

**ORDINANCE NO. 2018-018**

**AN ORDINANCE AMENDING THE PRIOR ORDINANCES RELATING TO ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, the City Commission of the City of Franklin has found and determined that there is a need to modify the hours in which retail establishments shall be permitted to be in operation in order to be competitive with those other jurisdictions; and

WHEREAS, these findings require amendments to the City of Franklin Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRANKLIN, KENTUCKY as follows:

§ 111.016 shall be amended to read as follows:

**§ 111.016 CONSUMPTION OF DRINK ON PREMISES; LICENSE REQUIRED; FEE**

The City Commission, pursuant to the provisions of the Kentucky Revised Statutes, has previously determined that economic hardship exists within the city, as is evidenced by its high rate of unemployment, slow rate of growth, loss due to plant closings, and a significant number of vacancies in the business districts. The City Commission has further determined that the licensing authorization contained in paragraph (B) of this section could aid economic growth. Further, the City Commission adopts this chapter as a comprehensive, regulatory ordinance covering, inter alia, the licensing and operation of hotels, motels, inns and restaurants for the sale of alcoholic beverages by the drink for consumption on the premises.

(B) In accordance with the Kentucky Revised Statutes, the City Alcoholic Beverage Control Administrator is authorized to issue any license permitted by KRS 243.070, and the activity thereby licensed is permitted in accordance with state law and city law.

§ 111.017 shall be amended to read as follows:

**§ 111.017 ( Section Reserved).**

§ 111.018 shall be amended as follows:

§ 111.018 Distilled Spirits and Wine License Fees.

The following distilled spirits and wine licenses as set forth in KRS 243.030 may be issued by the city, the fees for which shall be:

- (a) Distiller’s License, per annum \$ 500.00
- (b) Rectifier’s License:
  - (a) Class A, per annum \$3,000.00

(b)	Class B (craft rectifier), per annum	\$ 960.00
(c)	Wholesaler's Distilled Spirit and Wine License, per annum	\$3,000.00
(d)	Quota Retail Package License, per annum	\$ 800.00
(e)	Quota Retail Drink License, per annum	\$ 800.00
(f)	Special Temporary License, per event:	<u>\$ 150.00</u>
(g)	Nonquota Type 1 Retail Drink License (includes distilled spirits, wine and malt beverages), per annum	\$2,000.00
(h)	Nonquota Type 2 Retail Drink License (includes distilled spirits, wine and malt beverages), per annum	\$ 800.00
(i)	Nonquota Type 3 Retail Drink License (includes distilled spirits, wine and malt beverages), per annum	\$ 300.00
(j)	Special Temporary Alcoholic Beverage Auction License, per event	\$ 200.00
(k)	Special Sunday Retail Drink License, per annum	\$ 300.00
(l)	Extended Hours Supplemental License, per annum	\$2,000.00
(m)	Caterer's License, per annum	\$ 800.00
(n)	Bottling House or Bottling House Storage License, per annum	\$1,000.00
(o)	Limited Restaurant License (includes distilled spirits, wine and malt beverages), per annum	\$ 800.00
(p)	Limited Golf Course License (includes distilled spirits, wine and malt beverages), per annum	\$1,200.00

§ 111.070 shall be amended to read as follows:

§ 111.070 Hours for Sale and Delivery.

(a) A licensee that is licensed to sell distilled spirits, wine, or malt beverages by the drink or by the package shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages during the times in which the licensee is open for business.

§ 111.091 shall be amended to read as follows:

§ 111.091 Employment Restrictions.

