

**CITY OF HIGHLAND HEIGHTS, KENTUCKY  
ORDINANCE NO. 02-2014**

AN ORDINANCE REPEALING ORDINANCES 1958-237, 1968-359, 1973-422, 1978-506, 2005-12, and 18-2013 REGARDING ALCOHOLIC BEVERAGE ADMINISTRATION, REGULATION, LICENSES AND FEES, SOME OF WHICH WERE NOT IN CONFORMITY WITH STATE LAW; AND REPLACING THEM WITH ONE ORDINANCE THAT CONFORMS TO RECENTLY ENACTED STATUTES.

**WHEREAS**, Kentucky Revised Statutes regarding alcoholic beverage administration, regulation, licenses and fees were substantially revised by Senate Bill 13 enacted by the 2013 Kentucky General Assembly; and

**WHEREAS**, the current laws of the City of Highland Heights regarding alcoholic beverages consist of many ordinances, some of which are inconsistent with current state law and therefore need to be repealed and replaced with an ordinance in conformity with the law.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY OF HIGHLAND HEIGHTS, KENTUCKY AS FOLLOWS:**

**SECTION I - Definitions**

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Administrator – Shall mean the office of city alcoholic beverage control administrator as required by Kentucky Revised Statute 241.160 and assigned to the City Clerk pursuant to Section II of this ordinance.

Person – Shall mean any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

Many additional words and phrases used in this ordinance are also used and defined in Kentucky Revised Statute chapters 241, 242, 243, and 244. The meanings of these words and phrases as defined by Kentucky Revised Statute have the same meaning in this ordinance.

**SECTION II – Alcoholic Beverage Control Administrator**

Pursuant to Kentucky Revised Statute 241.160, the office of city alcoholic beverage control administrator is hereby created and the duties required thereby are assigned to the office of the City Clerk.

### **SECTION III – City Alcoholic Beverage Licenses**

For the privilege of causing, permitting, and engaging in the actions, business and transactions regarding alcoholic beverages in Highland Heights and pursuant to Kentucky Revised Statute 243.070, all of the alcoholic beverage licenses authorized for cities are hereby established and required by the city of Highland Heights. The business authorized by each license shall be the same as the business authorized by the corresponding state license.

No Person, shall by either act or omission, cause, permit, allow, aid, assist, encourage, or engage in any business authorized by such license in the city of Highland Heights without a valid license to engage in such business.

### **SECTION IV – Qualifications for City Alcoholic Beverage License(s)**

The qualifications and disqualifications of persons and places for a city of Highland Heights alcoholic beverage license(s) shall be the same as those for the corresponding alcoholic beverage licenses issued by the state.

### **SECTION V – Application for City Alcoholic Beverage License(s)**

Applications for city of Highland Heights alcoholic beverage license(s) required by this ordinance shall be on a form provided by the Administrator, which shall include all of the information required in the application for a corresponding alcoholic beverage license issued by the state. In addition, applications shall include any other information required by the Administrator. The application shall be signed by the applicant on a line immediately following a declaration that false statements in the application shall constitute the crime of perjury; and the signature of the applicant shall be notarized according to law.

The application shall be submitted to the Administrator along with the fee established in accordance with Section IX for the alcoholic beverage license that is requested in the application. The fee shall be paid to the City by cash, cashier check or credit card.

### **SECTION VI – Denial of License Application**

Provided that the applicant has been afforded a due process hearing, the alcoholic beverage license that is requested in the application shall be denied for any of reasons authorized for refusing a state license under Kentucky Revised Statute 243.450. In addition, a license may be denied for any non-arbitrary reasons which the Administrator deems sufficient in the exercise of sound discretion.

### **SECTION VII –License Suspension or Revocation**

(A) Provided that the licensee has been afforded a due process hearing, any alcoholic beverage license that has been issued by the Administrator may be suspended or revoked by the

Administrator for any reason for which the corresponding state license may be suspended or revoked by the state under KRS 243.490 or KRS 243.500

(B) The Administrator may, in its sole discretion, provide the licensee of a suspended license with the alternative of paying in lieu of part or all of the days of any suspension the same sums that may be provided to a state licensee in lieu of the suspension of a corresponding state license in accordance with KRS 243.480

**SECTION VIII – Term of Alcoholic Beverage License(s)**

All city of Highland Heights alcoholic beverage license(s) that have been issued by the Administrator pursuant to this ordinance and has not previously been suspended or revoked shall expire at the same time as the corresponding state license.

