
<u>General Fund</u>			
Corvins Furniture	Carpet (downpayment) - insurance claim	5081586 · Justice Center - Bldg Ins Claims	\$ 24,528.30
Nelson Co Assoc for the Handicapped	FY 2019 supplement	5233315 · Contract NCAH	5,500.00
<u>Road Fund</u>			
Chase Card Services	FAA Exam	6105569 · Staff Training	150.00
Lawson Products	Garage supplies	6105427 · Garage supplies	202.29
Less Discount			(2.04)
TOTAL PAID BILLS			\$ 30,378.55

ALCOHOLIC BEVERAGE CONTROL ORDINANCE (SECOND READING)

The following ordinance is approved after a second reading on motion of Sam Hutchins, second of Keith Metcalfe, and by affirmative vote of all Court members:

ORDINANCE NUMBER 410.101

AN ORDINANCE TO THE COUNTY OF NELSON, KENTUCKY, ADOPTING WITH AMENDMENTS FOUND HEREIN, THE FOLLOWING SET OF REGULATIONS AND REQUIREMENTS FOR ALCOHOL BEVERAGE CONTROL, HEREIN AFTER TO BE KNOWN AS THE COUNTY OF NELSON "ALCOHOLIC BEVERAGE CONTROL ORDINANCE"; AND FURTHER ADOPTING ALL APPLICABLE AND REQUIRED KRS, INCLUDING BUT NOT LIMITED TO, KRS CHAPTERS 241 THROUGH 244 AS RECENTLY UPDATED BY THE GENERAL ASSEMBLY AND ADMINISTRATIVE AGENCIES; AND

WHEREAS, THE COUNTY OF NELSON, 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 COUNTY OF NELSON, EXCEPT CHAPLIN PRECINCT E104, SO LONG AS SUCH IS DONE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE, AND FEDERAL LAW; AND

WHEREAS, THE COUNTY OF NELSON THEREFORE HAS ESTABLISHED UNIFORM

Fiscal Court Orders

Dec. 18, 2018
REGULAR SESSION OF NELSON FISCAL COURT

Book 40
Page 324

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 FISCAL COURT OF NELSON COUNTY, KENTUCKY, THAT THE FOLLOWING REGULATIONS AND REQUIREMENTS ARE HEREBY ADOPTED AS SET FORTH BELOW:

ARTICLE I. GENERAL

- A. This Ordinance shall be known as the "Alcoholic Beverage Control Ordinance" of the County of Nelson, Kentucky (hereinafter referred to as "County").
- B. The purpose of this Ordinance is to establish uniform regulations and requirements for the licensing and regulation of alcoholic beverage manufacture and sales pursuant to authorization under KRS Ch. 241 through 244.
- C. The definitions of the words used throughout this chapter, unless the context requires otherwise, shall have the same meaning as those set out in the alcoholic beverage control laws (KRS Chapters 241 through 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.
- D. This Ordinance shall be construed to apply to the manufacture and traffic in both malt beverages and distilled spirits and wine where the context permits such application. Nothing in this chapter 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 of the county, or of any statutes of the state relating to violations pertaining to alcoholic beverages.
- E. The provisions of the Alcoholic Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241 through 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.
- F. Any and all provisions contained within previous versions of ordinances passed by Nelson Fiscal Court relating to the regulation of the sale of distilled spirits, wine by the drink and malt beverages that are inconsistent with the provisions that are contained herein are hereby repealed.

ARTICLE II. LICENSE REQUIREMENTS

A. County Licenses:

For the privilege of causing, permitting and engaging in the actions, business, and transactions authorized thereby in regard to traffic in alcoholic beverages in the County and pursuant to the authority of KRS 243.060, there is hereby established a corresponding county license for one or more of the state licenses described in KRS 243.060. The fee for each county license shall be as set out in the schedule set forth below which is current as of the passing of this ordinance. The state fee is set pursuant to KRS 243.060 and may change from time to time. Applicants must refer to KRS 243.060 for the amount charged by the Commonwealth for each particular type of license.

