

CITY OF PADUCAH

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Jeff Pederson
City Manager

October 2, 2017

RE: Sunday Sales of Alcohol

To Whom It May Concern:

The City of Paducah amended its alcohol ordinance on Tuesday, September 26th to allow for the sale of alcohol on Sundays. The ordinance became effective upon publication on September 29, 2017.

I have attached a copy of the ordinance for you to peruse. Below is a summary of what you need to do to be able to sell alcohol on Sundays if you so choose.

- **Sellers of Distilled Spirits and Wine by the Drink:** it is mandatory that you complete an Additional License Application for Special Sunday Retail Drink sales. You will be able to find it on the abc.ky.gov website or you can pick one up in the City Clerk/Deputy Alcoholic Administrator's office. Once you complete the application, bring it to the City Clerk/Deputy Alcoholic Administrator for local administrator approval. It is not necessary to publish an ad.
- **Package Stores & Sellers of Malt Beverage by the Drink:** You do not need to apply for any additional license. You are free to begin selling on Sundays as of September 29, 2017.
- **Operating Hours:** The operating hours for Sunday sales will be as follows for everyone (including those already holding a Sunday Sales Retail By The Drink License):
 - Package Sales: 6:00 AM – Midnight
 - By the Drink/On-Premises Consumption: 6:00 AM – 3:00 AM the following day

As a reminder the City requires all persons employed to sell alcoholic beverage by the drink, those participating in the selling and serving of or taking order for alcoholic beverages, to complete a city-approved responsible beverage training program. If you have any questions, please call Tammara Sanderson at 270-444-8506.

Best Regards,

Jeff Pederson
Alcoholic Beverage Administrator/City Manager



EQUAL OPPORTUNITY EMPLOYER

**CITY OF PADUCAH
ORDINANCE NO. 2017-9-8498**

**AN ORDINANCE AMENDING CHAPTER 6,
SECTIONS 6-2, 6-3, 6-4, 6-5, 6-32, 6-33, 6-34,
AND 6-40 AND REPEALING SECTION 6-7 OF
THE CODE OF ORDINANCES OF THE CITY
OF PADUCAH, KENTUCKY**

WHEREAS, this Ordinance amends Chapter 6, Sections 6-2, 6-3, 6-4, 6-5, 6-33, 6-34, and 6-40 and repeals Section 6-7 of the *Code of Ordinances of the City of Paducah, Kentucky*, which regulate licenses to sell or manufacture alcoholic beverages;

WHEREAS, this Ordinance is being enacted to conform with amendments to Chapters 241-244 of the Kentucky Revised Statutes enacted pursuant to House Bill 100, House Bill 183, and House Bill 319 during the 2017 Regular Session of the General Assembly of the Commonwealth of Kentucky; and

WHEREAS, this Ordinance is also being enacted to permit the sale of alcoholic beverages on Sunday for certain license types [during prescribed hours];

NOW THEREFORE be it ordained by the City Commission of the City of Paducah as follows:

SECTION 1. That Section 6-2, "Alcoholic Beverage Administrator," is hereby amended and restated to read as follows:

Sec. 6-2. - Alcoholic Beverage Administrator.

- (a) The City Manager is hereby assigned the duties of the Office of the City Alcoholic Beverage Administrator and shall have full and complete charge of the administration and enforcement of all ordinances of the city relating to the granting of licenses for selling, dispensing, manufacturing and dealing in malt beverages within the city and regulating the business of selling whiskey, wine, beer, and other alcoholic and malt beverages at retail and at wholesale within the city.
- (b) The City Manager shall have the same duties and functions regarding local license applications and renewals as the Kentucky Department of Alcoholic Beverage Control with respect to state licenses.
- (c) The City Manager shall have the same duties and functions regarding local license penalization as the Board with respect to state license penalization. ~~The functions, powers, and duties of the City Manager shall be the same, with respect to city licenses and regulations, as the functions, powers, and duties of the state Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no regulation adopted by the City Manager may be less stringent than the regulations of the Board, and all regulations of the City Manager shall be approved by the Board prior to becoming effective.~~
- (d) The City Manager may designate his duties as Alcoholic Beverage Administrator as he or she deems necessary.
- (e) Before entering upon his official duties as such, the City Manager shall take the oath prescribed in Section 228 of the Constitution of the Commonwealth of Kentucky. The City Manager, once appointed City Alcoholic Beverage Administrator shall immediately notify the Kentucky Department of Alcoholic Beverage Control of qualification and appointment and execute a bond, with corporate surety approved by the Finance Director, in the penal sum of \$1,000.00 for the faithful performance of his duties and a satisfactory accounting of all money received and disbursed by him. The cost of the bond shall be borne by the city.