**SECTION IX – Alcoholic Beverage License Fee**

An annual fee is hereby imposed for each of the alcoholic beverage licenses hereby established and required. The amount of the fee for each license(s) is listed in the table below.

LICENSE TYPE	FEE
Distiller's License	500.00
Rectifier's License	3,000.00
Wholesaler's distilled spirits & wine license	3,000.00
Quota Retail Package License (Liquor Stores)	52.50
Quota Retail Drink License (Bars/Taverns)	210.00
Special Temporary License	52.50
NQ1 Retail Drink License (includes distilled spirits, wine and malt beverages)	2,000.00
NQ2 Retail Drink License (includes distilled spirits, wine and malt beverages)	210.00
NQ3 Retail Drink License (includes distilled spirits, wine and malt beverages)	300.00
Special Temporary Auction License (distilled spirits and wine)	200.00
Special Sunday Retail Drink License	157.50
Extended Hours Supplemental License	2,000.00
Caterer's License	800.00
Bottling House or Bottling House Storage License	1,000.00
Brewer's License	500.00
Microbrewery License	500.00
Malt Beverage Distributor's License	400.00
NQ Retail Malt Beverage Package License*	52.50
NQ4 Retail Malt Beverage Drink License*	26.25
Malt Beverage Brew-On-Premises License	100.00

Limited Restaurant License (includes distilled spirits, wine and malt beverages)	1,200.00
Limited Golf Course License	1,200.00

*\* Pursuant to KRS 243.070(18), the holder of a Non-Quota Retail Malt Beverage Package License may obtain a Non-Quota Type 4 Malt Beverage Drink License for a fee of fifty dollars (\$50). The holder of a Non-Quota Type 4 Malt Beverage Drink License may obtain a Non-Quota Retail Malt Beverage Package License for a fee of fifty dollars (\$50).*

The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.

The amount of the fee shall not exceed the maximum allowed by KRS 243.070, unless the application for license is within six months of the licenses expiration date. In the event this occurs, the amount of the fee shall be one-half of the maximum allowed by state law.

#### **SECTION X – Times When Retail Sales of Alcoholic Beverages Are Prohibited**

No person, with or without a alcoholic beverage license shall by act or omission cause, permit, allow, aid, assist, encourage or engage in the retail sale of any distilled spirits, wine or malt beverages in the city of Highland Heights during the period of time:

- (A) On any Sunday after 2:30 A.M. and before 11:00 A.M.; or
- (B) On any other day after 2:30 A.M. and before 6:00 A.M.

#### **SECTION XI – Penalties**

Each and every violation of this ordinance shall be a misdemeanor for which a person convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in Kentucky Revised Statute 534.050(2)(a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in Kentucky Revised Statute 532.090(1), or both. The penalties provided in this section shall be in addition to any suspension or revocation of the offender's license.

#### **SECTION XII – Conflicting Ordinances Repealed**

Highland Heights ordinances 1958-237, 1968-359, 1973-422, 1978-506, 2005-12, and 18-2013 are hereby repealed in their entirety; and all other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

**SECTION XII – Publication and Effective Date**

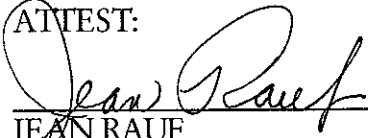
That this Ordinance shall be signed by the Mayor, attested by the City Clerk/Treasurer, recorded and published. Same shall be in effect at the earliest time provided by law.

First reading on this 3rd day of June, 2014.

Second reading on this 17<sup>th</sup> day of June, 2014.

  
\_\_\_\_\_  
MAYOR GREGORY V. MEYERS

ATTEST:

  
\_\_\_\_\_  
JEAN RAUF  
CITY CLERK/TREASURER  
ORD14.02

**PUBLISH : CCR**

JUN 26 2014