

§ 110.01 ALCOHOLIC BEVERAGE LICENSES.

(A) *Effective date of the license.* The effective date of all county alcoholic beverage licenses shall coincide with the effective date of the state licenses for the specified alcoholic beverage.

(B) *Prohibited activities without a license.* No person shall engage in any of the following businesses or activities within the county or outside the corporate city limits of the City of Owensboro, unless he or she obtains the required license from the county:

- (1) Retail sale of malt beverages by the package or drink;
- (2) Sale of wine at a restaurant facility with a minimum seating capacity of 50 or more people at tables and which receive 50% or more of its gross annual income from its dining facilities from the sale of food;
- (3) Retail sale of wine or distilled spirits by the package or drink;
- (4) Activities requiring a special temporary license;
- (5) Private clubs which traffic in distilled spirits, wine, or malt beverages for consumption on the premises;
- (6) Retail sale of distilled spirits, wine, or malt beverages by a caterers, defined in KRS 243.033, and the Kentucky Administrative Regulations;
- (7) Retail sale of distilled spirits, wine, or malt beverages from more than one bar, counter, or similar location under a single retail drink license;
- (8) Sunday sales of wine, distilled spirits, and/or malt beverages by the drink in qualified hotels, motels, and restaurants under KRS 244.290 and KRS 244.480; or
- (9) Any other business or activity involving the sale of alcoholic beverages requiring a license under the Kentucky Revised Statutes.

(C) *Annual county fees.*

- (1) Effective January 1, 2014, the County Fiscal Court sets the following annual county fees for properly qualified applicants for the following alcoholic beverage licenses.

License Classification	License fee
Caterer's license, per annum	\$300
Limited golf course license (includes distilled spirits, wine, and malt beverages), per annum	\$840
Limited restaurant license (includes distilled spirits, wine, and malt beverages), per annum	\$840
Non-quota retail malt beverage package license, per annum	\$75
Non-quota retail malt beverage package license to holder of a non-quota type 4 malt beverage drink license	\$50
Non-quota type 1 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$600
Non-quota type 2 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$600
Non-quota type 3 retail drink license (includes distilled spirits, wine, and malt beverages), per annum	\$300
Non-quota type 4 malt beverage drink license to holder of a non-quota retail malt beverage package license	\$50

Non-quota type 4 retail malt beverage drink license, per annum	\$75
Quota retail drink license, per annum	\$600
Quota retail package license, per annum	\$600
Special Sunday retail drink license, per annum	\$300
Special temporary license, per event (for profit)	\$166.66
Special temporary license, per event (nonprofit)	\$0

(2) The fee for each of the first five 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 to the same licensee at the same premises.

(D) *Application requirements.*

(1) The person applying for the license issued under this section shall pay for the license. The county shall issue the license only in the applicant's name, and no other person shall pay for any license issued under this section. In addition to all other penalties provided in this section, a violation of this division (D) shall revoke the license of the applicant and of the person paying for another's license.

(2) Applicants shall pay the license fees provided in division (C)(1) above when tendering their application. If the county or the Alcoholic Beverage Commission revokes, cancels, or suspends any license for any reason, the licensee shall forfeit all claims to a refund of any portion of the license fee paid by licensee.

(3) Applicants for a new license provided under division (C)(1) above shall pay the full license fee if six months or more remain in the license period. Applicants for a new license shall pay one-half the scheduled fee if less than six months remain in the license period.

(4) The county may refund a pro rata portion of the licensee's fees for any year a licensee, authorized under this section, cannot conduct business for the full term of the license period because the commonwealth changed the law, permitting the licensee to conduct business under a license provided in division (C) above.

(5) All fees from licenses issued under this section shall be collected by the County Clerk and sent to the County Treasurer and deposited in the county's General Fund.

(E) *Renewal date for licenses purchased in 2013.* All annual county alcoholic beverage licenses purchased in 2013 shall remain in full force and effect until the expiration date, at which time the licenses may be renewed at the rates set out in division (C)(1) above.

(F) *Sales of alcoholic beverages.*

(1) *General sales.* All premises for which a license has been granted by the commonwealth and the county to sell distilled spirits, wine, and/or malt beverages may remain open for business on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, from 6:00 a.m. until 2:00 a.m. the following day (prevailing time).

(2) *Authorization for Sunday sales.* All premises for which a license has been granted by the state and county, to sell distilled spirits and wine and/or malt beverages, may remain open for business on Sunday, from 11:00 a.m. until 12:00 a.m. the following day (prevailing time).

(3) Premises whose primary business is not the sale of alcoholic beverages may remain open for business during hours in which alcoholic beverages are not allowed to be sold,

so long as the licensee keeps all distilled spirits, wine and malt beverages in a locked or closed off area.

