

**ORDINANCE NO. 285, Series 2012**

**A COMPREHENSIVE REGULATORY ORDINANCE FOR  
THE SALE AND DISTRIBUTION OF ALCOHOL BEVERAGES  
WITHIN UNINCORPORATED HARDIN COUNTY, KENTUCKY**

WHEREAS, on April 17, 2012, a special precinct option election was held and the voters in the Country Club Precinct, located in unincorporated Hardin County, voted to allow the sale of alcohol beverages by the drink at Elizabethtown County Club, and

WHEREAS, Hardin County finds it necessary to regulate the sale and distribution of distilled spirits and wine, and malt based beverages now within the Country Club precinct boundaries in order to protect the health, safety and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED BY Hardin County Fiscal Court, Kentucky, that from and after the passage, approval and publication of this Ordinance, the following:

**ARTICLE I -- IN GENERAL**

**Title:**

This ordinance shall be known and may be cited as the Alcoholic Beverage Control Ordinance of Hardin County – distilled spirits and wine, and malt based beverages.

**Definitions:**

The definitions of the words used throughout this ordinance, unless the context requires otherwise, shall have the same meaning as those set out in the Kentucky Alcoholic Beverage Control law (KRS Chapters 241, 242, 243 and 244) of the Commonwealth of Kentucky and all amendments and supplements thereto.

**Incorporation of State Law**

(A) The provision of KRS Chapters 241, 242, 243 and 244, are hereby adopted as part of

this ordinance, except as otherwise lawfully provided herein. As used herein “State” means the Commonwealth of Kentucky, and “County” means Hardin County, Kentucky.

(B) Any violation of State law relating to the sale, production, storing, or otherwise trafficking in alcoholic beverages shall also constitute a violation of this ordinance.

(C) No person shall sell, deal in, barter or exchange or possess for sale, or for the purpose of evading any law or ordinance, give away any alcoholic beverages in any quantity whatever, or cause the same to be done, without complying with all of the provisions of this ordinance and all State Statutes and regulations applicable thereto.

(D) All prohibitions, restrictions, and regulations pertaining to alcoholic beverages contained in KRS Chapter 244 shall apply to alcoholic beverage use and sale at the Elizabethtown Country Club in Hardin County.

**Scope:**

(A) This ordinance shall be construed to apply to the traffic in malt beverages, distilled spirits and wine where the context permits such applications. Unless the context otherwise admits or requires, the term “alcoholic beverage” or “alcoholic beverages” shall mean and shall include distilled spirits, wine and malt based beverages.

(B) Nothing contained in this ordinance shall excuse or relieve the owner, proprietor, employee or person in charge of any licensed premises at the Elizabethtown Country Club in Hardin County, Kentucky where alcoholic beverages are sold from the restrictions, requirements, and penalties of any other ordinance or ordinances of Hardin County or of any State statutes or regulations.

(C) Adoption of State Alcoholic Beverage Control law -- The provisions of the Alcoholic

Beverage Control Law of the Commonwealth of Kentucky (KRS Chapters 241, 242, 243 and 244) and all amendments and supplements thereto, are adopted so far as applicable to this Ordinance except as otherwise lawfully provided herein.

**Deposit of Fees, Fines to General Funds**

All monies derived from license fees or from fines paid in lieu of suspension as provided in this ordinance shall be paid to the Hardin County Treasurer and shall become a part of the general funds of Hardin County.

**ARTICLE II -- DUTIES OF THE OFFICE OF THE COUNTY  
ALCOHOLIC BEVERAGE CONTROL ADMINISTRATOR**

- (a) The duties of the office of County Alcoholic Beverage Control Administrator (hereinafter referred to as County ABC Administrator) are assigned to the office of Code Enforcement.
- (b) The Judge/Executive of Hardin County shall appoint a County ABC Administrator.
- (c) 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, except that no amendment to these regulations proposed by the County ABC Administrator may be less stringent than the statutes relating to Alcoholic Beverage Control, or than regulations of the ABC Board. No regulation of the County ABC Administrator shall become effective until it has first been appropriately approved by Hardin County Fiscal Court.
- (e) 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 KRS 241.100.