(1) No licensee shall knowingly employ in connection with his or her business any person who:

(a) Has been convicted of any felony within the last two (2) years;

(b) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;

- (c) Is under the age of twenty (20) years, unless the person is employed:
1. In a bottling house or room of a licensed distiller, winery, brewer, or rectifier;
  2. In an office of a wholesaler or manufacturer that is maintained in a building separate from the warehouses or factory;
  3. At premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least eighteen (18) years of age and under the supervision of a person twenty (20) years of age or older; or
  4. In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages:
    - a. A restaurant that derives at least fifty percent (50%) of its food and alcoholic beverage sales from the sale of food for consumption on the licensed premises; or
    - b. Any other establishment with alcoholic beverage sales not exceeding fifty percent (50%) of its gross sales; or

(d) Within two (2) years prior to the date of the person's employment, has had any license issued under KRS Chapters 241 to 244 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.

- (2) The provisions of paragraphs (a) and (b) of subsection (1) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.
- (3) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

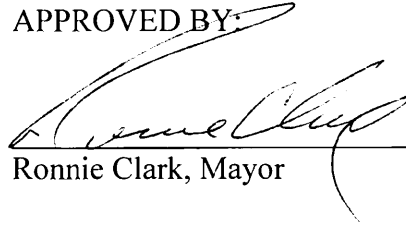
November 19, 2018 - FIRST READING

December 10, 2018 - SECOND READING

At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on December 10, 2018 on motion made by Commissioner Powell and seconded by Commissioner Dixon the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>YES</u>	LARRY DIXON	<u>YES</u>	JAMIE POWELL
<u>YES</u>	MASON BARNES	<u>YES</u>	WENDELL STEWART
<u>YES</u>	RONNIE CLARK, MAYOR		

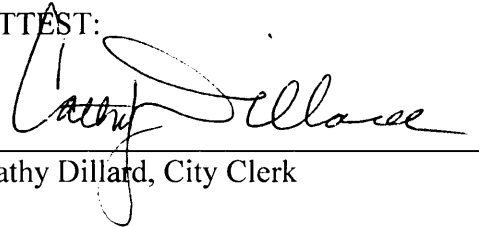
APPROVED BY:



---

Ronnie Clark, Mayor

ATTEST:



---

Cathy Dillard, City Clerk

**ORDINANCE NO. 2018-018**

**AN ORDINANCE AMENDING THE PRIOR ORDINANCES RELATING TO  
ALCOHOLIC BEVERAGE CONTROL**

WHEREAS, the City Commission of the City of Franklin has found and determined that there is a need to modify the hours in which retail establishments shall be permitted to be in operation in order to be competitive with those other jurisdictions; and

WHEREAS, these findings require amendments to the City of Franklin Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRANKLIN, KENTUCKY as follows:

§ 111.016 shall be amended to read as follows:

**§ 111.016 CONSUMPTION OF DRINK ON PREMISES; LICENSE REQUIRED; FEE (“NQ-2 AND/OR NQ-4” LICENSES).**

- (A) The City Commission, pursuant to the provisions of the Kentucky Revised Statutes, has previously determined that economic hardship exists within the city, as is evidenced by its high rate of unemployment, slow rate of growth, loss due to plant closings, and a significant number of vacancies in the business districts. The City Commission has further determined that the licensing authorization contained in paragraph divisions (B) and (C) of this section could aid economic growth. Further, the City Commission adopts this chapter as a comprehensive, regulatory ordinance covering, inter alia, the licensing and operation of hotels, motels, inns and restaurants for the sale of alcoholic beverages by the drink for consumption on the premises. ~~These licenses shall also be known as “NQ-2 Retail Drink Licenses” or “NQ-4 Retail Malt Beverage Drink Licenses”.~~
- ~~(B) The city shall have the power and authority to issue licenses authorizing hotels, motels, inns, or restaurants to sell any and all alcoholic beverages by the drink for consumption on the premises. The licenses shall only be issued to hotels, motels or inns containing not less than 50 sleeping units and having dining facilities for not less than 50 persons, or bona fide restaurants open to the general public having dining facilities for not less than 50 persons. The term “bone fide restaurants” as used in this section shall mean, in addition to having the minimum seating requirements set forth above, restaurants which derive at least 50% of their gross revenue from the sale of food for consumption on the premises; this requirement is and shall be in accord with the Kentucky Revised Statutes. The fee for said licenses shall be as set forth herein.~~
- ~~(B) (C)~~ In accordance with the Kentucky Revised Statutes, the City Alcoholic Beverage Control Administrator is authorized to issue any license permitted by KRS 243.070, and the activity thereby licensed is permitted in accordance with state law and city law.