(4) Premises whose primary business is the sale of alcoholic beverages by the drink or package must be, during the closing hours, closed to and vacant of all customers and all persons except the licensee and his employees, who shall be allowed on the premises only for business purposes not directly related to the sale of alcoholic beverages.

(5) No alcoholic beverages of any kind may be sold on any other date, time or occasion when prohibited by Federal or state law.

(6) In addition to required state licenses, all licensees desiring to sell distilled spirits, wine or malt beverages on Sunday within the time prescribed in division (F)(2), must purchase the appropriate licenses from the County of Daviess, through the Daviess County Alcoholic Beverage Control Administrator, for the Sunday sales, as required in this section.

(7) *Rebuttable presumption.* If any distilled spirits, wine or malt beverages are kept on the outside of the locked and closed-off department of any licensed premises during any period of time in which the licensee is prohibited by law from selling distilled spirits, wine or malt beverages, a rebuttable presumption shall arise that such distilled spirits, wine or malt beverages were kept on the outside of the locked and closed-off department with the intention and for the purpose of sale in violation of the law and shall be grounds for revocation or suspension of the license.

(8) *Sunday sampling.* Any licensed Kentucky distillery located in Daviess County that has obtained a Kentucky sampling liquor license may serve samples to visitors of legal drinking age provided the licensed Kentucky distillery is located in wet territory. Sampling shall be permitted only on the licensed premises during regular business hours and a distillery shall not provide more than one and three-fourths ounces of samples per visitor per day.

(9) The times that samples may be served shall be limited to Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, from 6:00 a.m. until 2:00 a.m. the following day (prevailing time). For Sunday, said hours shall be from 11:00 a.m. until 12:00 a.m.

(10) No visitor shall be charged for a sample obtained pursuant to division (8) of this section.

(11) *Sale of souvenir liquor packages at distillers.* Any licensed Kentucky distillery located in Daviess County that has a gift shop on its premises may sell souvenir packages of distilled spirits at retail to distillery visitors of legal drinking age, in quantities not to exceed an aggregate of four and one-half liters per visitor per day.

(12) The sales referenced in division (11) above shall be permitted only through the gift shop on the distiller's premises, and only if the distillery is located in wet territory in Daviess County.

(13) The times that souvenir packages may be sold shall be limited to Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday, from 6:00 a.m. until 2:00 a.m. the following day (prevailing time). For Sunday, said hours shall be from 11:00 a.m. until 12:00 a.m.

(14) Souvenir packages sold pursuant to this chapter shall not be sold for consumption on the premises of the distillery, and bottle or package seals may not be broken until the purchaser is off the distillery premises.

(G) *Mandatory responsible beverage service training; standards for certification.*

(1) All persons, corporations, companies, associations, restaurants, businesses, clubs and other entities licensed or employed in the sales and service of alcoholic beverages, including the retail sale of alcoholic beverages by the package or drink, shall participate in and complete a mandatory responsible beverage service training program approved by the County Judge/Executive or the County Judge/Executive's designee. Before approval is granted, the County Judge/Executive or his designee shall first be satisfied that the training program is genuine and effectively trains all participants in the recognition of false identification and age documents as well as the human characteristics of alcohol and/or drug intoxication. The county shall not require enrollment in any particular class or classes, but only require that the training come from a recognized person, program or agency with a bona fide curriculum that meets the goals expressed.

(2) All persons, corporations, companies, associations, restaurants, businesses, clubs and other entities licensed by the county for the sale of alcoholic beverages shall require all their employees and other persons engaged in the selling or serving of alcoholic beverages or engaged in managing the premises on which such sales are offered, to complete a responsible beverage service training class approved by the County Judge/Executive or the County Judge/Executive's designee.

(3) Divisions (G)(1) and (2) above shall not apply to any manufacturer of alcoholic beverages as this term is defined in KRS 241.010(40) or any other person, corporation, association, business or other entity licensed for the wholesale of alcoholic beverages.

(4) *Standards for certification.* The training person or agency must reasonably instruct upon and certify the participants' competence in at least the following:

- (a) Pertinent Federal, state and local laws related to the sale of alcohol;
- (b) Verification of age, forms of identification and usual methods of false or misleading age identification;
- (c) The effect of alcohol on humans and the physiology of alcohol intoxication, including the effect of alcohol on pregnant women, their fetuses and other situations involving the use of alcohol by persons vulnerable to its effects;
- (d) Recognition of the signs of intoxication;
- (e) Strategies for intervention and prevention of underage and intoxicated persons from consuming alcohol;
- (f) The licensee's policies and guidelines, including the employee's role in observing those policies; and
- (g) Potential liability of persons serving alcohol.

(5) The person providing the responsible beverage service training shall be certified by the government agency, industry or organization that sponsors or develops the training curriculum.