SECTION 2. That Section 6-3, "Appeals," is hereby amended and restated to read as follows:

Sec. 6-3. - Appeals.

Appeals from a decision or order orders of the City Manager may be taken to the state Alcoholic Beverage Control Board as provided in KRS 241.200.

SECTION 3. That Section 6-4, "Permissible operating hours," is hereby amended and restated to read as follows:

Sec. 6-4. Permissible operating hours.

- (a) Package sales and on-premises consumption hours generally. ~~Except as otherwise provided under this section, the lawful operating hours for licensed retail premises under this article for retail package sales and on-premises consumption of distilled spirits, wine and malt beverages shall only be permitted for each day of Sunday~~Monday through Saturday, and shall be limited to during the following periods of time:

License	Opening Hour	Closing Hour
Package sales:		
Malt beverages/beer	6:00 a.m.	12:00 midnight
Distilled spirits	6:00 a.m.	12:00 midnight
On-premises consumption:		
Malt beverages/beer	6:00 a.m.	3:00 a.m. following day
Distilled spirits	6:00 a.m.	3:00 a.m. following day

- (b) The licensee shall ensure that at the closing hour all patrons shall have vacated the premises. Operators and their employees engaged in regular and ordinary post-closing activities may be on the premises during the closed hours, provided that the licensee has complied with subsection (c) below.
- (c) If a licensee provides a separate department within his or her licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his or her business as a licensee, and said department is kept locked during the times mentioned above, he or she shall be deemed to have complied with this section.
- ~~(d) Sunday—Package sales. Package sales are prohibited on Sundays except for souvenir package sales by distilleries and sales by microbreweries as provided in subsection (g).~~
- ~~(e) Sunday—On-premises consumption at hotels, motels, and restaurants. The retail sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for hotels, motels, and restaurants holding a Nonquota type 2 license, as defined herein; provided such hotel, motel, and restaurant satisfy the following conditions:~~
- ~~(1) The dining facility of the hotel, motel, and restaurant has a minimum seating capacity of 50 people at tables;~~
 - ~~(2) At least 50 percent or more of the gross annual receipts from the dining facilities are received from the sale of food; and~~
 - ~~(3) The licensee shall apply for and receive a Sunday sales license and pay the applicable Sunday sales license fee.~~
- ~~(f) Sunday—On-premises consumption at microbreweries, distilleries and sports facilities. The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m.~~
- ~~(1) Microbreweries also holding a license for retail drink sales and only to the extent permitted by such retail drink license.~~
 - ~~(2) Distilleries also holding a non-quota type 3 license; and~~
 - ~~(3) Athletic facilities holding a Quota Retail Drink License. The term "athletic facilities" shall be limited to facilities which have a primary business purpose of providing a venue for competitive or recreational sports such as bowling alleys.—~~
- ~~(g) Sunday—Souvenir package sales by distilleries and sales by microbreweries. The retail sale of souvenir packages of distilled spirits, as defined by KRS 241.010(57), shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for licensed distilleries in accordance with KRS 243.0305. Malt beverage package sales shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for licensed microbreweries also holding a retail package license.~~
- ~~(h) Sunday—New Year's Eve. In the event that New Year's Eve falls on a Sunday, licensees holding a Nonquota 1, Nonquota 2, Nonquota 3, and/or Nonquota 4 license shall have the right to sell distilled spirits, wine, and/or malt beverages by the drink, for which they hold a license, on such Sundays from 11:00 a.m. until 3:00 a.m. the following day.~~

SECTION 4. That Section 6-5, "Underage persons prohibited on premises licensed for on-premises consumption; exceptions," is hereby amended and restated to read as follows:

Sec. 6-5. - Underage persons prohibited on premises licensed for on-premises consumption; exceptions.

