

AMENDED ORDINANCE NO. 2018-09

AN ORDINANCE AMENDING ORDINANCE 2015-05 REGULATING THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES IN MARSHALL COUNTY, KENTUCKY

WHEREAS, certain changes to state law require that the Marshall County Fiscal Court amend certain sections of its Alcoholic Beverage Ordinance;

NOW THEREFORE, Be it Ordained by the Fiscal Court of Marshall County, Kentucky that the following sections are hereby amended as follows:

10.017 CERTAIN SPECIAL LICENSES DEFINED.

(F) (1) A “Nonquota type 2” or “NQ2” retail drink license may be issued to:

(a) A hotel that:

1. Contains at least 50 sleeping units;
2. ~~Contains dining facilities for at least 50 persons; and~~

3. Receives from its total food and beverage sales at least 50% of its gross receipts from the sale of food;

(b) A restaurant ~~with a minimum seating for 50 consumers at tables;~~

(c) An airport; ~~or~~

(d) A riverboat;

(e) A distiller; or

(f) A business located within, or adjacent to, an entertainment destination center licensed premises.

(2) A qualifying hotel, restaurant ~~with seating for at least 50 consumers at tables~~, airport, distiller, business located within, or adjacent to, an entertainment destination center licensed premises, or riverboat holding an NQ2 retail drink license may purchase, receive, possess, and sell distilled spirits, wine and malt beverages at retail by the drink for consumption on the licensed premises. The licensee shall purchase distilled spirits, wine, or malt beverages only from licensed wholesalers or distributors. An NQ2 retail drink license shall not authorize the licensee to sell distilled spirits, wine, or malt beverages by the package. The holder of an NQ2 retail drink license shall comply with the requirements of KRS 243.250.

(3) A restaurant, ~~including a restaurant~~ located within a hotel, holding an NQ2 retail drink license shall be required to establish during the license year that the gross receipts from the sale of food at said restaurants was equal to or greater than 50% of the total gross sales receipts of alcohol and food combined.

10.038 HOURS FOR SALE AND DELIVERY.

(B) Retail package distilled spirits and wine sales and package malt beverage sales shall be permitted from 6:00 a.m. until 12:00 (midnight), each day of the week, except there shall be absolutely no Sunday sales. If any establishment remains open after midnight and/or Sunday, all coolers containing alcoholic beverages must be locked. All distilled spirits and wines not kept in coolers must be locked up. Any displays of malt beverages must have a sign with lettering not less than ~~two~~ one inches in height reading "NO SALES AFTER MIDNIGHT AND NO SUNDAY SALES". This sign must be atop every display and in cases where establishments have aisles of malt beverages, a larger sign, with letters not less than four inches in height, must be placed at the entrance and exit of each aisle.

10.039 CONDITIONS, PROHIBITIONS AND RESTRICTIONS.

(I) ~~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.~~ All licensed retailers of alcoholic beverages, except holders of special temporary licenses, shall post in a prominent place easily seen by patrons a printed sign at least eight and one-half (8-1/2) inches by eleven (11) inches in size, with gender-neutral language supplied by the Cabinet for Health and Family Services, which shall warn that drinking alcoholic beverages prior to conception or during pregnancy can cause birth defects. A person who violates this subsection shall be subject to a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00). KRS 243.895.

10.045 SIGNS AND ADVERTISING.

Unless expressly permitted by state statute or regulation:

(A) 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) 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~~ state statutes and/or regulations.

(C) ~~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: _____, 2018
SECOND READING: _____, 2018
PUBLICATION: _____

Passed and effective on this the ____ day of _____, 2018.

KEVIN NEAL, JUDGE-EXECUTIVE
MARSHALL COUNTY FISCAL COURT

ATTEST: _____
Marshall County Fiscal Court Clerk