(f) The County ABC Administrator shall have all authority as authorized under Chapters 241 through 244 of the Kentucky Revised Statutes.

(g) Should the County ABC Administrator at any time have reasonable grounds to believe that any applicant, licensee, employee of a licensee, or any stockholder, agent or employee of a licensed corporation, has a criminal record, he shall have the authority to require such person to appear in person at the Hardin County Sheriff Office for the purpose of having his or her fingerprints taken.

(h) The County ABC Administrator for entering upon his or her duties as such, shall take the oath as prescribed in Section 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of not less than five thousand (\$5,000.00) dollars, and shall swear to faithfully perform the duties of his or her office pursuant to the provisions of Section 62.060 of the Kentucky Revised Statutes et seq.

The cost of any necessary bond required under this section shall be borne by Hardin County.

(i) 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. Matters at issue shall be heard by the Board as upon an original proceeding. Appeals from orders of the County ABC Administrator shall be governed by KRS Chapter 13B.

### **ARTICLE III – APPLICATION/LICENSE**

(a) Before an application shall be considered, the applicant must publish a notice of its intent to apply for an alcohol beverage license in a newspaper meeting the requirements of KRS Chapter 424.

(1) The advertisement shall state the name and addresses of the members or partnership if the applicant is a partnership, as well as the name of the business and its address, or if the applicant is a corporation, the names and addresses of the principal office and directors of the corporation, as

well as the name and addresses of the corporation itself, the location of the premises for which the license is sought, and the type of license for which application is made.

(2) The applicant shall attach to the application a newspaper clipping of the advertisement and proof of the publication as provided in KRS 424.170.

(b) All licenses granted under this Ordinance are required to first 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 ABC Board and Hardin County, as amended and supplemented from time to time.

(c) 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 ABC Board and Hardin County including as follows:

- (1) Name and address;
- (2) Nature of interest;
- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Hardin County resident indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
- (7) Extent of stock ownership;
- (8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.
- (9) Whether or not he or she holds any public or elected office and if so, state the office held.

Each application shall be accompanied by a certified check, cash or a postal or express money order for the license fee. Promptly upon receipt thereof, the County ABC Administrator shall transmit the same to the Hardin County Treasurer for deposit into the appropriate designated account.

(d) 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.

(e) All County licenses shall be in such form as may be prescribed by the Hardin County Fiscal

Court and 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 name and address of the owner of the building in which the licensed premises are located;
- (6) The expiration date of the license;
- (7) 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.

(f) The initial license approved and issued by County ABC Administrator shall begin 30 days from issue and expire on June 30 of the following year. Subsequent licenses approved and issued by the County ABC Administrator shall be for the period July 1 through June 30 of each subsequent year.

(g) 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.

(h) Any licenses issued after January 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 that for a period of six months.

(i) In addition, any other penalties allowed by this Ordinance or any other statutory provision, a violation of this section shall authorize and require the revocation of the license and Hardin County shall not be required to refund any portion of the license fee.

#### **ARTICLE IV – FEES/LICENSE**

##### **Number of Distilled Spirits, Wine Licenses and Malt Beverages**

The number and type of retail distilled spirits and wine package licenses issued in the Country Club precinct in Hardin County shall not exceed the number and type as set forth in KRS Chapter 241, 242, 243 and 244 and all administrative regulations promulgated pursuant thereto, and as may be amended from time to time.

The number of such licenses authorized by the State Alcohol Beverage Control Board is one (1).

**Distilled Spirits, Wine and Malt Beverages; Fees**

Hardin County shall have the power and authority to issue the following kinds of distilled spirits licenses upon proper application and the payment of prescribed fee.

License Type	Fee
(A) Limited golf course license, per annum	\$1,400.00

Hardin County ABC Administrator shall transmit fees upon collection to the County Treasurer to be deposited into the appropriate designated account. County licenses shall be issued by the County ABC Administrator upon receipt of notice from the ABC Board Administrator of the finality of appeal or protest permitted upon such license pursuant to the provisions of KRS 243.360, and the fact that the ABC Board Administrator has approved the applicant's state application.