~~See KRS 244.085(a) — No person holding any license for on-premises consumption of distilled spirits, wine, malt beverages or beer shall permit any person under the age of 21 years on the licensed premises except a person who is working on the premises either as an employee or an independent contractor.~~

~~(b) No person under the age of 21 years shall enter premises licensed for on-premises consumption of distilled spirits, wine, malt beverages or beer, nor shall a person under the age of 21 years attempt to enter or use a fraudulent I.D. for the purposes of entering licensed premises for on-premises consumption of distilled spirits, wine, malt beverages or beer, except that a person who is working on the premises, either as an employee or an independent contractor, may enter and remain on said premises while they are working, and at no other time.~~

~~(c) The prohibition set out in subsections (a) and (b) above shall not apply to licensed premises:~~

~~(1) Which receive 50 percent or more of their gross annual receipts from sale of food and have a minimum seating capacity of 50 people at tables; or~~

~~(2) Which are licensed for the sale of malt beverages or beer, and the licensee on said premises does not allow any on-premises consumption of alcoholic beverages.~~

~~(d) Violation of this section shall subject the licensee, the manager of the licensed premises, and the person under 21 years of age to the penalties provided in section 6-6.~~

SECTION 5. That Section 6-7, “Regulation of special temporary licenses,” is hereby repealed.

~~Sec. 6-7. — Regulation of special temporary licenses.~~

~~The sale of distilled spirits, wine, and malt beverages by the drink shall be permitted on Sundays from 11:00 a.m. until 10:00 p.m. for licensees holding a special temporary license or a special temporary alcoholic beverage auction license issued pursuant to KRS ch. 243 and section 6-40 of the Code of Ordinances of the City of Paducah. Provided, however, the licensee shall only be permitted to sell such type of alcoholic beverage for which it is licensed and shall comply with all restrictions otherwise placed on said license.~~

SECTION 6. That Section 6-32, “Application” is hereby amended and restated to read as follows:

Sec. 6-32. - Application.

(1) Before applying for a license, all persons shall advertise their intention to apply for a license by publishing a notice containing all information required under KRS 243.360(2) in the Paducah Sun or other newspaper in which local legal notices may be published, except those persons specifically exempt by KRS 243.360(1).

(2) Any person desiring to obtain a license required by this chapter shall make application therefor to the City Manager or his designee, which application shall state the name and residence of the applicant, and the exact street address within the city where alcoholic beverages are to be sold or dispensed, and all other information required under KRS 243.390 and any administrative regulation(s) promulgated by the Board.

(3) City licensing fees will be collected at the time which the application is approved by the state Board.

SECTION 7. That Section 6-33, “Issuance; standards,” is hereby amended and restated to read as follows:

Sec. 6-33. - Issuance; standards.

All licenses required by this chapter shall be approved and issued or denied at the order and direction of the City Manager or his designee when, in his or her sound discretion, all of the information necessary has been obtained or the applicant has refused to provide requested information. If the thirty (30) day period in which a protest is permissible has expired and by the City Treasurer at the order and direction of the City Manager or his designee. If, in the judgment of the City Manager, the applicant for a license under this chapter has complied with all requirements of the state alcoholic beverage control laws, as well as the regulatory provisions and standards of this chapter, the license shall be approved issued. In such case, the City Manager or his designee shall direct the City Treasurer to prepare and issue the license to the applicant upon payment to the Treasurer of the fee required by this chapter.

The standards for the issuance and renewal of all licenses required by this chapter shall be as follows:

(1) The applicant has complied with all requirements of the state alcoholic beverage control laws.

