

COMMONWEALTH OF KENTUCKY
SHELBY COUNTY FISCAL COURT
ORDINANCE NO. 06-18-03, SERIES 2019

AN ORDINANCE RELATING TO THE AMENDMENT OF THE SHELBY COUNTY CODE OF ORDINANCES CHAPTER 110: ALCOHOLIC BEVERAGES

WHEREAS, Shelby County, Kentucky, through Shelby Fiscal Court, previously adopted an ordinance establishing regulations and requirements for alcoholic beverage control in Shelby County, Kentucky; and

WHEREAS, Shelby County, Kentucky, through Shelby Fiscal Court, codified that ordinances in Shelby County Code of Ordinances Chapter 110: Alcoholic Beverages; and


WHEREAS, the County of Shelby, through the Shelby County Fiscal Court, desires to implement amendments to the Shelby County Code of Ordinances Chapter 110: Alcoholic Beverages, Section 110.06 Hours for Sale and Delivery, and Section 110.22 Licenses: Special Conditions and Other Allowed Sales:

NOW, THEREFORE, BE IT ORDAINED by the Fiscal Court, County of Shelby, Commonwealth of Kentucky, that the Shelby County Code of Ordinances Chapter 110: Alcoholic Beverages, be amended to read as follows:

SEE "EXHIBIT A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.


INTRODUCED, SECONDED AND GIVEN A FIRST READING AND APPROVAL at a duly convened meeting of the Shelby County Fiscal Court held on the 4th day of, June 2019.

INTRODUCED, SECONDED AND GIVEN A SECOND READING AND APPROVAL at a duly convened meeting of the Shelby County Fiscal Court held on the 18th day of June, 2019.



DAN ISON,
Shelby County Judge/Executive

ATTEST:



SUE CAROLE PERRY,
Shelby County Clerk

EXHIBIT A

Sections of Chapter 110 of the Shelby County Code of Ordinances are amended as follows:

§ 110.06 HOURS FOR SALE AND DELIVERY.

(A) *Hours for sale.* A licensee shall be permitted to sell or dispense distilled spirits, wine and/or malt beverages by the drink or by the package Monday through Saturday, between the hours of 6:00 a.m. and midnight, on Sunday, except for a distillery holding the required license for each activity in which it engages, between the hours of 1:00 p.m. and 9:00 p.m. A distillery, holding the required license for each activity in which it engages, shall be permitted to sell or dispense alcoholic beverages on Sunday between 11:00 a.m. and 9:00 p.m.

(B) *Delivery.* All delivery of alcoholic beverages in the county shall be made during normal business hours, Monday through Saturday. No delivery shall occur on Sunday.

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§ 110.22 LICENSES: SPECIAL CONDITIONS AND OTHER ALLOWED SALES.

(A) *Special conditions for patio and other outdoor sales.*

(1) Patio and outdoor sales of alcoholic beverages shall be permitted only on premises licensed for sales of alcoholic beverages by the drink.

(2) No licensee shall offer alcoholic beverages for sale in a patio or outdoor area of the licensee's premises, except in a clearly defined patio or outdoor area. All outdoor areas shall be subject to the approval of the County A.B.C. Administrator. An exception to this restriction may be granted for patio and outdoor sales, upon application to and authorization from the County A.B.C. Administrator. The permission to operate patio and outdoor sales shall be governed by the provisions of this chapter and shall be subject to the regulation of local zoning authorities, as well as code enforcement and public safety officers.

(3) No licensee shall offer patio or outdoor sales of alcoholic beverages unless the patio or outdoor area has been approved in advance by the County A.B.C. Administrator.

(4) Patio and outdoor sales seating areas must comply with this chapter and with local zoning laws and other public safety requirements noted in this chapter, or in other local ordinances, statutes or regulations.

(B) *Special conditions for sidewalk café permit.*

(1) Any food establishment that operates a restaurant and is licensed under this chapter and the provisions of the State A.B.C. Code, may, upon application to the County A.B.C. Administrator, ask for permission to expand the operation of that restaurant onto a part, and only

a part, of the public sidewalk that immediately adjoins the licensed premises (hereinafter referred to as **SIDEWALK CAFÉ**).

