

ORDINANCE NO. 1752

AN ORDINANCE AMENDING ORDINANCE NO. 1641 RELATED TO THE SALE OF ALCOHOLIC BEVERAGES AND SPECIFICALLY AMENDING THE PERMISSABLE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY.

WHEREAS, the City of Danville has heretofore adopted Ordinance No. 1641, effective January 14, 2003, pursuant to the provisions of KRS 242.185(6) and a local option election, setting forth the City's standards for issuing a license for the sale of alcoholic beverages within the City of Danville as authorized by the said local option election, and for the regulation of those establishments qualifying under KRS 242.185(6), and;

WHEREAS, in Ordinance No. 1665, the Board of Commissioners amended and restated Ordinance No. 1641, and Ordinance No. 1665 was in turn amended in Ordinance No. 1728;

WHEREAS, the Board of Commissioners of the City of Danville desires to amend the existing ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Danville, Kentucky, as follows:

SECTION 1: Section 2.5-56 of Chapter 2.5 of the Danville Code of Ordinances is hereby amended to read as follows:

Sec. 2.5-56 Hours.

(a) The licensee shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by the drink ~~Monday through Saturday~~ between the hours of 6:00 a.m. and midnight, each day of the week.

~~(b) No alcohol may be sold or dispensed on Sundays, unless pursuant to division (d) below.~~

~~(c) All delivery of alcoholic beverages in the city shall be made during normal business hours. Monday through Saturday. No delivery shall occur on Sunday.~~

(bd) ~~The licensee may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1, regardless of the day of the week on which New Year's Eve occurs, provided that the appropriate licenses have been obtained from both the city and the state ABC Board. If New Year's Eve falls on a Sunday, alcoholic beverages may be sold and dispensed commencing at 5:00 p.m.; if New Year's Day falls on a Sunday, then alcoholic beverages may be sold and dispensed until 2:00 a.m. on January 1; provided, however, that in either instance, the appropriate licenses for Sunday sales and for extended sales must be obtained from both the city and the state ABC Board. In either event, there shall be no additional city license fee imposed.~~

(ce) The licensee shall not sell or dispense any distilled spirits, wine or malt beverages during the hours that the polls are open on any regular or primary election day.

SECTION TWO: Section 2.5-32(a) is hereby amended as follows:

(a) There is hereby imposed upon each holder of a license to manufacture and/or traffic in alcoholic beverages, whether pursuant to KRS 242.185(6) or any other provision of KRS Chapters 241 through 244, a license fee for the privilege of manufacturing and/or trafficking in alcoholic beverages within the city. The annual license fee under KRS 242.185(6) ("Limited Restaurant") shall be \$1,000.00. The annual city license fee for the sale of alcoholic beverages during extended hours shall be \$0.00. The annual city license fee for a caterer's license shall be \$600.00. The annual city license fee for a Special Sunday Retail Liquor Drink License shall be \$0.00. Otherwise, the annual license fee for any supplemental city license, as set out in Article II, shall be the maximum amount provided in KRS 243.070 for that particular license. These fees may be amended from time to time if not inconsistent with the applicable state statutes.

SECTION THREE: If any section, subsection, paragraph, sentence, clause, phrase, or a portion of this Ordinance is declared illegal or unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions hereof.

SECTION FOUR: This Ordinance shall be effective upon its final passage and publication, and the City Clerk is hereby directed to publish this Ordinance in the Danville Advocate-Messenger of Danville, Kentucky.

GIVEN FIRST READING AND PASSED 5/26/09

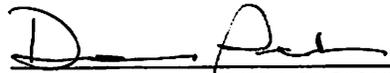
GIVEN SECOND READING AND PASSED 5/28/09

PUBLISHED BY DANVILLE ADVOCATE-MESSENGER 5/31/09

APPROVED:

  
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HUGH C. COOMER, MAYOR

ATTEST:

  
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DONNA PEEK, CITY CLERK

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LEGAL

ORDINANCE #1752

AN ORDINANCE AMENDING ORDINANCE NO. 1641 RELATED TO THE SALE OF ALCOHOLIC BEVERAGES AND SPECIFICALLY AMENDING THE PERMISSIBLE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY.

WHEREAS, THE CITY OF DANVILLE HAS HERETOFORE ADOPTED ORDINANCE NO. 1641, EFFECTIVE JANUARY 14, 2003, PURSUANT TO THE PROVISIONS OF KRS 242.185(6) AND A LOCAL OPTION ELECTION, SETTING FORTH THE CITY'S STANDARDS FOR ISSUING A LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES WITHIN THE CITY OF DANVILLE AS AUTHORIZED BY THE SAID LOCAL OPTION ELECTION, AND FOR THE REGULATION OF THOSE ESTABLISHMENTS QUALIFYING UNDER KRS 242.185(6), AND;

WHEREAS, IN ORDINANCE NO. 1665, THE BOARD OF COMMISSIONERS AMENDED AND RESTATED ORDINANCE NO. 1641, AND ORDINANCE NO. 1665 WAS IN TURN AMENDED IN ORDINANCE NO. 1728;

WHEREAS, THE BOARD OF COMMISSIONERS OF THE CITY OF DANVILLE DESIRES TO AMEND THE EXISTING ORDINANCE;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF DANVILLE, KENTUCKY, AS FOLLOWS:

SECTION 1: SECTION 2.5-56 OF CHAPTER 2.5 OF THE DANVILLE CODE OF ORDINANCES IS HEREBY AMENDED TO READ AS FOLLOWS:

SEC. 2.5-56 HOURS.