(2) The applicant has complied with all regulatory provisions and standards of this chapter.

- (3) The applicant has been issued an occupational business license and has paid all fees and taxes as required by same.
- (4) The applicant has been issued all permits required by state law to operate the applicant's business on the licensed premises and, if applicable, has provided a copy of the applicant's permit issued pursuant to KRS ch. 219.
- (5) The applicant has paid all fees and taxes as required under chapter 106 of this Code.
- (6) The applicant has paid all city ad valorem taxes which are due and payable against the real property where the applicant's business is to be conducted and where alcoholic beverages are to be sold or dispensed.
- (7) If applicable, the applicant has paid all transient room taxes required by KRS 142.400 and has provided proof of such payment.
- (8) The applicant has paid all fees as required under this chapter.
- (9) The applicant has paid all city property maintenance liens due and payable against the real property upon which the applicant's business is to be located and where alcoholic beverages are to be sold or dispensed.
- (10) The applicant has read and executed the form entitled "City of Paducah—Acknowledgement by ABC Applicant."

SECTION 8. That Section 6-34, "Denial," is hereby amended and restated to read as follows:

Sec. 6-34. - DenialRefusal.

- (a) The City Manager or his designee shall ~~deny~~refuse to issue a license applied for under this chapter if the applicant therefor and the premises for which the same is sought do not fully comply with all of the terms and provisions of the state alcoholic beverage control laws, the rules and regulations of the state Alcoholic Beverage Control Board and the provisions of this chapter, or if the applicant has done any act for which a revocation of such license would be authorized under the state statutes or under this chapter.
- (b) When a license is ~~denied~~refused under the provisions of this section, the City Manager shall comply with all of the rules of procedure governing the rights of the parties involved as set out in KRS ch. 243.
- (c) If the payment of a license fee was erroneously made or the City Manager ~~denies~~refuses to issue the license, the City Manager shall authorize the refund of the amount paid, if the time permitted to file an appeal at the expiration of ten days no appeal has been filed under section 6-3 of this chapter has expired. The refunds shall be made whether the payments were voluntary or involuntary or were made under protest or not.

SECTION 9. That Section 6-40, "License types and fees," is hereby amended and restated to read as follows:

Sec. 6-40. - License types and fees.

The City shall issue the following alcoholic beverage licenses and collect the corresponding fees. All fees due to the city will be collected at the time the application is approved by the state Alcoholic Beverage Control Board.

- (1) ~~Distilled spirit licenses as set forth in KRS 243.030:~~
 - a. ~~Distiller's license:~~
 1. ~~Class A, per annum\$500.00~~4,000.00
 - (2) ~~i. Distillers that produce more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class A.~~
 2. ~~Class B, per annum \$500.00~~
 - i. ~~Distillers that produce fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a distiller's license, Class B (craft distillery).~~
- b. ~~Rectifier's license:~~
 - a. ~~Class A, per annum\$3,000.00~~
 - i. Rectifiers that rectify more than fifty thousand (50,000) gallons of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class A.
 - b. ~~Class B (craft rectifier), per annum \$960.00~~
 - i. Rectifiers that rectify fifty thousand (50,000) gallons or less of distilled spirits per calendar year at the premises shall obtain a rectifier's license, Class B (craft rectifier).

