

CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2014-03

AN ORDINANCE AMENDING ORDINANCE NO. 83-6 "AN ORDINANCE REGULATING THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF RUSSELLVILLE..." TO RENAME THE LICENSE TYPES AS REQUIRED BY SENATE BILL 13 ENACTED DURING THE 2013 LEGISLATIVE SESSION

WHEREAS, the City Council of Russellville, deems it appropriate and necessary to make certain changes to Ordinance 83-6 in order to comport with recent changes set forth in Senate Bill 13 (SB 13), enacted during the 2013 legislative session; and

WHEREAS, said changes specifically require certain license types to be renamed to that of the license type set forth in SB 13.

NOW, THEREFORE, BE IT ORDAINED by the City Council of Russellville, Kentucky that:

SECTION I. SUBSTANTIVE AMENDMENTS. Ordinance 83-6 is hereby amended as follows:

IV. TYPES OF LICENSES: FEES

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:

Distilled Spirits and Wine Licenses

Distilled Spirits and Wine Wholesaler's License	\$3000
Distilled Spirits and Wine Retail Package License <u>Quota Retail Package License</u>	\$600
Distilled Spirits and Wine Retail Drink License <u>NQ-2 Retail Drink License</u>	\$600
Wine Retail Drink License <u>Quota Retail Drink License</u>	\$300

Malt Beverage Licenses

Malt Beverage Distributor's License	\$400
Malt Beverage Retail Package Carry-Out License <u>NQ Retail Malt Beverage Package License</u>	\$200
Malt Beverage Retail Drink License <u>NQ-4 Retail Malt Beverage Drink License</u>	\$200

B. ~~The issuance of a Distilled Spirits and Wine Wholesaler's License, a Distilled Spirits and Wine Retail Package License Quota Retail Package License, a Restaurant Wine License, and a Malt Beverage Distributor's License~~ any of the license types listed in Section "A" above shall authorize the licensee to do the acts authorized by the corresponding state license within the city limits of Russellville, Kentucky, unless specifically limited by this Ordinance, an amendment hereto, or a rule and/or regulation of the City approved by a majority of a quorum of the City Council.

C. ~~A Malt Beverage Retail Package Carry-Out License~~ An NQ Retail Malt Beverage Package License shall authorize the licensee to purchase, receive, possess, and sell malt beverages at retail and only for consumption off the licensed premises. The licensee shall purchase only from licensed brokers or licensed distributors.

D. ~~A Malt Beverage Retail Drink License~~ An NQ-4 Retail Malt Beverage Drink License shall authorize the licensee to purchase, receive, possess, and sell malt beverages at retail for consumption on the licensed premises. The licensee shall purchase only from licensed brewers or licensed distributors. Unless the licensee holds a ~~Malt Beverage Retail Package Carry-Out License~~ an NQ Retail Malt Beverage Package License, he shall not sell malt beverages by the package for consumption off the premises. ~~A Malt Beverage Retail Drink License~~ An NQ-4 Retail Malt Beverage Drink License shall only be issued to a business for a location which receives fifty percent (50%) or more of its gross annual income from the sale of food consumed on the premises and has, and maintains, a minimum indoor seating capacity of fifty (50) people at tables.

E. In the event the premises on which an applicant's business is to be conducted is located within two hundred (200) feet of any school, hospital, church, public park, or playground, the City Administrator shall, before granting any license, consider the effect on and from the surrounding area in the event the application was granted. Upon a determination that the granting of the license would probably harm or otherwise adversely affect or be affected by the surrounding area, the City Administrator may deny the application after a hearing held pursuant to Section XIII. B.

F. ~~Distilled Spirits and Wine Retail Package Licenses~~ A Quota Retail Package License shall be issued only for premises on which at least seventy-five percent (75%) of the gross revenues are derived from the sale of alcoholic beverages.

G. ~~A Distilled Spirits Retail Drink License~~ An NQ-2 Retail Drink License permits only retail sale of distilled spirits, wine and malt beverages 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.

SECTION II. SEVERABILITY. The provisions of this Ordinance are severable. If any sentence, clause or part of this Ordinance or the application there of to any particular state of case is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or parts of this Ordinance, it being the legislative intent of this body to ordain and in act each other.

SECTION III. REPEAL OF EXISTING ORDINANCES. All ordinances or parts of ordinances in conflict herewith now in effect, to the extent of said conflict, are hereby repealed.

SECTION IV. EFFECTIVE DATE. This ordinance shall become effective upon passage and publication as required by law.

FIRST READING conducted on the 4th day of March 2014.

SECOND READING & PASSAGE on the 18th day of March 2014.

APPROVED:

By: Mark Stratton
Mark Stratton, Mayor
City of Russellville

ATTEST:

By: Bob Riggs
Bob Riggs, City Clerk
City of Russellville

At a meeting of the City Council of the City of Russellville, Kentucky, held on March 18, 2014, the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES: **Jimmy Davenport**
 Pat Bell

Jack Whipple
 Bill Decker
 Darlene Gooch

NAYS:

ABSENT:

ABSTAINING: