

ORDINANCE 2013 – 10 - 01

AN ORDINANCE OF THE CITY OF THE CITY OF BELLEVUE, KENTUCKY, RELATING TO SECTIONS OF THE CITY’S CODE OF ORDINANCES PERTAINING TO ALCOHOLIC BEVERAGES AND DIRECTING THAT THIS ORDINANCE BE PUBLISHED BY SUMMARY.

WHEREAS, the City of Bellevue desires to enhance the general welfare of the city deems it necessary and appropriate to amend its existing ordinance pertaining to alcoholic beverages so as to incorporate the changes enacted by the Kentucky General Assembly in 2013 via what is commonly referred to as Senate Bill 13;

NOW, THEREFORE, BE IT ORDERED BY THE CITY OF BELLEVUE, CAMPBELL COUNTY, KENTUCKY, AS FOLLOWS:

1. Classification of Licenses; Fee Schedule.

Section 112.20 of the City of Bellevue, Kentucky Code of Ordinances is hereby deleted in its entirety and is replaced with a new Section 112.20 to read as follows:

The following kinds of distilled spirits, win, and malt beverage license may be issued by the city and the annual fee for each license shall be:

- (A) Distilled spirit licenses as set forth in KRS 243.030:
 - i. Distiller's license, per annum\$ 500.00
 - ii. Rectifier's license, per annum\$3,000.00
 - iii. Wholesaler’s distilled spirits and wine license, per annum.....\$3,000.00
 - iv. Quota retail package license, per annum.....\$525.00
- (B) Quota retail drink license per annum.....\$525.00
- (C) Special temporary license, per event.....\$166.66
- (D) Nonquota type 1 retail drink license (includes distilled spirits, wine, and malt beverages) a/k/a “NQ1, per annum.....\$2,000.00
- (E) Nonquota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), a/k/a NQ2, per annum.....\$1,000.00
- (F) Nonquota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), a/k/a NQ3, per annum.....\$300.00
- (G) Distilled spirits and wine special temporary auction license, per event.....\$200.00
- (H) Special Sunday retail drink license, per annum.....\$300.00
- (I) Caterer’s license, per annum.....\$800.00
- (J) Bottling house or bottling house storage license, per annum.....\$1,000.00
- (K) Malt beverage licenses as follows:
 - i. Brewer’s license, per annum.....\$500.00
 - ii. Microbrewery license, per annum.....\$500.00
 - iii. Malt beverage distributor’s license, per annum.....\$400.00

- iv. Nonquota retail malt beverage package license, a/k/a NQ Malt Package, per annum.....\$200.00
- v. Nonquota type 4 retail malt beverage drink license, a/k/a NQ4, per annum..... \$200.00
- vi. Malt beverage brew-on-premises license, per annum.....\$100.00
- (L) Limited restaurant license (includes distilled spirits, wine, and malt beverages, per annum.....\$1200.00
- (M) Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum.....\$1,200.00
- (N) The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the primary drink license. There shall be no charge for each supplemental license issued in excess of five (5) to the same licensee at the same premises.
- (O) The holder of a NQ Malt Package license may obtain a NQ4 malt beverage drink license for a fee of fifty dollars (\$50.00) The holder of an NQ4 malt beverage drink license may obtain a NQ Malt Package license for a fee of fifty dollars (\$50.00).

2. Special Temporary Licenses.

Provisions of City of Bellevue, Kentucky, Ordinance 2013- 07- 01 relating to types of special temporary licenses are deleted in their entirety and is replaced with a new section

A special temporary may be issued as set out in KRS. 243.260. In the event the special temporary license is issued for a Limited Outdoor Event at the Bellevue Beach Park (as defined and regulated in Ordinance No. 2013-07-01), it may only be issued to an existing licensee and shall authorize the existing licensee to exercise the privileges of a quota retail drink license and an NQ4 retail malt beverage licensee at a Limited Outdoor Event for a specified and limited time, not to exceed three (3) days, and shall expire when the Limited Outdoor Event ends. All restrictions and prohibitions applying to a distilled spirits and wine quota retail drink licensee or an NQ4 retail malt beverage drink license shall apply also to a special temporary licensee.

3. License Period

Section 112.25 of the City of Bellevue, Kentucky Code of Ordinances is hereby deleted in its entirety and is replaced with a new Section 112.20 to read as follows:

(A) All alcohol licenses under this Section 112, except special temporary licenses, be valid for a period of no more than one year and shall begin December 1 and end on November 30. Any licenses issued after such date of any year (or issued in the year the date is changed) shall be assessed a fee which is based on the pro rata portion of the license period period; however, the cost of any license shall not be less than one-half (1/2) the amount of the full fee for an annual license of that type.

(B) The renewal by the City of any license hereunder shall not be construed to waive or condone any violation that occurred prior to the renewal and shall not prevent subsequent proceedings against the licensee.

4. ABC Administrator

Section 112.95(A) of the City of Bellevue, Kentucky Code of Ordinances is hereby amended as follows:

(A) There is hereby established the municipal office of City Alcoholic Beverage Control (ABC) Administrator, ~~who shall be appointed by the Mayor pursuant to KRS 241.170~~ who shall be the City Clerk-Treasurer.

Section 112.95 (D) of the City of Bellevue, Kentucky Code of Ordinances is hereby repealed.

The remainder of Section 112.95 shall remain in full force and effect

Section 31.36 (B) of the City of Bellevue, Kentucky Code of Ordinances is hereby amended as to add the following duties:

(B) ...performance of the duties as required of the City Alcoholic Beverage Control Administrator as set forth in Chapter 112 of this code; ...

The remainder of Section 31.36 (B) shall remain in full force and effect.

5. Miscellaneous.

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

B. This Ordinance is hereby ordered to be published by Summary.

C. This Ordinance shall take effect and be in force ten (10) days from its passage, approval and publication as provided by law.

If any provision of this Ordinance is found to be invalid or unconstitutional, such decision shall not affect the validity of the remaining parts of this Ordinance and the same shall remain in full force and effect.

CITY OF BELLEVUE, KENTUCKY

By: _____
EDWARD RIEHL
ITS: Mayor

ATTEST:

_____, City Clerk

Date of First Reading: _____

Date of Second Reading and Enactment: _____

Date of Publication: _____