Renewals for limited golf course licenses are \$250 less than the applicable licensing fee for a new application.

**Refund of License fees:**

Should any licensee under this Ordinance be prohibited from conducting said business for the full period covered by the license because of any changes that may hereafter be made in the laws of the State of Kentucky with reference to alcoholic beverages or other cause outside licensee's control,

then the County shall refund to the licensee the proportionate part of the license fee for the period during which it 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 agent or employee of the licensee.

**Lost or Destroyed Licenses:**

When a license shall be lost or destroyed without fault on the part of the licensee or his agent or employee, a duplicate in lieu of the original license shall be issued by the County ABC Administrator after he shall be satisfied as to the facts, provided, however, that the person applying for said duplicate license shall pay a fee of Ten (\$10.00) Dollars for issuing said duplicate.

**Temporary Closing:**

In the course of any one day of operation of a licensed premise, should multiple violations of this ordinance or other statutes or ordinances (e.g. disorderly conduct) be reported and investigated by law enforcement or the County ABC Administrator, such one day multiple occurrences shall be reported to the County ABC Administrator by law enforcement *and* the licensee. The County ABC Administrator shall, in the interest of public health, safety, morals and welfare, direct the Hardin County Sheriff's Office to temporarily suspend the license in question for the remaining hours of the day in question by locking the premises after dispersing the patrons. The temporary suspension shall remain in effect until review of the alleged violations by the County ABC Administrator, such review shall occur on the next business day.

**Revocation or Suspension:**

(a) Any license may be revoked or suspended by the County ABC Administrator if the licensee shall



be found to have violated any of the provisions of Kentucky Revised Statutes Chapters 241, 243 or 244, or any rule or regulation of the ABC Board or of the Department of Revenue relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages. Licenses may also be revoked or suspended if such licensee violates any act of Congress or any rule or regulation of any federal board, agency or commission, or this Ordinance or another Ordinance hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of Hardin County authorized by KRS Chapters 241, 243 and 244, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions. Further, any such license may be revoked or suspended for any cause which the County ABC Administrator in the exercise of his sound discretion deems sufficient.

(b) 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.

(c) A license shall be revoked or suspended for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(2) Making any false, material statements in an application for a license.

(3) If, within a period of two (2) consecutive years, any licensee or any of his clerks, servants, agents or employees of the licensee shall have been convicted of two (2) violations of the terms and provisions of KRS Chapter 241, 243 or 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 of the clerks, servants, agents or employees 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.

(4) 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 Department of Revenue made in pursuance thereof.

(5) Revocation of any license granted under any act of Congress relative to the regulation of manufacture, sale and transportation of alcoholic beverages. Any license must be revoked or suspended in the case of sale of alcoholic beverages by the licensee at a price in excess of the price set by federal or state regulations.

(6) 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 sports bets; 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.

(d) The County ABC Administrator may, after a hearing, order a suspension of the license for up to 180 days for any cause which he/she may, but is not required to, revoke the license under the provisions of KRS 241, 242, 243, 244 and this County Ordinance. The suspended licensee may pay a fine of \$75 per day in lieu of the suspension, subject to the approval of the County ABC Administrator. The County ABC Administrator shall issue a written order of suspension and deliver it via regular U.S. Mail to the licensee's address indicated on the license. Such fines in lieu of suspension shall be paid to the Hardin County Treasurer.

#### **Hearing to revoke or suspend license:**

Proceedings for the revocation or suspension of a license shall be governed as follows:

- (a) The County ABC Administrator shall provide written notice, via regular U.S. Mail or by hand delivery to the licensee, notice of any hearing related to the possible suspension or revocation of the licensee's alcoholic beverage license. The address provided by the licensee to the County ABC Administrator on its license application shall be deemed the address for the notice of the hearing. The licensee shall notify the County ABC Administrator of any change of address subsequent to the submission of an application for license. Notice to the licensee must be provided at least 7 days prior to the hearing and may be evidenced by postmark or certification of hand delivery.
- (b) The County Judge Executive or his/her designee shall be the hearing officer for any proceedings related to the possible suspension or revocation of a license.
- (c) All hearings shall be public hearings and are to be conducted in accordance with KRS 13B.080 and KRS 13B.090.
- (d) The County Attorney or his/her designee shall represent Hardin County at the hearing.
- (e) The County ABC Administrator shall provide the written decision of the hearing within seven (7) days of the conclusion of the hearing.
- (f) Any order of suspension or revocation issued by the County ABC Administrator may be appealed to the ABC Board within 30 days of the date of the order suspending or revoking.