(A) THE LICENSEE SHALL BE PERMITTED TO SELL OR DISPENSE DISTILLED SPIRITS, WINE AND/OR MALT BEVERAGES BY THE DRINK ~~MONDAY THROUGH SATURDAY~~ BETWEEN THE HOURS OF 6:00 A.M. AND MIDNIGHT, EACH DAY OF THE WEEK.

~~(B) NO ALCOHOL MAY BE SOLD OR DISPENSED ON SUNDAYS, UNLESS PURSUANT TO DIVISION (B) BELOW.~~

~~(C) ALL DELIVERY OF ALCOHOLIC BEVERAGES IN THE CITY SHALL BE MADE DURING NORMAL BUSINESS HOURS, MONDAY THROUGH SATURDAY. NO DELIVERY SHALL OCCUR ON SUNDAY.~~

~~(BB) THE LICENSEE MAY SELL AND DISPENSE ALCOHOLIC BEVERAGES ON NEW YEAR'S EVE UNTIL 2:00 A.M. ON JANUARY 1, REGARDLESS OF THE DAY OF THE WEEK ON WHICH NEW YEAR'S EVE OCCURS, PROVIDED THAT THE APPROPRIATE LICENSES HAVE BEEN OBTAINED FROM BOTH THE CITY AND THE STATE ABC BOARD. IF NEW YEAR'S EVE FALLS ON A SUNDAY, ALCOHOLIC BEVERAGES MAY BE SOLD AND DISPENSED COMMENCING AT 5:00 P.M., IF NEW YEAR'S DAY FALLS ON A SUNDAY, THEN ALCOHOLIC BEVERAGES MAY BE SOLD AND DISPENSED UNTIL 2:00 A.M. ON JANUARY 1, PROVIDED, HOWEVER, THAT IN EITHER INSTANCE, THE APPROPRIATE LICENSES FOR SUNDAY SALES AND FOR EXTENDED SALES MUST BE OBTAINED FROM BOTH THE CITY AND THE STATE ABC BOARD. IN EITHER EVENT, THERE SHALL BE NO ADDITIONAL CITY LICENSE FEE IMPOSED.~~

~~(CE) THE LICENSEE SHALL NOT SELL OR DISPENSE ANY DISTILLED SPIRITS, WINE OR MALT BEVERAGES DURING THE HOURS THAT THE POLLS ARE OPEN ON ANY REGULAR OR PRIMARY ELECTION DAY.~~

SECTION TWO: SECTION 2.5-32(A) IS HEREBY AMENDED AS FOLLOWS:

(A) THERE IS HEREBY IMPOSED UPON EACH HOLDER OF A LICENSE TO MANUFACTURE AND/OR TRAFFIC IN ALCOHOLIC BEVERAGES, WHETHER PURSUANT TO KRS 242.185(6) OR ANY OTHER PROVISION OF KRS CHAPTERS 241 THROUGH 244, A LICENSE FEE FOR THE PRIVILEGE OF MANUFACTURING AND/OR TRAFFICKING IN ALCOHOLIC BEVERAGES WITHIN THE CITY. THE ANNUAL LICENSE FEE UNDER KRS 242.185(6) ("LIMITED RESTAURANT") SHALL BE \$1,000.00. THE ANNUAL CITY LICENSE FEE FOR THE SALE OF ALCOHOLIC BEVERAGES DURING EXTENDED HOURS SHALL BE \$0.00. THE ANNUAL CITY LICENSE FEE FOR A CATERER'S LICENSE SHALL BE \$600.00. THE ANNUAL CITY LICENSE FEE FOR A SPECIAL SUNDAY RETAIL LIQUOR DRINK LICENSE SHALL BE \$0.00. OTHERWISE, THE ANNUAL LICENSE FEE FOR ANY SUPPLEMENTAL CITY LICENSE, AS SET OUT IN ARTICLE II, SHALL BE THE MAXIMUM AMOUNT PROVIDED IN KRS 243.070 FOR THAT PARTICULAR LICENSE. THESE FEES MAY BE AMENDED FROM TIME TO TIME IF NOT INCONSISTENT WITH THE APPLICABLE STATE STATUTES.

SECTION THREE: IF ANY SECTION, SUBSECTION, PARAGRAPH, SENTENCE, CLAUSE, PHRASE, OR A PORTION OF THIS ORDINANCE IS DECLARED ILLEGAL OR UNCONSTITUTIONAL OR OTHERWISE INVALID, SUCH DECLARATION SHALL NOT AFFECT THE REMAINING PORTIONS HEREOF.

SECTION FOUR: THIS ORDINANCE SHALL BE EFFECTIVE UPON ITS FINAL PASSAGE AND PUBLICATION, AND THE CITY CLERK IS HEREBY DIRECTED TO PUBLISH THIS ORDINANCE IN THE DANVILLE ADVOCATE-MESSENGER OF DANVILLE, KENTUCKY.

GIVEN FIRST READING AND PASSED: 5/26/09  
GIVEN SECOND READING AND PASSED: 5/28/09  
PUBLISHED IN THE ADVOCATE-MESSENGER: 5/31/09

APPROVED:  
HUGH C. COOMER, MAYOR

ATTEST:  
DONNA PEEK, CITY CLERK