Type of License	State Fee	County Fee
Quota Retail Package License, per annum	\$1,000.00	0
Quota Retail Drink License, per annum	\$1,000.00	\$500.00
Non-quota Type 2 Retail Drink License, per annum (includes distilled spirits, wine and malt beverages)	\$1,000.00	0
Non-quota Type 3 Retail Drink License, per annum (includes distilled spirits, wine and malt beverages)	\$300.00	0
Special Temporary License, per event	(not to exceed \$166.00)	0
Special Sunday Retail Drink License, per annum	\$300.00	\$150.00
Non-quota Retail Malt Beverage Package License, per annum	\$400.00	0
Non-quota Type 4 Retail Malt Beverage Drink License, per annum	\$400.00	0
Limited Restaurant License, per annum	\$1,400.00	0

Fiscal Court Orders

Limited Golf Course License, per annum	\$1,400.00	0
Qualified Historic Site, per annum	\$1,030.00	0
Authorized Public Consumption License, per annum	\$250.00	0

B. Expiration of License; Proration of Fees

All county licenses, except temporary licenses, shall begin on May 1 of any year and shall expire on April 30 of the following year as set forth in KRS 243.090 and 804 KAR 4:390. Any licenses issued after November 1 of any year shall be assessed a fee which is based on the pro rata portion of the remainder of the license period; however, the cost of any license shall not be less than one-half (1/2) the amount of the full fee for an annual license of that type.

C. Payment of License Fees; Delinquency

No licensee shall enter into or begin operating any business for which a license is required by this chapter until the license fee has been paid in full. The fee for renewal of any license shall be paid with the renewal application. Failure to pay any license fee within ten (10) days after it becomes due shall result in a penalty equal to ten percent (10%) of the license fee. Any licensee failing to pay the fees, including penalties, within ten (10) days after such fees are due may be subject to revocation of the license and to other penalties as provided in this Ordinance.

D. Refund of Fees

(1) Should any licensee under this Ordinance be prohibited from conducting the licensed business for the full period covered by the license because of any changes that may hereafter be made in the laws of the Commonwealth with reference to alcoholic beverages or other cause outside licensee's control, then the county shall refund to licensee the proportionate part of the license fee for the period during which licensee is prevented from carrying on said business if the licensee provides sufficient proof to the County ABC Administrator that such period of inactivity was not the fault of the licensee or the result of a revocation, suspension or other wrongdoing by licensee, or an agent or employee of the licensee.

(2) In the event a violation of this Ordinance occurs that results in the suspension or revocation of the license, the county shall not be required to refund any portion of the license fee.

ARTICLE III. COUNTY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR

A. Alcoholic Beverage Control Administrator

(1) Pursuant to KRS 241.110, there is hereby created the duties of the County of Nelson Alcoholic Beverage Control Administrator.

(1) The County Judge Executive shall serve as the County Alcoholic Beverage Control Administrator (hereinafter referred to as County ABC Administrator), unless the Nelson County Judge Executive shall appoint someone else to fill the position pursuant to KRS 241.110.

(3) The County Alcohol Beverage Administrator may from time to time appoint such additional personnel, such as Alcohol Beverage Control investigator(s), as is necessary to assist him or her in the administration of this ordinance.

(4) The functions of the County ABC Administrator shall be the same with respect to the county licenses and regulations as the functions of the Alcoholic Beverage Control Board of the Commonwealth of Kentucky (hereinafter referred to as ABC Board) with respect to state licenses and regulations.

(5) To prevent potential conflicts of interests, no person shall be a County ABC Administrator, an investigator, or an employee of the county, under the supervision of the County ABC Administrator, who would be disqualified to be a member of the ABC Board under state law set forth in KRS 241.100.

(6) The County ABC Administrator shall have authority delegated by the Fiscal Court, and as authorized under KRS Ch. 241 through 244. The County ABC Administrator, along with any designated investigator(s), shall have full police powers of law enforcement, and their jurisdiction shall be, the county administrator in that county shall have jurisdiction over only that portion of the county which lies outside the corporate limits of any city that has appointed its own city ABC administrator. The County ABC Administrator and his investigators may inspect any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first obtaining a search warrant.

