

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2005-03**

AN ORDINANCE AMENDING ORDINANCE 83-6, "AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, DEFINING TERMS; CREATING THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; REQUIRING LICENSES; SPECIFYING TYPES WITH THE FEES FOR EACH AND RESTRICTING LOCATION OF LICENSEES; PROVIDING FOR THE ISSUANCE OF LICENSES AND PAYMENT OF FEES; SETTING THE TERMS OF LICENSES; REQUIRING THE DISPLAY OF LICENSES AND PROVIDING FOR REPLACEMENT OF LOST OR DESTROYED LICENSES AND FEE THEREFOR; REQUIRING STATE LICENSE; SPECIFYING HOURS WHEN SALES PERMITTED; SPECIFYING THAT SUBMITTING APPLICATION CONSENTS TO ENTRY, INSPECTION, AND SEARCH, REMOVAL, AND INTRODUCTION IN EVIDENCE; IMPOSING A REGULATORY LICENSE FEE; RESTRICTING ADVERTISING AND SIGNS; PROVIDING FOR REVOCATION AND SUSPENSION OF LICENSES IN THE EVENT OF VIOLATIONS OF STATE OR FEDERAL LAW OR OF THIS ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING IMMUNITY; PROVIDING FOR THE EFFECTIVE DATE HEREOF; WITH A SEVERABILITY PROVISION" BY PROVIDING A NEW SECTION ESTABLISHING THE REGULATIONS FOR A DISTILLED SPIRITS RETAIL DRINK LICENSE; BY CREATING A SEPARATE WINE RETAIL DRINK LICENSE WITH ASSOCIATED FEE; PROVIDING A REPEALER CLAUSE, SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

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BE IT ORDAINED BY THE CITY OF RUSSELLVILLE, KENTUCKY, THAT:

WHEREAS, the City of Russellville has previously enacted Ordinance No. 83-6 (as amended), regulating the sale of alcoholic beverages in the City of Russellville; and

WHEREAS, the City Council in and for the City of Russellville has and does hereby make a legislative determination that an economic hardship exists within the City of Russellville, and the sale of alcoholic beverages by the drink in hotels, motels, inns or restaurants could aid economic growth in the City of Russellville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF RUSSELLVILLE, KENTUCKY, AS FOLLOWS:

I. Ordinance 83-6, entitled "AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF RUSSELLVILLE, KENTUCKY, DEFINING TERMS; CREATING THE OFFICE OF CITY ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR; REQUIRING LICENSES; SPECIFYING TYPES WITH THE FEES FOR EACH AND RESTRICTING LOCATION OF LICENSEES; PROVIDING FOR THE ISSUANCE OF LICENSES AND PAYMENT OF FEES; SETTING THE TERMS OF LICENSES; REQUIRING THE DISPLAY OF LICENSES AND PROVIDING FOR REPLACEMENT OF LOST OR DESTROYED LICENSES AND FEE THEREFOR; REQUIRING STATE LICENSE; SPECIFYING HOURS WHEN SALES PERMITTED; SPECIFYING THAT SUBMITTING APPLICATION CONSENTS TO ENTRY, INSPECTION, AND SEARCH, REMOVAL, AND INTRODUCTION IN EVIDENCE; IMPOSING A REGULATORY LICENSE FEE; RESTRICTING ADVERTISING AND SIGNS; PROVIDING FOR REVOCATION AND SUSPENSION OF LICENSES IN THE EVENT OF VIOLATIONS OF STATE OR FEDERAL LAW OR OF THIS ORDINANCE; PROVIDING FOR PENALTIES; PROVIDING IMMUNITY; PROVIDING FOR THE EFFECTIVE DATE HEREOF; WITH A SEVERABILITY PROVISION" is hereby amended as follows:

I. Under the heading contained in Ordinance 83-6, found at Article IV "Types of Licenses – Fees" an amended schedule of license and fees is to read as follows:

A. The following kinds of distilled spirits and wine licenses and malt beverage licenses may be issued by the City and the annual fees for each license shall be:

<i>Distilled Spirits and Wine Licenses</i>	Fee
Distilled spirits and wine wholesaler's license	\$3,000.00
Distilled spirits and wine retail package license	600.00
Distilled spirits and wine retail drink license	<u>600.00</u>
<u>Wine retail drink license</u>	<u>300.00</u>

Malt Beverage Licenses

Malt beverage distributor's license	400.00
Malt beverage retail package carry-out license	200.00
Malt beverage retail drink license	200.00

II. A new section (G) under the heading of "IV. TYPES OF LICENSES – FEES" is created as follows:

G. A Distilled Spirits Retail Drink License permits only retail sale of distilled spirits by the drink for consumption on the licensed premises where sold, and not for resale in any form. This License is available only to hotels, motels or inns containing not less than 50 sleeping units and having dining facilities for not less than 100 persons or bona fide restaurants open to the general public having dining facilities for not less than 100 persons.

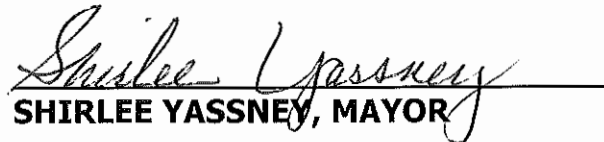
III. All ordinances or parts of ordinances in conflict herewith now in effect are hereby repealed.

IV. If any clause, provision or section of this ordinance shall be ruled void or unenforceable by any court of competent jurisdiction, the remainder hereof is intended to be enacted and shall be in force and effect notwithstanding.

V. This ordinance shall be effective upon its passage and publication as required by law.

FIRST READING conducted this the 8th of February, 2005.

SECOND READING and passage the 21st day of February, 2005.


SHIRLEE YASSNEY, MAYOR

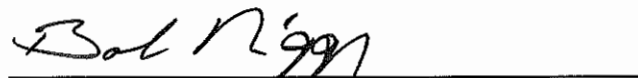
Ayes: McPherson, Lanny; Phillips, Charles; Zick, Eugene; Yassney, Shirlee

Nays: Jones, Russell; Stratton, Mark; Whipple, Jack.

Abstaining: none

Absent: none

ATTEST:


BOB RIGGS, CITY CLERK