

ORDINANCE NO. 2017-07

**AN ORDINANCE AMENDING ORDINANCE NO. 2015-05 ENTITLED AN
ORDINANCE REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC
BEVERAGES IN MARSHALL COUNTY, KENTUCKY**

WHEREAS, the Kentucky General Assembly has made extensive changes to statutes regulating the sales of alcoholic beverages in wet territories;

WHEREAS, the Marshall County Fiscal Court feels it necessary to add a specific regulation concerning the issuance of quota retail drink licenses;

NOW THEREFORE, Be it Ordained by the Fiscal Court of Marshall County that Ordinance No. 2015-05 is hereby amended to read as follows:

10.039 CONDITIONS, PROHIBITIONS AND RESTRICTIONS.

(T) Pursuant to KRS 243.230(2), quota retail drink licenses shall not be issued in any areas or localities subject to the authority of the Marshall County Fiscal Court. This decision is made, in part, due to the lack of comprehensive zoning which would be needed to adequately control the location of such establishments.

10.045 SIGNS AND ADVERTISING.

Unless expressly permitted by state statute or regulation:

~~—(A) No sign, banner, poster or other type of display advertising which refers, either directly or indirectly, to alcoholic beverages, shall be displayed on, nor shall it be visible from, the exterior of any premises licensed for the sale of alcoholic beverages, except that reference to such may be included in the name of the business. This restriction shall not prevent any licensee from placing in the window of the licensed premises business price cards not larger than 2 1/2 inches in size, setting forth the price at which he offers alcoholic beverages for sale.~~

~~—(B) No flashing, oscillating, rotating, shimmering, or other lights demonstrating movement, or the illusion of movement, shall be used to illuminate, or be visible from, the exterior of any premises licensed under this chapter.~~

~~(A) (C)~~ It shall be unlawful for any person holding any license under this chapter to give away or offer to give away anything tangible of value as a premium or prize, or for any other purpose in connection with the sale of alcoholic beverages.

~~(B) (D)~~ Any advertising by any licensee under this chapter shall be in compliance with this chapter, KRS 244.130, and any regulation promulgated pursuant to KRS 244.130.

~~(C) (E)~~ No licensee shall publish or display advertising that is false or misleading, nor shall any licensee publish or display advertising that implies that consumption of alcoholic beverages is fashionable or the accepted course of behavior, or advertising that contains any statement, picture or illustration implying that the consumption of alcoholic beverages enhances athletic prowess, whether or not any known athlete is depicted or referred to, nor shall any licensee

publish or display advertising that encourages intoxication by referring to the intoxicating effects of alcohol (or the use of terms such as “high test”, “high proof or “extra strong”) or depicting activities that tend to encourage excessive consumption.

FIRST READING: June __, 2017

SECOND READING: _____

PUBLICATION: _____

Passed and effective this the ____ day of _____, 2017.

ATTEST: _____
Marshall County Fiscal Court Clerk

KEVIN NEAL, JUDGE-EXECUTIVE
Marshall County Fiscal Court