§ 111.017 shall be amended to read as follows:

**§ 111.017 LIMITED RESTAURANT LICENSES.**

- ~~(A) Restaurants and dining facilities licensed under this section shall seat a minimum of 100 persons. Only permanent seating, excluding bar type stools, patio seating or temporary chairs available as needed, satisfies this seating threshold. Said seating must comply with all fire and safety capacity ratings and regulations.~~
- ~~(B) The sale of alcoholic beverages shall be accessory to the sale of food, offered only during times in which the licensee's kitchen and food service staff is on duty.~~
- ~~(C) Restaurants and dining facilities licensed under this section shall derive a minimum of 70% of their gross receipts from the sale of food as certified by periodic documentation as provided herein.~~
- ~~(D) The annual city license fee for a limited restaurant license shall be as set forth below. The city, with approval of the City Commission, may increase this fee if allowed by the Kentucky Revised Statutes.~~
- ~~(E) Applicants to whom a license is issued pursuant to this section shall provide periodic information demonstrating compliance with the continuing requirement that 70% of the applicant's business income is earned from the sale of food. This documentation shall be provided on a schedule to be coordinated with the applicant's quarterly regulatory fee filings. In the event the 70% food requirement is not met in any particular quarter, the City ABC Administrator shall have the discretion in determining whether revocation is appropriate or whether the licensee may be allowed a reasonable period of time to reach compliance. If a good faith effort is demonstrated by the licensee, the City ABC Administrator may apply an accounting period of at least one year in determining whether or not the 70% minimum food requirement has been met.~~

**§ 111.017 ( Section Reserved).**

§ 111.018 shall be amended as follows:

§ 111.018 Distilled Spirits and Wine License Fees.

The following distilled spirits and wine licenses as set forth in KRS 243.030 may be issued by the city, the fees for which shall be:

- (a) Distiller's License, per annum \$ 500.00
- (b) Rectifier's License:
  - (a) Class A, per annum \$3,000.00

(b)	Class B (craft rectifier), per annum	\$ 960.00
(c)	Wholesaler's Distilled Spirit and Wine License, per annum	\$3,000.00
(d)	Quota Retail Package License, per annum	\$ 800.00
(e)	Quota Retail Drink License, per annum	\$ 800.00
(f)	Special Temporary License, per event:	\$ 150.00
	<del>Beer only</del>	<del>\$ 50.00</del>
	<del>Wine only</del>	<del>\$ 50.00</del>
	<del>All other alcoholic beverages</del>	<del>\$ 50.00</del>
(g)	Nonquota Type 1 Retail Drink License (includes distilled spirits, wine and malt beverages), per annum	\$2,000.00
(h)	Nonquota Type 2 Retail Drink License (includes distilled spirits, wine and malt beverages), per annum	\$ 800.00
(i)	Nonquota Type 3 Retail Drink License (includes distilled spirits, wine and malt beverages), per annum	\$ 300.00
(j)	Special Temporary Alcoholic Beverage Auction License, per event	\$ 200.00
(k)	Special Sunday Retail Drink License, per annum	\$ 300.00
(l)	Extended Hours Supplemental License, per annum	\$2,000.00
(m)	Caterer's License, per annum	\$ 800.00
(n)	Bottling House or Bottling House Storage License, per annum	\$1,000.00
(o)	Limited Restaurant License (includes distilled spirits, wine and malt beverages), per annum	\$ 800.00
(p)	Limited Golf Course License (includes distilled spirits, wine and malt beverages), per annum	\$1,200.00

§ 111.070 shall be amended to read as follows:

§ 111.070 Hours for Sale and Delivery.