Fiscal Court Orders

(7) The County ABC administrator and his investigators shall have available at all reasonable times for their inspection all books and records required to be maintained by licenses under KRS 244.150.

B. Appeals

(1) Appeals from the orders of the County ABC Administrator may be taken to the state ABC Board by filing with the Board within thirty (30) days a certified copy of the orders of the County ABC Administrator. The Board shall hear matters at issue as upon an original proceeding. Appeals from orders of the County ABC Administrator shall be governed by KRS Chapter 13B.

(2) When any decision of the County ABC Administrator shall have been appealed, or when a protest has been lodged against an application for any license within the county, and the ABC Board shall have made a decision regarding such appeal or protested application, the County ABC Administrator, upon receipt of notice of finality of the decision, shall enter such orders and take such action as required by the final order of the ABC Board. As provided by law, and as used herein, no order of the ABC Board is final until all appeals or appeal times shall have been exhausted. A "final order" of the ABC Board is the order entered by said Board, unless a court appeal is taken from the Board's order, in which case the "final order" is the order entered by the Board upon direction from the reviewing court of last resort in the final order of said reviewing court.

ARTICLE IV. APPLICATION AND MATINENANCE OF LICENSE

A. Advertisement

Before an application for a license shall be considered, except an applicant for the same license for the same premises, or an applicant for an out-of-state malt beverage supplier's license, limited out-of-state malt beverage supplier's license, out-of-state distilled spirits and wine supplier's license, limited out-of-state distilled spirits and wine supplier's license, supplemental bar license, extended hours supplemental license, a special agent or solicitor's license, a special nonbeverage alcohol license, a transporter's license, a special Sunday drink license, a hotel in-room license, a sampling license, or a special temporary drink license shall, before applying for a license, advertise by publication their intention to apply for a license in the newspaper for legal notices under KRS 424.120 for the county whose local administrator has local jurisdiction over the proposed premises. The notice shall contain the following information:

- (1) The advertisement shall comply with KRS 243.360 and state the name and address of the applicant. It shall state the members of the partnership if the applicant is a partnership, and membership of the LLC if the applicant is an LLC, as well as the name of the business and its address. If the applicant is a corporation, the advertisement shall state the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself. All advertisements shall state the location of the premises for which the licenses sought, and the type of license for which application is made.
- (2) The notice shall state the date the application will be filed and shall contain the following statement: "Any person, association, corporation, or body politic may protest the approval of the license by writing the Department of Alcoholic Beverage Control, 1003 Twilight Trail, Frankfort, Kentucky 40601, within thirty (30) days of the date of legal publication."
- (3) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication is provided in KRS 424.170.

B. Form of Application

(1) All licenses granted under this chapter shall be approved by the County ABC Administrator. Applications for the issuance of new licenses and for renewals of existing licenses shall be in writing and upon the forms provided by the Kentucky ABC Board and/or the County, both of which may be amended and supplemented from time to time by each respective agency.

(2) The application shall be verified and shall set forth in detail such information concerning the applicant and the premises for which the license is sought, as required by the Kentucky Revised Statutes, the state ABC Board, and the County, including as follows:

- (a) Name and address;
- (b) Nature of interest;
- (c) Whether or not a citizen of the United States;
- (d) Date of birth;
- (e) Date of residence was established in Kentucky, if a resident of Kentucky.

Fiscal Court Orders

- (f) Whether or not he or she has any interest in any other license or LLC, corporation, partnership or other business organization holding a license under this Ordinance;
- (g) Extent of stock or company ownership;
- (h) Whether or not he or she has any interest in any license or LLC, corporation, partnership or other business organization holding a license in any other state or province.

(3) Each application shall be accompanied by a certified check, cashier check, or money order for the amount of the license fee, less the fifty dollars (\$50.00) application fee.