- (3) ~~e.~~Wholesaler's distilled spirits and wine license, per annum\$3,000.00
- (4) ~~d.~~Quota retail package license, per annum\$1,000.00
- (52) Quota retail drink license, per annum\$1,000.00
- (63) Special temporary license, per event\$165.00
- (74) Nonquota type 1 retail drink license, per annum\$2,000.00
- a. Nonquota type 1 (also known as "NQ-1") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-1 licenses may be issued to incorporate the following former license types:
 1. ~~Convention centers; license.~~
 2. ~~Horse tracks; license.~~
 3. ~~Automobile race tracks; license.~~
 4. ~~Air/rail systems; license.~~
- (85) Nonquota type 2 retail drink license, per annum\$1,000.00
- a. Nonquota type 2 (also known as "NQ-2") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. NQ-2 licenses may be issued to incorporate the following former license types:
 1. ~~Restaurants; drink license.~~
 2. ~~Motels; drink license.~~
 3. ~~Airports; Restaurant wine license.~~
 4. ~~Riverboats; Airport drink license.~~
 5. ~~Distillers; Riverboat license.~~
- (96) Nonquota type 3 retail drink license, per annum\$300.00
- a. Nonquota type 3 (also known as "NQ-3") retail drink licenses are combination licenses.
 - b. The holder of a combination license may sell distilled spirits, wine, and malt beverages by the drink. A second retail malt beverage license is not required.
 - c. An NQ-3 retail drink license may be issued to:
 1. A private club in existence for longer than one year prior to the license application;
 2. A bed and breakfast; or
 3. ~~A distiller.~~
 - d. An NQ-3 qualifying as a special private club may not hold a nonquota retail malt beverage package license.
- (107)Special temporary alcoholic beverage auction license, per event~~\$100.00~~200.00
- (118)Special Sunday retail drink license, per annum\$300.00
- a. Licensees that are authorized to sell distilled spirits and wine by the drink must also obtain a special Sunday retail drink license to authorize these sales on Sundays
- (129)Extended hours supplemental license, per annum\$300.00
- (1340)Caterer's license, per annum\$800.00
- (1444)Bottling house or bottling house storage license, per annum\$1,000.00
- (1542) Malt beverage licenses as follows:
- a. ~~Brewer's license, per annum\$500.00~~
 - (16) ~~b.~~Microbrewery license, per annum\$500.00
 - (17) ~~c.~~Malt beverage distributor's license, per annum\$400.00
 - (18) ~~d.~~Nonquota retail malt beverage package license, per annum\$200.00
 1. ~~A nonquota retail malt beverage package license permits malt beverage package sales only for consumption off the premises.~~
 - (19) ~~e.~~Nonquota type 4 retail malt beverage drink license, per annum\$200.00
 1. ~~A nonquota type 4 (also known as "NQ-4") permits malt beverage drink sales only on the premises.~~
 - f. ~~Malt beverage brew on premises, per annum\$100.00~~
 - (2043)Qualified historic site license, per annum\$1,030.00


- (21) The fee for each of the first five supplemental bar licenses shall be same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five to the same licensee at the same premises.
- a.—A supplemental bar license authorizes the licensee to sell and serve distilled spirits and wine by the drink at retail from an additional bar location other than the main bar.
- (2244) The holder of a nonquota retail malt beverage package license may obtain a nonquota type 4 malt beverage drink license for a fee of \$50.00. The holder of a nonquota type 4 malt beverage drink license may obtain a nonquota retail malt beverage package license for a fee of \$50.00.
- (2345) The activities permitted by the above licenses are defined in KRS ch. 243, which is incorporated herein as [if] set out in full. Nonprofit organizations are exempted from license fees required by a special temporary license above.

SECTION 10. SEVERABILITY. If any section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 11. COMPLIANCE WITH OPEN MEETINGS LAWS. The City Commission hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this City Commission, and that all deliberations of this City Commission and of its committees, if any, which resulted in formal action, were in meetings open to the public, in full compliance with applicable legal requirements.

SECTION 12. CONFLICTS. All ordinances, resolutions, orders or parts thereof in conflict with the provisions of this Ordinance are, to the extent of such conflict, hereby repealed and the provisions of this Ordinance shall prevail and be given effect.

SECTION 13. EFFECTIVE DATE. This Ordinance shall be read on two separate days and will become effective upon summary publication pursuant to KRS Chapter 424.


MAYOR

ATTEST:


CITY CLERK

Introduced by the Board of Commissioners, September 12, 2017

Adopted by the Board of Commissioners, September 26, 2017

Recorded by City Clerk, September 26, 2017

Published by *The Paducah Sun*, September 29, 2017