#### **Surrender of License**

(a) Within three (3) days after any order of revocation 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 license to the County ABC Administrator. If the revoked license is not forthwith surrendered by the licensee, the Hardin County Sheriff's Office at the request of the County ABC Administrator shall immediately cause one of his officers to take physical possession of the license and return it to the County ABC Administrator.

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

(c) Appeal from the decision of the County ABC Administrator shall be to the ABC Board.

(d) If a license is revoked or suspended by an order of the County ABC Administrator, the licensee shall at once suspend all operations authorized under his license.

**Transfer or Assignment:**

No license issued under this Ordinance shall be transferred or assigned either as to licensee or location except with prior approval of the County ABC Administrator and not then until a payment of One Hundred Dollars (\$100.00) shall be made to the County ABC Administrator.

**Refusal of License/Mandatory Qualifications:**

A County license shall be refused:

(a) For any cause that the State shall refuse to issue or renew a license;

(b) For any cause for suspension or revocation of a county or state license 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 committed any act for which a revocation of license would be authorized; or

- (c) If the applicant has made any false material statement in his application.
- (d) If the applicant is seeking a license for the sale and distribution of distilled spirits, wine and/or malt based beverages in a sexually oriented business.
- (e) For any reason that the County ABC Administrator which he, in the exercise of his sound discretion may deem sufficient.

**Review of License**

Applicants to whom a license is issued authorizing the sale of alcoholic beverages pursuant to this ordinance shall provide periodic information demonstrating compliance. This document shall be provided on a schedule to be coordinated with the applicant's regulatory fee filings. This information shall consist of a certificate from a Certified Public Accountant, owner or other designate familiar with the applicant's pertinent business records. This certificate shall state:

*I declare, under the penalties of perjury, that this return has been examined by me and to the best of my knowledge and belief is a true, correct and complete return.*

**Regulatory License Fee:**

(a) A regulatory license fee is imposed on the gross receipts of sale of alcoholic beverages of each license issued by the County ABC Administrator. Said license fee shall be five (5%) percent of gross sales of alcoholic beverages as it is hereby determined that said percentage rate is reasonably estimated to insure reasonable reimbursement to the County for the cost of additional policing, regulatory or administrative expenses related to the sale of alcoholic beverages. Such fee shall be in addition to any other tax, fee or license permitted by law, but a credit against such fee shall be allowed in an amount equal to the license or fee imposed and such regulatory fee shall be applied annually from July 1 to June 30.

(b) Payment of such regulatory fees shall be remitted to the County ABC Administrator, and shall accompany the tax returns approved for such use. These returns and payments are due monthly by the 20<sup>th</sup> day of the following month at which time one-twelfth (1/12) of the annual fees shall be deducted as a credit.

(c) Failure to pay such quarterly remittance within ten (10) days of the due date constitutes a violation and will subject licensee to suspension or revocation.

(d) Penalty for failure to file a return and pay quarterly remittance by the due date is five percent (5%) of the tax for each ninety (90) days or fraction thereof. The total late filing penalty shall not exceed twenty-five percent (25%) of the tax, provided, however, in no case shall the penalty be less than Ten Dollars (\$10.00).

(e) Interest at the rate of eight percent (8%) per annum will apply to any late payments.

**Change of Information:**

(a) A license may be issued by the County ABC Administrator in the name of a corporation, therefore it is necessary that stock ownership changes in such corporation be reported to the County ABC Administrator. The County ABC Administrator shall then investigate the person to whom the stock is transferred in order to ascertain whether that person is precluded by statute from holding an interest in an alcoholic beverage license.