(4) In addition to the above specified information, the applicant shall file, with the application, responses to any additional questions as may be posed or prescribed by the County ABC Administrator.

C. Other Conditions

In addition to any other inquiries, conditions or considerations required or permitted by law:

(1) The County ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until the applicant and his or her place of business shall have been approved by a licensed building inspector, and any and all other inspections required by the Kentucky Building Code or other applicable law;

(2) All applicants shall voluntarily submit to a criminal background check and shall sign a waiver allowing the release of this information to the County ABC Administrator; and

(3) Pursuant to KRS 243.090 (6), Frankfort may deny or refuse to renew a license to sell alcoholic or malt beverages to any person who is delinquent in the payment of any property taxes, both real and personal, any other taxes due to the County, fees of any type, or charges due to any department of the county at the time of issuing the license, and may deny or refuse to renew any license to sell upon any premises or property, owned and occupied by the licensee upon which there are any of the above delinquent payments due and owing to the County. Further, if a licensee becomes delinquent in the payment of any of the above at any time during the license period, the license to sell alcoholic or malt beverages may be subject to revocation or suspension.

(4) No person, whether applicant for license, or a licensee, shall in any manner attempt to bribe, threaten, unduly influence or intimidate the County ABC Administrator, or any member of the County's staff, or any state ABC Administrator or staff, in any matter in which an application or proposed application for license, or procedure for revocation or suspension is pending before such officer. This division is not intended to stifle expressions of opinion; however, it is intended to make clear that the ABC Administrators are public officials charged with the administration and enforcement of the law, both local and state. Any person applying for a license, or contesting the revocation or suspension of a license, who engages in attempted bribes, threats, attempted undue influence or intimidation of a county or state ABC Administrator or staff shall be disqualified from receiving or retaining a license, in addition to other penalties as provided by law. The procedures for appeals shall apply to disqualifications, revocations or suspensions under this Ordinance. Nothing in this Ordinance shall be interpreted to prohibit monetary settlements in lieu of revocation or suspension of license after a final order or revocation or suspension, where the Ordinance and applicable statutes allow for such payments in settlement.

D. Form of License

All county licenses shall be in such form as may be provided by the ABC Administrator, but at the least shall contain:

- (1) The name and address of the licensee;
- (2) The number of the license;
- (3) The type of license;
- (4) A description by street and number, or otherwise, of the licensed premises;
- (5) The expiration date of the license;
- (6) A statement in substance that the license shall not be a property or vested right and that it may be revoked at any time pursuant to law.

E. Change of Information

(1) If after a license to individuals or to a sole proprietor has been issued, there is a change in any fact required to be set forth in the application, a verified amendment in writing

Fiscal Court Orders

giving notice of the change shall be filed with the County ABC Administrator with ten (10) days of the change.

(2) Since a number of licenses issued by the county are in the name of corporations or other business organizations, it is necessary that ownership changes in such organizations be reported to the County ABC Administrator. The County ABC Administrator can, therefore, investigate the person to whom the ownership or management is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(3) As used with regard to a partnership, corporation, LLC or other business organization herein, the word "change" is construed to include any change in managers, partners or LLC members, directors or officers of the corporation, or change in ownership or stock whereby any person secures ten percent (10%) of the outstanding ownership or stock. Transfer of more than ten percent (10%) of the total ownership or stock shall require a new license.

(4) The following information shall be required concerning any new manager, partner or LLC member, new director, officer, or person securing any interest in alcoholic beverage license:

- (a) Name and address;
- (b) Nature of interest;
- (c) Whether or not a citizen of the United States;
- (d) Date of birth;
- (e) Date residence was established in Kentucky, if a resident of Kentucky. If a Nelson County resident, indicate when residence was established;
- (f) Whether or not he or she has any interest in any other license or in any LLC, corporation, partnership or other business organization holding a license under this act;
- (g) Extent of stock or company ownership;
- (h) Whether or not he or she has any interest in any license or in any LLC, corporation, partnership or other business organization holding a license in any other state or province.