(6) New licensees and their respective employees, managers, officers and agents who are required to complete the mandatory responsible beverage service training shall have 90 days from the date of the issuance of their initial license to complete the mandatory responsible beverage service training. New employees, managers, officers and agents shall complete the mandatory responsible beverage service training within 90 days from the date of employment or other like affiliation with the licensee. Licensees, employees, managers, officers or agents who fail to complete the mandatory responsible beverage service training within the prescribed time shall not sell or serve alcoholic beverages on the licensed premises until they have successfully completed the required training. All

persons completing the training requirements in this section shall be recertified in responsible beverage service training from a program approved by the County Judge/Executive or his designee under the foregoing criteria not less than once every three years thereafter.

(7) *Personnel Certification Records.* Each licensee shall maintain written proof of completion of service training on its business premises for each person connected with its business for whom training is required under this section. Training records shall be retained by the licensee for a minimum of three years. Each licensee and other persons engaged in the sales or service of alcoholic beverages by the package or drink shall present proof of completion of the responsible beverage service training required, and in a format approved by the alcoholic beverage control administrator, by December 1 of each year and, additionally, upon the request of the alcoholic beverage control administrator at any other time throughout the year.

(8) No person, corporation, company, partnership, association, restaurant, business, club or other entity holding a license for the sale of distilled spirits, wine and/or malt beverages by the package or drink shall intentionally, willfully, knowingly, or wantonly authorize, direct, permit, allow or cause any employee, officer or agent of the licensee who has not completed the mandatory service training required in this section, to sell or serve any alcoholic beverages to anyone on the licensed premises.

(H) *Effective date of section.* This section shall become effective upon passage and publication.

(Ord. KOC 410.5, passed 8-22-1984; Ord. KOC 411.1 (2013), passed 12-5-2013; Ord. KOC 411.1 (2015), passed 10-1-2015; Ord. KOC 411.2 (2017), passed 6-1-2017) Penalty, see § [110.99](#)

§ 110.02 NUDITY IN ESTABLISHMENTS LICENSED TO SELL ALCOHOL.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALCOHOL BEVERAGE CONTROL ADMINISTRATOR. The duly-appointed Alcoholic Beverage Control Administrator of the county.

BUSINESS ESTABLISHMENT. A business within the county, but outside the corporate limits of the City of Owensboro, where liquor, beer, and/or wine is sold for consumption on the premises pursuant to a retail drink liquor license and/or retail malt beverage liquor license that has been issued by the county.

LICENSE. A retail drink liquor license or a retail malt beverage liquor issued by the county.

LICENSEE. Any person to whom a retail drink liquor license or retail malt beverage liquor license has been issued by the county, including the officers and agents of the licensee.

PERSON. A human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority.

PREMISES. The land and building in and upon which any business establishment regulated by alcoholic beverage statutes is carried on.

RETAIL LICENSEE. Any licensee, including its officers, employees, and/or agents, who sell at retail, any alcoholic beverage for the sale of which an occupational license is required.

(B) *Prohibition of nude or nearly nude activities.*

(1) It shall be unlawful for, and a person guilty of, performing nude or nearly nude activities when that person appears on a business establishment's premises in such manner or attire as to expose to view any portion of the pubic area, anus, vulva, or genitals, or any simulation thereof, or when any female appears on a business establishment's premises in such manner or attire as to expose to view the portion of the breast below a horizontal line across the top of the areola at its highest point or simulation thereof.

(2) This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

(C) *Licensees prohibited from permitting nude or nearly nude activities.* A licensee or retail licensee is guilty of permitting nude or nearly nude activities when, having control of the business establishment's premises, said licensee knowingly organizes, supervises, promotes, permits, acquiesces, or fails to make a reasonable and timely effort to halt or abate any nude or nearly nude activities as defined and prohibited in division (B) above on said premises.

(D) *Hearing; revocation of liquor license.*

(1) In the event that a violation of divisions (B) or (C) above occurs, the Alcoholic Beverage Control Administrator shall forthwith conduct a hearing pursuant to KRS 243.520, in conjunction with KRS 241.160 and 241.190, to determine whether the liquor licensee, at whose business establishment the activity prohibited by this section occurred, shall have his or her liquor license suspended or revoked.

(2) In the event that three or more violations of divisions (B) or (C) above occur at a business establishment within a 12-month period, the Alcoholic Beverage Control Administrator, after a hearing, shall revoke the retail drink liquor license or retail malt beverage liquor license or both.

(E) *Effective date.* This section shall be signed by the County Judge/Executive, attested by the Fiscal Court Clerk, recorded, published, and effective upon publication, according to law.

(Ord. 1030.2 (94), passed 3-30-1994) Penalty, see § [110.99](#)