

CITY OF BELLEVUE

ORDINANCE NO. 2005-04-01

AN ORDINANCE AMENDING TITLE 11, SECTION 112.01 AND SECTIONS 112.60 THROUGH 112.67 OF THE BELLEVUE CODE OF ORDINANCES RELATING TO THE REGISTRATION, PHOTOGRAPHING, AND FINGERPRINTING OF EMPLOYEES OF ESTABLISHMENTS SELLING ALCOHOLIC BEVERAGES.

WHEREAS, KRS 244.090 restricts certain individuals from employment in establishments selling alcoholic beverages by the drink because of age and criminal convictions for both felonies and misdemeanors; and

WHEREAS, the City of Bellevue currently requires employees, volunteers and proprietors of establishments that sell alcoholic beverages by the drink to be registered with the city and be fingerprinted and photographed; and

WHEREAS, the City of Bellevue currently charges a five dollar administrative fee to help offset the cost of providing such registration and identification; and

WHEREAS, the current five dollar fee does not adequately cover the administrative cost associated with the registration, fingerprinting and photographing of said employees and the issuance of identification cards associated therewith; and

WHEREAS, the Board of Council desires to amend the fee to cover the cost of such registration, fingerprinting and photographing; and the issuance of identification cards; and

WHEREAS, because registration and identification cards currently have no expiration date there is no process by which to provide for on-going registration and identification of employees of such establishments; and

WHEREAS, the Board of Council desires to implement a term of validity of two years for such registration and identification cards and create an expiration and renewal process.

NOW, THEREFORE, BE IT ORDAINED by the city council of the City of Bellevue, Kentucky, that Title 11, Sections 112.60 through 112.67 is hereby amended as follows:

§112.01 DEFINITIONS.

(B) Further, the following words and phrases have the meanings indicated:

(5) “EMPLOYMENT.” Working in any capacity, including as a volunteer, as a proprietor, or in any capacity for which compensation is given.

(6) ~~(5)~~ “PERSON.” Any natural person, corporation, partnership, joint venture, or unincorporated association of persons or any combination thereof, and the shareholders, officers, agents, servants, and employees thereof.

(7) ~~(6)~~ “PREMISES.” The premises described in the city license issued pursuant to the terms hereof and the application therefor.

~~(8)(7)~~ "STATE LICENSE." A license authorized by KRS 243.030 to 243.680.

~~(9)(8)~~ "TRAFFIC IN ALCOHOLIC BEVERAGES." Any action, business, or transaction in regard to the production, storage, transportation, distribution, sale, delivery, and transfer of alcoholic beverages.

§ 112.60 REGISTRATION, PHOTOGRAPHING, AND FINGERPRINTING REQUIRED.

(A) Any person employed or working in any capacity, whether it be as an employee, as volunteer help or as a working proprietor, in any establishment or place of business, except as hereinafter provided, where ~~liquor or beer is~~ distilled spirits, wine and/or malt beverages are sold and/or dispensed by the drink as defined in both the state statutes or the city ordinances, shall register ~~in a book of registration to be kept by the Police Department with the city,~~ and is required to be fingerprinted and photographed by the ~~Police Department~~ the city within five days from the time of his or her employment. ~~No person shall fail to register or be fingerprinted and photographed.~~

(B) No employer, whether a person, firm, or corporation, shall allow any person to remain in ~~that~~ employment longer than five days unless within the five-day period, the employee shall have registered, ~~and shall have been~~ fingerprinted and photographed by the city.

(C) The registration and identification card shall remain valid for a period of two years from the date of issuance by the city. Upon expiration of the registration and identification card, the employee shall renew his or her registration in accordance herewith.

(D) All registration and identification cards issued prior to the effective date of this ordinance and not bearing an expiration date shall expire on July 1, 2005.

§ 112.61 FEE.

~~The city shall require a payment of \$5 of each person registered, which charge~~ A fee of twenty-five dollars (\$25.00) is hereby established for each person registered, fingerprinted and photographed. The fee shall be applied to cover the cost involved in the registration, including the cost of the identification card furnished to the registrants.

§ 112.62 IDENTIFICATION CARDS TO BE CARRIED.

(A) The registrants under this subchapter shall be required to have the identification cards issued by the ~~Police Department~~ city in their immediate possession during their hours of employment. ~~The identification card shall contain the registrant's picture, name, age, hair color, eye color, weight, and place of employment.~~

(B) The identification card shall contain the registrant's photograph, full legal name, date of birth, hair color, weight, gender and place of employment.

§ 112.63 DRINK LICENSE AS ACCESSORY USE WITH ANOTHER BUSINESS AS PRINCIPAL USE AT SAME LOCATION.

~~Those businesses~~ Only those persons employed by a business having a liquor or beer distilled spirits, wine or malt beverages by the drink license as an accessory use with another

business as the principal use at the same location, including, but not limited to, restaurants and hotels, ~~shall register only those persons~~ who are directly engaged in that portion of that business which sells ~~liquor or beer~~ distilled spirits, wine or malt beverages by the drink, shall be required to register.

§ 112.64 FESTIVALS OR SIMILAR EVENTS.

Any employee, volunteer help, or working proprietors at a festival or similar event which lasts less than five days, for which a temporary liquor license has been ~~secured~~ issued by the city, shall not be required to register under this subchapter.

~~§ 112.65 SPECIAL PRIVATE CLUBS.~~

~~The employees, volunteer help, or working proprietors of a holder of a special private club license shall be exempt from registration under this subchapter if and only if:~~

~~(A) — The special private club license is limited to malt beverages; and~~

~~(B) — The use of the special private club license is an accessory use to a principal permitted use.~~

~~§ 112.66 CLEANING AND MAINTENANCE WORKERS.~~

~~Any establishment having a liquor or beer by the drink license that employs a contract cleaning service or other maintenance service to work in their establishment after closing hours shall require those persons so employed by the contractor to wear an identification card while working in that portion of the establishment that is directly involved in the sale of liquor or beer by the drink.~~

§ 112.67 EXCEPTION.

This registration procedure shall not apply to hosts and hostesses whose primary function is to greet and seat guests, waiters and waitresses whose primary function is the service of food, cleaning and maintenance workers and independent contractors.

This ordinance shall be effective when read, passed and advertised according to law.

ATTEST:

John D. Meyer, Mayor

Mary H. Scott, City Clerk

1st reading: _____

2nd reading: _____

Publication: _____