(a) A licensee that is licensed to sell distilled spirits, wine, or malt beverages by the drink or by the package shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages during the times in which the licensee is open for business. ~~on Monday through Thursday between the hours of 6:00 a.m. until 12:00 midnight. Further, a licensee that is licensed to sell distilled spirits, wine or malt beverages by the drink on Sunday shall be permitted to sell or dispense said beverages on Sunday from 10:00 a.m. until 12:00 midnight.~~

~~(b) The licensee shall not sell or dispense distilled spirits, wine and malt beverages by the drink for consumption on Friday and Saturday, except between the hours of 6:00 a.m. Friday until 2:00 a.m. Saturday, and 6:00 a.m. Saturday until 2:00 a.m. Sunday.~~

~~(c) A licensee licensed to sell distilled spirits, wine or malt beverages by the drink may sell and dispense alcoholic beverages on New Year's Eve until 2:00 a.m. on January 1; provided that the appropriate licenses have been obtained from both the city and the state ABC Board.~~

~~— (d) — Retail package distilled spirits and wine sales, package malt beverage sales shall be permitted from 6:00 a.m. until midnight each day of the week, except that such package sales shall not be permitted during the hours of 12:00 midnight and 10:00 a.m. on Sunday.~~

§ 111.091 shall be amended to read as follows:

§ 111.091 Employment Restrictions.

(1) No licensee shall knowingly employ in connection with his or her business any person who:

(a) Has been convicted of any felony within the last two (2) years;

(b) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors within the last two (2) years;

~~(c) — Is under the age to twenty (20) years who will be serving alcoholic beverages or who will be having any contact whatsoever with the sale of alcohol as defined under state statute;~~

~~— (d) — Within two (2) years prior to the date of his or her employment, has had any city license under this chapter revoked for cause.~~

(c) Is under the age of twenty (20) years, unless the person is employed:

1. In a bottling house or room of a licensed distiller, winery, brewer, or rectifier;

2. In an office of a wholesaler or manufacturer that is maintained in a building separate from the warehouses or factory;

3. At premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least eighteen (18) years of age and under the supervision of a person twenty (20) years of age or older; or

4. In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages:

a. A restaurant that derives at least fifty percent (50%) of its food and alcoholic beverage sales from the sale of food for consumption on the licensed premises; or

b. Any other establishment with alcoholic beverage sales not exceeding fifty percent (50%) of its gross sales; or

(d) Within two (2) years prior to the date of the person's employment, has had any license issued under KRS Chapters 241 to 244 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.



- (2) The provisions of paragraphs (a) and (b) of subsection (1) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.
- (3) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

This Ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holdings shall not affect the validity of the remaining portions of Ordinance.

All ordinances or parts of ordinances in conflict herewith, are, to the extent of such conflict, hereby repealed.

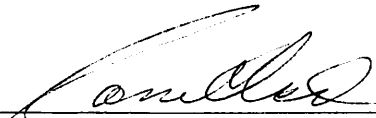
November 19, 2018 - FIRST READING

December 10, 2018 - SECOND READING


At a meeting of the Board of Commissioners of the City of Franklin, Kentucky, held on December 10, 2018 on motion made by Commissioner Powell and seconded by Commissioner Dixon, the foregoing ordinance was adopted, after full discussion, by the following vote:

<u>Yes</u> LARRY DIXON	<u>Yes</u> JAMIE POWELL
<u>Yes</u> MASON BARNES	<u>Yes</u> WENDELL STEWART
<u>Yes</u> RONNIE CLARK, MAYOR	

APPROVED BY:

  
 \_\_\_\_\_  
 Ronnie Clark, Mayor

ATTEST:

  
 \_\_\_\_\_  
 Cathy Dillard, City Clerk