

**CITY OF RUSSELLVILLE, KENTUCKY
ORDINANCE 2021-08**

**AN ORDINANCE AMENDING ORDINANCE 83-6 “AN ORDINANCE REGULATING
THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF
RUSSELLVILLE...” TO REQUIRE COMPLIANCE WITH BUSINESS LICENSING
AND TAXES WITHIN THE CITY OF RUSSELLVILLE AND REGULATING THE
LOCATION OF LICENSEES**

WHEREAS, City of Russellville, Kentucky, Ordinance 83-6, regulates the sale of alcoholic beverages within the City of Russellville and sets forth certain conditions necessary to be met before a license would be issued under said Ordinance; AND

WHEREAS, City of Russellville, Kentucky, Ordinance 83-6 set forth certain criteria regulating the location of licensees under said Ordinance; AND

WHEREAS, in order to ensure that licensees are compliant with all City taxing requirements and business regulations, the City Council of Russellville, Kentucky deems it appropriate to amend said ordinance to require licensees to be compliant with all City business regulations prior to the issuance of a license; AND

WHEREAS, in order to better serve the health, safety, and well-being interests of the City of Russellville and its citizens, the City Council of Russellville, Kentucky, deems it appropriate and necessary to revise said ordinance.

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

SECTION I. SUBSTANTIVE AMENDMENTS.

Ordinance 83-6 is hereby amended as follows:

III. LICENSE REQUIRED

- A. No person, firm, or corporation shall do any act authorized by any kind of license provided for in this chapter with respect to the storage, sale, purchase, transporting, or other traffic in alcoholic beverages unless the person, firm, or corporation holds the kind of license from the city which authorizes such act. No person, firm, or corporation which conducts a place of business patronized by the public and which does not hold a license to sell distilled spirits, and wine or malt beverages shall permit any person to sell, barter, loan, give away, or drink distilled spirits, wine, or malt beverages on the premises of his place of business.
- B. No license to sell alcoholic or malt beverages may be granted or renewed to any person or entity unless that person or entity first applies for and obtains an occupational license from the City. Any applicant for a license under this Chapter, shall present a valid occupational license issued by the City with its application for a license under this Chapter. Failure to hold a valid occupational license shall be grounds for denial of a license under this Chapter. Furthermore, if a licensee's occupational license expires and is not immediately renewed at any time during the license period, the license to sell alcoholic or malt beverages may be subject to revocation or suspension.

C. No license to sell alcoholic or malt beverages may be granted or renewed to any person or entity who is delinquent in the payment of any property taxes, both real and personal, any other taxes due to the City, fees of any type, or charges due to any department of the City at the time of issuing the license, nor may any license be granted or renewed 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 City. 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.

IV. TYPES OF LICENSES: FEES

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. The two hundred (200) feet distance shall be measured from the main entrance door of the applicant's business location. 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~~ shall schedule a public hearing held pursuant to Section XIII. B. At such hearing, the licensee shall be entitled to present any evidence or information regarding the license application as well as any affected citizen or business. After such hearing

the City Administrator shall make a decision whether to grant or deny the application.

SECTION II. SEVERABILITY.

The provisions of this Ordinance are severable. If any sentence, clause, or part of this Ordinance or the application thereof 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.

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FIRST READING conducted on July 20, 2021.

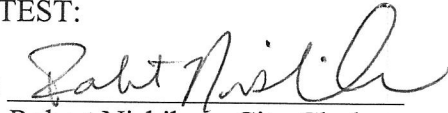
SECOND READING AND PASSAGE on August 3, 2021.

APPROVED:

By: Mark Stratton
Mark Stratton, Mayor
City of Russellville

ATTEST:

By:



Robert Nishibun, City Clerk
City of Russellville

At a meeting of the City Council of the City of Russellville, Kentucky, held on August
3, 2021., the foregoing ordinance was adopted, after full discussion, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAINING:

Pat Bell
Bill Decker
Diane Walker
Larry Wilcutt
Sandra Kinser
Jimmy Davenport