(5) This information shall be filed with the County ABC Administrator as a verified amendment of the application pursuant to which the license was granted. Filing shall be made within ten (10) days of any change of required information.

F. Renewal of License

(1) Every year, except in the case of the temporary licenses, each licensee shall renew its license. All renewal licenses must be on file with the County ABC Administrator no less than thirty (30) days prior to the expiration of the license for the preceding license period or the same shall be canceled, except where the licensee is unable to continue in business at the same premises licensed during the preceding license period as a result of construction, act of God, casualty, death, the acquisition or threatened acquisition of the premises by any federal, state, county or other governmental agency or private organization possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; provided that said licensee shall file a written verified statement no less than twenty (20) days from the expiration date of the license, setting forth these facts, and the County ABC Administrator is hereby authorized to extend the time for filing of a renewal of such license for a reasonable length of time within the sound discretion of the County ABC Administrator; provided, however, such licensee shall pay a license fee from the expiration date of the former license or licenses. Said license fee shall not be payable until application is made for the transfer of said license to a new location.

(2) The renewal by the County ABC Administrator of the license shall not be construed to be a waiver or acceptance of any violation which occurred prior to such renewal and shall not prevent subsequent proceedings against the licensee.

G. Lost or Destroyed License.

When a license shall be lost or destroyed without fault on the part of the licensee or his or her agent or employee, a duplicate in lieu of the original license shall be issued by the County ABC Administrator after the Administrator shall have been satisfied as to the facts; provided, however, that the applicant for said duplicate license shall pay a fee of ten dollars (\$10.00) for the duplicate license.

H. Revocation or Suspension.

(1) Any license may be revoked or suspended by the County ABC Administrator if the licensee shall have violated any of other provisions of KRS Ch. 241 to 244, or any rule or

Fiscal Court Orders

regulation of the ABC Board, or of the Kentucky Department of Revenue, relating to the regulation of the manufacture, sale, and transportation, or taxation, of alcoholic beverages or if such licensee shall have violated or shall violate any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale, and transportation, or taxation, of intoxicating liquors, or any rules or regulations of the county heretofore in existence or authorized by the terms of KRS Ch. 241 to 244 to be created, irrespective of whether the licensee knew, or if permitted the violation or whether the violation was committed is disobedience of his or her instructions, or any such license may be revoked or suspended for any cause which the County ABC Administrator in the exercise of his or her sound discretion deems sufficient.

(2) A license may be revoked for any of the reasons for which the County ABC Administrator would have been required to refuse a license if the facts had been known.

(3) In addition to the foregoing stated causes, any license may be revoked or suspended for the following causes:

- (a) Conviction of the licensee or his or her agent or employee for selling any illegal beverages on the premises licensed.
- (b) Making any false, material statements in an application for a license.
- (c) If within a period of two (2) consecutive years, any licensee or any clerk, servant, agent or employee of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241 through 244 or any act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverages or if within such period, any licensee or any clerk, servant, agent or employee of the license shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of alcoholic beverages, or of one (1) such felony and one (1) such misdemeanor.
- (d) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any statutes, this Ordinance, or acts of Congress relative to taxation or for a violation of any rules or regulations of the Kentucky Department of Revenue made in pursuance thereof.
- (e) Setting up, conducting, operating or keeping, on the licensed premises, any gambling game, device, machine or contrivance, or lottery or gift enterprise, or handbook or facility for betting or transmitting bets on horse races; or permitting to be set up, conducted, operated, kept, or engaged in, on the licensed premises, any such game, device, machine, contrivance, lottery, gift enterprise, handbook or facility.