(b) As used herein, the word "change" is construed to include any change in directors or officers of the corporation, or change in ownership of stock whereby any person secures ten percent (10%) of the outstanding stock. Transfer of more than ten percent (10%) of the total stock shall require a new license.

(c) The following information will be required concerning any new director, officer, or person

securing any interest in alcoholic beverage license:

- (1) Name and address;
- (2) Nature of interest;
- (3) Whether or not a citizen of the United States;
- (4) Date of birth;
- (5) Date residence was established in Kentucky, if a resident of Kentucky. If Elizabethtown resident indicate when residence was established;
- (6) Whether or not he or she has any interest in any other license or corporation or partnership holding a license under this act;
- (7) Extent of stock ownership;
- (8) Whether or not he or she has any interest in any license or corporation or partnership holding a license in any other state or province.
- (9) Whether or not he or she holds any public or elected office and if so, state the office held.

This information shall be filed with the County ABC Administrator as an amendment of the application pursuant to which the license was granted.

**Dormancy:**

- (a) It is necessary that a licensee actually conduct the business authorized by such a license; otherwise the license will be declared dormant and become null and void after ninety (90) days. Such is the intent of this section. Realizing that a licensee, like other business, may have his business interrupted by situations not under his control, various exceptions to the dormancy rule have been included in this section.
- (b) Any license under which no business is transacted during a period of ninety (90) days shall become null and void. At the expiration of the ninety (90) day period the license shall be surrendered to the County ABC Administrator.
- (c) Except that the provisions of subsection (a) hereof shall not apply to any licensee who is unable to continue in business at the premises for which a license is issued due to construction, an act of

God, casualty, death, the acquisition of the premises by any federal, state, city or other governmental agency under power of eminent domain, (acquisition is voluntary or involuntary), or loss of lease through failure of landlord to renew existing lease. Such licensee shall furnish to the County ABC Administrator a verified statement setting forth the fact that the licensee is unable to continue in business prior to the expiration of the ninety (90) days of inactivity, for any of the reasons set forth herein, and the County ABC Administrator may, in his/her discretion, grant an extension of the dormancy with the license continuing to remain in effect during the license period or until same is transferred to another premises, notwithstanding the fact that no business is transacted during said period; provided, however, no such license shall be considered valid unless business is conducted thereunder within twelve (12) months from the date of notice to the County ABC Administrator. Such extension may not extend beyond the renewal date but may be for such times as the County ABC Administrator deems appropriate in exercise of his/her sound discretion.

(d) All renewal licenses must be on file with the County ABC Administrator within thirty (30) days prior to the expiration of the licenses 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 prior due to construction, an act of God, casualty, death, the acquisition or threatened acquisition of these premises by any federal, state, city or other governmental agency or private corporation, possessing power of eminent domain, whether such acquisition is voluntary or involuntary, or loss of lease through failure of landlord to renew existing lease; 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.

**Approval of Premises:**

The County ABC Administrator shall not grant any alcoholic beverage license or approve a renewal of a license until said applicant and his place of business shall have been approved by the county building official, and any and all other inspections required by the Kentucky Building Code.

**Delinquent Taxes or Fees:**

No license to sell alcoholic or malt beverages shall be granted or renewed to any person who is delinquent in the payment of any taxes or fees due the County at the time of the issuing the license; nor shall any license be granted or renewed to sell upon any premises or property, owned and occupied by the licensee upon which there are any delinquent taxes or fees due the County. Further, if a licensee becomes delinquent in the payment of any taxes or any fees due the County at any time during the license period, the license to sell alcoholic or malt beverages shall be subject to revocation or suspension.

**Books, Records and Reports:**

(a) Every licensee under this Ordinance shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the sale of alcoholic beverages in the same manner required by the reasonable rules and regulations of the ABC Board. Such books and records shall be available at all reasonable times for inspection by the County ABC Administrator and such County employees who may assist the County ABC Administrator in his review.