(2) Licensees that do not serve food shall not be eligible to apply for a sidewalk permit.

(3) The issuance of a permit shall be subject to the following conditions and restrictions:

(a) No sidewalk café shall be permitted in any portion of the public sidewalk where normal pedestrian traffic flow is obstructed. A minimum clearance width of 36 inches must be maintained on the public sidewalk at all times. The sidewalk café shall not be permitted in any manner to obstruct the entrance or exit to the restaurant, or to encroach on any adjoining business;

(b) No tables, chairs or any other furnishings, except plant tubs, shall be placed in the area used for the sidewalk café during any period when the sidewalk café is not open and being operated. Tables, chairs and other portable appurtenances shall be confined to the area named or shown on the approved permit. While the café is in operation, all tables and chairs shall be kept in a clean, sanitary condition;

(c) The use of a portion of the public sidewalk as a sidewalk café shall not be an exclusive use. All public improvements, including but not limited to, trees, light poles, traffic signals, pull boxes or manholes, or any public-initiated maintenance procedures, shall take precedence over the use of the public sidewalk at all times;

(d) In addition to all other requirements of law, the licensee shall take reasonable steps to insure that alcoholic beverages are consumed only by patrons of the establishment who are of age, and not passers-by or persons who are not of age or who are obviously or apparently intoxicated;

(e) No disposable cups or drinking vessels may be used, and the licensee shall not permit any alcoholic beverages to be taken off premises by patrons, customers or guests;

(f) At no time shall any music originating from any part of the premises create a nuisance;

(g) The licensee must at all times comply with all federal, state and local laws regarding the sale, service and consumption of alcohol and the operation of the premises;

(h) The permit for a sidewalk café may not be assigned or transferred; and

(i) No sidewalk café permit shall be effective unless the licensee has filed with the County A.B.C. Administrator evidence of insurance, insuring the licensee against liability imposed by law arising out of the ownership, maintenance or operation of the sidewalk café. The insurance shall be in amount of coverage that is minimum of \$500,000 per person for bodily injury, and a minimum of \$1,000.00 per occurrence for property damage. The county shall be named an additional insured in the policy required. The insurance policy shall further provide

expressly that it may not be canceled except upon 10 days written notice filed with the County A.B.C. Administrator.

- (C) Special temporary licenses may be issued in compliance with KRS 243.260.
- (D) Souvenir package sales by state licensed distillers and sampling and sale of alcoholic beverages on distillery premises shall be conducted in accordance with KRS 243.0305.
- (1) Any state-licensed distiller that has a gift shop or other retail outlet on its premises may conduct the activities permitted pursuant to KRS 243.305 as part of its distiller's license.
- (2) A wholesaler registered to distribute the brands of any distiller may permit the distiller to deliver a souvenir package directly from the distiller proper to the portion of the distillery premises operated by the licensee for the sale of souvenir packages. However, all direct shipments shall be invoiced from the distiller to the wholesaler and from the wholesaler to the distiller, and all products directly shipped shall be include in the wholesaler's inventory and depletions for purposes of tax collections imposed pursuant to KRS 243.710 to 243.895 and 243.990.
- (3) A distiller may sell souvenir packages at retail to distillery visitors of legal drinking age, in quantities not to exceed an aggregate of 3 liters per visitor per day, with the exception of a purchase by a partnership, limited liability partnership, corporation, limited liability company, or other business entity holding an event on the premises of the distillery, in which case the limitation shall be 1 liter per visitor attending the event. These sales shall be permitted only through the gift shop or other retail outlet on the distiller's premises.
- (4) Hours of sale for souvenir packages at retail shall be 9:00 a.m. until 9:00 p.m., prevailing time, Monday through Saturday; and 11:00 a.m. ~~1:00 p.m.~~ until 9:00 p.m., Sunday. The licensed premises may remain open if it has a separate department pursuant to KRS 244.290(1).
- (5) Except as provided in this section, souvenir package sales shall be governed by all the statutes and administrative regulations governing the retail sale of distilled spirits by the package.
- (6) No wholesaler may restrict the sale of souvenir packages to the distiller of origin exclusively but shall make souvenir packages available to any state retail licensee licensed for the sale of distilled spirits by the package pursuant to KRS 243.0305.