I. Proceedings for Revocation or Suspension of License

(1) Upon the verified complaint of any person, or on the initiative of any law enforcement officer, or of the County ABC Administrator, the County ABC Administrator may institute proceedings to revoke or suspend any license granted under this Ordinance. A license may be revoked or suspended only after the licensee shall have been given written notice, by certified or registered mail, of the proposed revocation, including notice of the reasons for such proposed action. The licensee shall be given opportunity to be heard in opposition to the proposed revocation or suspension. The notice of proposed action shall advise the licensee of the date, time and place of the hearing. Notice shall be sufficient if mailed to the licensee at the address shown in the last application for a license or in the last statement supplemental to or in amendment of the application, whether or not the mailing is received for or claimed.

(2) A decision of the County ABC Administrator revoking or suspending a license may be appealed as provided in KRS 241.150 and Article III.

(4) Within three (3) days after any order of revocation or suspension of a license becomes final, notice of revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to the application shall be deemed sufficient compliance with this section. The licensee shall at once surrender his or her license to the County ABC Administrator. If the revoked or suspended license is not forthwith surrendered by the licensee, the Chief of Police, at the request of the County ABC Administrator, shall immediately cause one of his or her officers to take physical possession of the license and return it to the County ABC Administrator.

(5) When a license has been revoked or suspended, the former licensee may, with prior approval of the County ABC Administrator, dispose of and transfer his or her stock of alcoholic beverages to an appropriate entity.

Fiscal Court Orders

(6) Appeal from the decision of the County ABC Administrator revoking or suspending a license shall be to the ABC Board. The timely filing of an appeal shall stay any penalty imposed by the order until conclusion of the Board appeal and any subsequent court appeals.

(7) If a license is revoked or suspended by an order of the County ABC Administrator, and the decision is not appealed, the licensee shall suspend all operations authorized under his or her license upon effective date of the order. Upon the entry of a final order of the ABC Board sustaining or ordering revocation or suspension on appeal, the licensee shall at suspend all operations authorized under this license upon effective date of the order.

J. Transfer or Assignment

No license issued under this chapter shall be transferred or assigned either as to licensee or location except with prior approval of the County ABC Administrator.

K. Refusal of License; Guidelines for Approval of Quota Licenses

(1) The County ABC Administrator may refuse to issue a license for any of the following reasons:

- (a) Causes for refusal to issue or renew a license and for suspension or revocation of a county license shall be the same as provided for state licenses according to KRS 243.450, 243.490 and 243.500, as well as violation of any county ordinance regarding alcohol beverage licensing, sales or the administration thereof.
- (b) If the applicant has done any act for which a revocation of license would be authorized under local, state, or federal law; or
- (c) If the applicant has made any false material statement in his or her application.

(2) An applicant who has been refused a license by the County ABC Administrator may appeal the refusal to the ABC Board pursuant to KRS 241.150 and Article III.

ARTICLE V. HOURS OF SALE

A. Hours of Sale

- (1) Except as provided in paragraphs 3 and 4 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.
- (2) A licensee for distilled spirits, wine and/or malt beverages shall be permitted to sell / deliver distilled spirits, wine and/or malt beverages between the hours of 6:00 a.m. until 12:00 a.m. (midnight) Monday – Saturday.
- (3) A licensee who has obtained a Sunday retail drink license shall be permitted to sell distilled spirits, wine and/or malt beverages on Sunday between the hours of 10:00 a.m to 12:00 p.m. Licensees must obtain a Sunday retail drink license in order to sell distilled spirits or wine by the drink on Sunday.
- (4) Convenience stores, grocery stores, restaurants, wineries and packaged liquor stores which have been granted a Restaurant Wine 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 6:00 a.m. to 12:00 a.m. on Sunday.
- (5) Pursuant to KRS 244.290 and KRS 244.480, a premises licensed to sell distilled spirits or wine at retail and retailers licensed to sell malt beverages may make such sales during the hours that the polls are open on a primary, regular, local option or special election day, unless otherwise prohibited by the City in which they are located.
- (6) Sunday sales at licensed small farm wineries may be made in strict accordance with sales as permitted by KRS 243.155 between the hours of 1:00 p.m. until 12:00 a.m.

Fiscal Court Orders

- (7) A licensee may sell distilled spirits, wine, and/or malt beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Year's Eve occurs; provided that, the appropriate licenses have been obtained from both the County and the State ABC Board.