(b) For the purpose of assisting the County ABC Administrator in enforcement of this Ordinance,



every licensee required to report to the ABC Board under KRS 243.850 shall provide a copy of such report to the County ABC Administrator. Copies of any and all reports and correspondences to the ABC Board required by Statute shall be furnished to the County ABC Administrator.

#### **ARTICLE V -- HOURS FOR SALE AND DELIVERY; RESTRICTIONS**

(a) Upon the licensee being granted a license for the sale of alcoholic beverages by the drink on its premises, it shall not be permitted to sell or dispense said beverages Monday through Saturday between the hours of 12:00 a.m./midnight and 6:00 a.m.

(b) The licensee may sell or dispense distilled spirits, malt beverages and wine on Sunday between the hours of 1:00 p.m. and 12:00 a.m./midnight.

(c) The licensee shall provide a separate locked location in which all stocks of distilled spirits and wine are kept during these hours when sales are prohibited. KRS 244.290.

(d) All delivery of alcoholic beverages in Hardin County shall be made during normal business hours, Monday through Saturday. No delivery shall occur between the hours of 12:00 a.m./ midnight and 6:00 a.m. Monday through Saturday. (KRS 244.480) No delivery shall occur on Sunday.

The licensee shall not sell or dispense any alcoholic beverages during the hours that the polls are open on any regular or primary election day.

The licensee shall remain closed during the hours the polls are open on any regular or primary election day unless it can provide a separate locked location in which all stock of distilled spirits and wine are kept during the hours the polls are open. KRS 244.290.

#### **ARTICLE VI -- CONDITIONS, PROHIBITIONS AND RESTRICTIONS**

##### **Conditions, Prohibitions and Restrictions:**

(a) No gambling or game of chance unless otherwise authorized by the Commonwealth of Kentucky shall be permitted in any form on such licensed premises. Dice, slot machines, or any device of chance is prohibited and shall not be kept on such premises.

(b) It shall be unlawful for any licensee licensed under this Ordinance to have or maintain any radio receiving apparatus on such premises which is capable of receiving police messages broadcast from any law enforcement agency in Hardin County as it is now or may hereafter be operated. In addition to other penalties provided for the violation of this section, the law enforcement or the County ABC Administrator shall have the authority to confiscate any and all such radio receiving apparatus.

(c) The licensee shall be responsible for maintaining security on his premises including providing adequate outside lighting to permit customers to utilize the parking area and to promote the safety, health and welfare of the general public utilizing the licensed premise. Security standards are further necessary to discourage unlawful activity in and around the licensed premises.

(d) It shall be unlawful for the licensee under this Ordinance who sells alcoholic beverages of any kind, to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in direct connection with the sale of alcoholic beverages.

(e) No licensee or agent or employee of the licensee shall permit any person to become drunk or intoxicated on the premises, nor shall any licensee permit any drunk or intoxicated person to remain on the licensed premises.

(f) The licensee shall not sell or dispense alcoholic beverages to any person who is under 21 years of age.

(g) The licensee shall not permit unreasonable noise upon the licensed premises so as to disturb the nearby residents. Noise shall be deemed unreasonable when, including but not limited to, it

continues after warning has been provided to the licensee by law enforcement or the County ABC Administrator.

(h) The licensee shall display at all times in a prominent place a sign at least 8" x 11" in 30 point or larger type which states as follows:

*Persons under the age of twenty-one (21) are subject to a fine of up to One Hundred Dollars (\$100.00) if they:*

- 1. Enter licensed premises to buy, or have served to them, alcoholic beverages.*
- 2. Possess, purchase or attempt to purchase, or get another to purchase alcoholic beverages.*
- 3. Misrepresent their age for the purpose of purchasing or obtaining alcoholic beverages.*

(i) The licensee, before commencing any business for which a license has been issued, shall post and display at all times in a conspicuous place in the room or principal room where the business is carried on so that all persons visiting the place may readily see the license.

(j) The licensee shall not at any time post the license on premises other than the licensed premises or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly deface, destroy or alter the license in any respect.

(k) The licensee shall post in a prominent place easily seen by patrons a printed sign at least eleven (11) inches by fourteen (14) inches in size, with letters at least one (1) inch high, supplied by the Alcoholic Beverage Control Commission, and with gender-neutral language supplied by the Cabinet for Health Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects.