ARTICLE VI. PENALTIES

A. Penalties

(1) In addition to any criminal prosecution instituted in Nelson District Court against an alleged violator, the County ABC Administrator may assess civil fines in lieu of suspension as authorized in KRS 243.480, including the per diem assessments for ongoing violations. Payment of all fines shall be remitted to the County ABC Administrator, who shall then transmit the fines to the County Clerk for deposit in the appropriate designated account.

(2) 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 Nelson 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) 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.

ARTICLE VII. MANDATORY RESPONSIBLE BEVERAGE SERVICE TRAINING

A. Mandatory Responsible Beverage Service Training

(1) All persons employed in the selling *and/or* serving of alcoholic beverages shall participate in and complete a Responsible Beverage Serving ("RBS") program acceptable to the Commonwealth of Kentucky.

(2) All persons required to complete training under division (a) above shall complete that training within thirty (30) days of the date on which the person first becomes subject to the training requirement. When a new business is licensed to serve alcoholic beverages all employees must be trained prior to the opening of the business.

(3) Each licensee shall be responsible for compliance with the training requirements and shall maintain for inspection by the County ABC Administrator a record or file on each employee that shall contain the pertinent training information. Each premise licensed hereunder must at all times when alcoholic beverages are being served have at least one person currently certified in responsible beverage service training on duty as described herein.

(4) All persons completing the training required by this section shall be re-certified not less than once every three (3) years thereafter.

ARTICLE VIII. IMPLEMENTATION OF ORDINANCE PROVISIONS; SEVERABILITY

A. Implementation of Changes in Ordinance Provisions

The County Fiscal court 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.

Fiscal Court Orders

Dec. 18, 2018
REGULAR SESSION OF NELSON FISCAL COURT

Book 40
Page 332


C. Effective Date of Ordinance Provisions

The Ordinance shall take effect immediately after its Passage and Publications as required by law.

FIRST READING: 12-04-2018

SECOND READING: 12-18-2018

APPROVED: 
12-18-18

ATTEST: 
12-18-2018

HUMANE SOCIETY CONTRACT DISSOLVED

Judge Watts reported on contract signed a few years ago between the County of Nelson and the Humane Society whereby the Humane Society manages the animal intake building. They have indicated that they no longer want to participate in that contract. County personnel will manage the program.

ORDINANCE AUTHORIZING GRANTING OF A NONEXCLUSIVE FRANCHISE . . . COMMUNICATION SYSTEM (FIRST READING)

County Judge-Executive Dean Watts presented in open Court for first reading the following proposed ordinance relating to nonexclusive franchise for communication services.

Said proposed ordinance was read in open Court in resume form and a full copy of the proposed ordinance is as follows:

AN ORDINANCE AUTHORIZING THE GRANTING OF A NONEXCLUSIVE FRANCHISE TO ERECT, CONSTRUCT, MAINTAIN AND OPERATE COMMUNICATION SERVICE SYSTEM FACILITIES, AND ADDITIONS THERETO, IN, UNDER, OVER, ALONG, ACROSS AND UPON THE HIGHWAYS, PUBLIC WAYS, BRIDGES AND OTHER PUBLIC PLACES IN NELSON COUNTY, KENTUCKY, FOR THE PURPOSE OF TRANSMISSION AND DISTRIBUTION OF COMMUNICATION SERVICES TO THE INHABITANTS OF THE COUNTY OF NELSON, KENTUCKY

WHEREAS, the Nelson County Fiscal Court, desires to grant, in accordance with sections 163 and 164 of the Constitution of the Commonwealth of Kentucky, one or more nonexclusive franchises for the erection, construction, maintenance and operation of a Communication Service system in the unincorporated territorial limits of Nelson County, Kentucky.

WHEREAS, the Nelson County Fiscal Court deems the granting of such Communication Service system franchises to be necessary for the preservation of the public health, safety, and welfare of the inhabitants of Nelson County, Kentucky;