A person who violates this subsection (k) shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). KRS 243.895.

(l) The licensee shall comply with all local codes and Ordinances in relation to signs. Any sign externally visible which directly or indirectly refers to alcoholic beverages is limited to one (1) and it

shall be no more than two (2) square feet. No flashing lights are permitted on such signs. Any off premises signage advertising the sale of alcoholic beverages is prohibited.

(m) No wholesaler or distributor shall sell any alcoholic beverages to any person in Hardin County for any consideration except under the usual credit or cash terms of the wholesaler or distributor at or before the time of delivery. Nor shall any retail licensee sell to a purchaser for any consideration except for cash at time of purchase.

(n) No licensee shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

1. Has been convicted of any felony, misdemeanor or other offense directly or indirectly attributable to the use of alcoholic beverages, within the last two (2) years;
2. Is under the age of twenty (20) years who will be serving alcoholic beverages.
3. Within two (2) years prior to the date of his employment, has had any alcohol license revoked for cause.

Violation of this subsection shall subject both employer and employee to penalties provided in this Ordinance and shall be cause for revocation of license.

(o) All persons who shall be serving alcoholic beverages shall undergo any training required by the state ABC Office, the cost of which shall be the responsibility of the licensee.

(p) Mandatory Responsible Alcoholic Beverage Service Training:

- 1) All persons employed in the selling and serving of alcoholic beverages shall participate in and complete a County approved responsible beverage service training program. For a responsible beverage service program to be approved by the County, it must effectively train its participants in the identification of false age documents and recognition

of characteristics of intoxications. Hardin County will require enrollment in the Server Training in Alcohol Regulations (S.T.A.R.) program offered by the Education Branch of the State ABC to provide consistency in the training under specific Kentucky law.

2) All persons required to complete training under paragraph (A) above shall complete that training within sixty (60) days of the date on which the person first becomes subject to the training requirement or in the first available approved program following employment if no program is available within sixty (60) days. All persons completing the training required by this section shall be re-certified in responsible alcoholic beverage service training from a program approved by Hardin County not less than once every three (3) years thereafter.

3) The owner of any license serving alcoholic beverages 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 name, job description, date of employment and proof of certification of each server regulated by this section. This information shall be available at any reasonable time to any alcoholic beverage control officer or any police officer.

## **ARTICLE VII -- ENFORCEMENT**

### **Enforcement:**

Law Enforcement and the County ABC Administrator or the officers of that department are authorized to enforce this Ordinance for alleged violations.

### **Penalties:**

Any person, firm or corporation who violates any of the provisions of this Ordinance, for which no other penalty is hereby provided, shall, in addition to license suspension or revocation, for

the first offense, be fined not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Dollars (\$200.00) or imprisoned in the county jail for not more than six (6) months, or both, and for the second and each subsequent violation, he shall be fined not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned in the county jail for not more than 12 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, joint stock company, association or fiduciary, the principal officer or officers responsible for the violation may be imprisoned.

**ARTICLE VIII -- SEVERABILITY**

If any portion of this Ordinance is declared null and void, the remaining provisions will remain in full force and effect.

**ARTICLE IX -- EFFECTIVE DATE**

Prohibition is lifted at the Elizabethtown Country Club located in Hardin County for the limited purposes described hereinabove effective June 16, 2012.

BE IT FURTHER ORDAINED that the Hardin County Judge/Executive and/or his designee, be and he is hereby authorized and directed to take all steps necessary to perfect this Ordinance.

READ THE FIRST TIME, this 22nd day of May, 2012.


READ, ADOPTED AND APPROVED, this 12th day of June, 2012.

  
HARRY L. BERRY  
HARDIN COUNTY JUDGE/EXECUTIVE

ATTESTED TO:

Kenneth L. Tabb  
by Ansa McInovi DC  
KENNETH L. TABB, HARDIN CO. CLERK

PREPARED BY:

  
\_\_\_\_\_  
JENNIFER B. OLDHAM, HARDIN CO. ATTORNEY